



Zimbabwe

UN Human Rights Council's Universal Periodic Review 4th cycle

Joint stakeholder submission to the 54th UPR Working Group session (Jan-Feb 2027)

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Information on the submitting organisations

Zimbabwe Lawyers for Human Rights (ZLHR) is a not-for-profit law-based human rights organisation, established in 1996, whose core objective is to foster a culture of human rights, equality and respect for the rule of law in Zimbabwe. ZLHR's secretariat and member lawyers provide legal defence support to human rights defenders and conduct strategic impact litigation, training, research and advocacy, in all areas of human rights law.

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Lawyers for Lawyers (L4L) is an independent, non-political and not-for-profit lawyers' organisation established in 1986. Its mission is to promote the independent functioning of lawyers and the legal profession across the world in accordance with internationally recognised norms and standards. Our work supporting lawyers who are at risk because of discharging their professional duties seeks to protect them from threats, risks and reprisals, strengthen their international recognition and protection, and empower them to fulfil their role. Lawyers for Lawyers was granted special consultative status with the UN Economic and Social Council in July 2013.

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The **International Bar Association's Human Rights Institute (IBAHRI)** was established in 1995 under the honorary presidency of emblematic human rights defender, the late Nelson Mandela, and works with the global legal community and partner civil society organisations to promote and protect human rights and the independence of the legal profession worldwide. The IBAHRI is a substantively autonomous entity within the International Bar Association, the world's leading organisation of international legal practitioners, bar associations and law societies, with over 80,000 individual lawyers, and 190 bar associations and law societies across more than 160 countries. Under the IBAHRI's By-Laws, the Institute is governed by an independent Council and is under the Directorship of Baroness Helena Kennedy LT KC.

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The **Law Society of England and Wales** is the professional body representing over 200,000 solicitors in England and Wales. Established by Royal Charter in 1845, it has been run by and for its members for 200 years and was granted special consultative status with the UN Economic and Social Council in 2014. Its aims include upholding the independence of the legal profession and rule of law globally, including supporting lawyers who are hindered in carrying out their professional duties and face human rights violations as a result of their work.

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The **Bar Human Rights Committee of England and Wales (BHRC)** is the independent, international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges, and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is autonomous of the Bar Council.

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I. Introduction

1. Zimbabwe Lawyers for Human Rights (ZLHR), Lawyers for Lawyers, the International Bar Association's Human Rights Institute (IBAHRI), the Law Society of England and Wales, and the Bar Human Rights Committee of England and Wales (BHRC) submit this joint report to the 4th cycle Universal Periodic Review of Zimbabwe. This submission addresses the human rights situation with respect to the independence of the judiciary, of the legal profession and the protection of lawyers as key actors in upholding human rights, access to justice and the rule of law.
2. This submission is based on interviews conducted with lawyers practising in Zimbabwe and research carried out by the submitting organisations, focusing on the following thematic areas:
 - a. Significant legal developments since Zimbabwe's 3rd cycle review;
 - b. Lack of independence of the judiciary;
 - c. Laws and regulations undermining the independence of the legal profession;
 - d. Barriers to practise preventing lawyers from effectively representing clients;
 - e. Systemic persecution of lawyers.
3. Finally, it puts forward recommendations to the Zimbabwean Government to address the systemic violations described and align with international standards on human rights and rule of law.

a. Relevant 3rd Cycle UPR Recommendations

4. During Zimbabwe's 3rd cycle UPR review in January 2022, the Government received 20 recommendations related to judicial independence, due process, freedom of expression, and the protection of human rights defenders (HRDs) and civic space; 12 of these were supported by the Government.¹ Six of the supported recommendations are listed below; the six others² called for enhanced protections for freedom of expression and civic space. This submission demonstrates that supported recommendations have not been implemented.
5. **Recommendations supported by Zimbabwe:**
 - **131.61** Continue measures aimed at improving the work of the judicial and penitentiary systems (*Russian Federation*)
 - **139.62** Take all necessary measures, including legislation, to ensure an independent judiciary. (*Sweden*)
 - **140.78** Ensure that civil society, journalists and human rights defenders can freely speak and file complaints without fear of harassment, intimidation or reprisal from the authorities. (*Costa Rica*)
 - **140.79** Adopt the necessary measures to guarantee the protection of journalists and human rights defenders. (*Spain*)
 - **140.80** Take measures to ensure that journalists and human rights defenders can carry out their work in an enabling environment, without fear of being victims of acts of intimidation or reprisal. (*Uruguay*)
 - **140.81** Take all necessary steps to ensure that civil society actors and human rights defenders can operate freely without fear of intimidation or reprisal. (*Australia*)

b. Constitutional Amendments and Civic Space

6. During the reporting period, the Constitution of Zimbabwe Amendment No. 3 Act (CAB3), Act 6 of 2026 was enacted, raising serious concerns regarding democracy, constitutionalism and the rule of law. The Act reshapes the country's governance framework by abolishing direct presidential elections, extending electoral terms, and dismantling independent oversight institutions (see II(a) below). It has been criticised as “the most dangerous assault on Zimbabwe's democracy since independence”.³ Since it was gazetted, civic space has significantly narrowed, with an intensified crackdown on HRDs through arrests, arbitrary detention, intimidation, harassment, and assaults targeting lawyers, student activists, and other civic actors. These developments have fostered a hostile environment for the exercise of fundamental rights and freedoms, eroding democratic participation and undermining the rule of law.

II. Lack of Independence of the Judiciary

a. Constitutional Amendments and Executive Interference

7. Previous amendments to the 2013 Constitution of Zimbabwe have progressively eroded constitutional safeguards for judicial independence, which guarantee the independence of the courts (s.164(1)) and prohibit any person or organ of state from interfering with their functioning (s.164(2)(a)). Constitutional Amendment No. 1 of 2017 granted the President unilateral authority to appoint the Chief Justice, Deputy Chief Justice, and Judge President, bypassing the Judicial Service Commission (JSC)'s prior role in conducting public interviews and nominating candidates to the President. Amendment No. 2 of 2021 further undermined independence by allowing the President to extend the tenure of senior judges beyond the retirement age of 70, without the JSC's views being binding on the President.
8. These amendments are widely seen as undermining the separation of powers and fuelling concerns about judicial partiality, particularly in politically sensitive cases. Interviewed lawyers also pointed to opaque appointment processes, judicial misconduct, and lack of accountability.⁴ This is illustrated by the resignation of Justice Chinamora in November 2023 following allegations of gross misconduct, including conflicts of interest and irregular judgments in matters not properly heard.⁵ Under Section 187 of the Constitution, removing a judge requires the appointment of a tribunal to inquire into it. Justice Chinamora's pre-emptive resignation meant these allegations were never formally assessed. He was nonetheless sworn in by the President in September 2024 as Chair of the Zimbabwe Independent Complaints Commission (ZICC), the public body mandated to address citizen complaints against misconduct by security services.⁶ In June 2024, the appointment of 11 judges to the High Court and Administrative Court, including several who had failed public interviews, compounded concerns about the integrity of selection processes.⁷
9. CAB3 further deepens the erosion of judicial independence. Clause 15 amends section 180 to extend Presidential appointment powers to all judges, further reducing transparency and public participation. Under subsection (3), the President is no longer required to inform the Senate when departing from JSC's recommendations. Subsection (4) removes key safeguards, including public advertisement of vacancies, public nominations, and interviews of candidates. Clause 20 amends section 259(3) of the Constitution, removing the requirement for the President to act on the advice of, or even consult, the JSC when appointing the Prosecutor-General, further weakening institutional checks on executive power.

10. Beyond substantive concerns, the process accompanying CAB3 has been marked by serious human rights violations. The public hearings held during the 90-day consultation period were widely criticised. The Law Society of Zimbabwe (LSZ) noted that a four-day consultation period held at only 65 centres was inadequate for a population of over six million registered voters.⁸ In a press conference on 7 April 2026, the then Zimbabwe Human Rights Commission (ZHRC) Chairperson, Ms Majome said the venues were too small, preventing meaningful participation, and reported that while supporters of the amendment were able to speak, dissenting voices were harassed and intimidated.⁹ On 10 April, Ms Majome was reassigned to another position by the Chief Secretary to the President and Cabinet; the timing of the move raised concerns of possible retaliation for her criticism, and appeared to contravene sections 235 and 237 (2) and (3) of the Constitution, concerning respectively the independence of ZHRC and the procedure for removal of its members.¹⁰
11. Concerns were further compounded by reports of intimidation and harassment of key opponents to the amendment, including legal actors. For example, on 1 March 2026, armed unidentified men reportedly forced their way into the Harare offices of Professor Lovemore Madhuku's National Constitutional Assembly (NCA) party, disrupting a meeting, attacking several participants causing serious injuries, and stealing Professor Madhuku's mobile phone and other valuables. The incident reportedly occurred in the presence of two police trucks, with uniformed police officers witnessing the attack without taking action.¹¹ On 21 March 2026, lawyer and Constitutional Defenders Forum convener Tendai Biti and programmes director Morgan Ncube were arrested and detained.¹² On 31 March 2026, human rights lawyer Douglas Coltart was the subject of an attack while attending a public hearing in Harare, during which he was prevented from speaking, violently removed from the venue, his phone was stolen, and he was subsequently subjected to threats by a group called 'Presidential Mafia' urging him to stop opposing the constitutional changes.¹³

b. Intimidation and Harassment of Judicial Officers

12. The intimidation of judges and other judicial officers has become an increasingly prevalent concern in Zimbabwe. Instances of public disparagement, threats, and harassment have been reported, creating an environment that compromises judicial independence and may deter judges from adjudicating cases impartially, contributing to a chilling effect within the judiciary.
13. The dismissal of the High Court judge Justice Ndewere¹⁴, and the effective sidelining of Justice Mushore (who ceased to attend court without taking official leave shortly after the ruling on the unconstitutionality of extending the Chief Justice's tenure beyond 70),¹⁵ were widely criticised as politically motivated as both had previously ruled on cases negatively impacting the presidential party. These apparently targeted actions illustrate a trend towards increasing executive control over the judiciary, limiting the ability of judges to render impartial decisions.
14. Concerns have also been raised regarding case allocation. Reports suggest that cases involving political or state interests are systematically assigned to specific judges, side-lining those perceived as more independent. At the level of the Magistrates' Courts, there have been allegations that, in politically sensitive matters, magistrates may be subject to informal instructions and intimidation on how to decide cases without protection from reprisals. This context has been linked to patterns in which HRDs are repeatedly denied bail in such cases (see IV(a) below).

c. Corruption

15. Concerns around judicial corruption in Zimbabwe are closely linked to both structural weaknesses and broader institutional culture. Over the years, institutions such as the judiciary, expected to play a central role in combating corruption, have increasingly been perceived as compromised, contributing to declining public trust.¹⁶ Reports from NGOs,¹⁷ legal practitioners, and media outlets point to patterns of conduct suggesting that corruption risks are not isolated incidents.¹⁸
16. Structural factors contribute significantly to these vulnerabilities. Judges and magistrates in lower courts are often underpaid and work under difficult conditions, leading to high turnover and incentives for corrupt practices. Financial benefits granted to members of the judiciary raise further concerns. Despite section 165(2) of the Constitution expressly prohibiting judges from soliciting or accepting any gift, loan or favour that may influence their judicial conduct, reports indicate that judges have received significant loans and other benefits, including housing, farms, and agricultural equipment, sometimes in close proximity to politically sensitive periods, such as elections. The reported allocation of loans to judges of up to US\$400,000 ahead of the 2023 elections has been particularly controversial.¹⁹ Such financial arrangements have been described as lacking sufficient transparency as in some cases they can just be authorised by the President's office without requiring treasury approval.²⁰
17. Concerns have also been raised about a broader culture within the judiciary and its leadership. Transitions in senior judicial positions, including that of the Chief Justice, have not consistently been accompanied by visible efforts to address allegations of misconduct or strengthen accountability, contributing to a perception of institutional inertia. These challenges are compounded by diminished transparency in judicial appointments and the expanded role of the executive in the process.

III. Laws and Regulations Undermining the Independence of the Legal Profession

18. Lawyers in Zimbabwe reported significant difficulties in fulfilling professional functions, particularly in human rights or politically sensitive cases. Several broadly drafted laws contributing to this.

a. Criminal Law (Codification and Reform) Act

19. The Criminal Law Act criminalises vaguely defined offences including "undermining the authority of or insulting the President" (s. 33) and "participating in gatherings with intent to promote public violence" (s. 37).²¹ These raise concerns as to their compatibility with the principle of legality under section 70(1)(k) of the Constitution and Article 15 of the ICCPR, and have been applied against lawyers in the exercise of their professional duties (see V(b) below).
20. Amendments in 2023 under the "Patriotic Act" introduced further offences including "wilfully injuring the sovereignty and national interest of Zimbabwe" (s. 22A(3)). The provision criminalised discussing or planning sanctions against Zimbabwe with severe penalties such as revocation of citizenship, voting rights, and eligibility for public office. Although the High Court struck down section 22A(3) in June 2025, deeming it vague, overly broad, and in violation of constitutional rights to freedom of expression and association, it has since declined to confirm that ruling on procedural grounds, leaving the provision in force.²²

21. Lawyers have reported a chilling effect on their work, including concerns that attendance at regional human rights forums could expose them to prosecution.²³ These provisions appear inconsistent with Principles 16 and 23 of the UN Basic Principles on the Role of Lawyers which require governments to ensure lawyers are not subjected to or threatened with prosecution or other sanctions for their legitimate professional activities, and to protect their personal and professional right to freedom of expression, particularly on matters related to the law and human rights.

b. Private Voluntary Organisations Amendment Act (the “PVO Act”)

22. The PVO Act, signed into law in April 2025, requires all non-governmental organisations to register or re-register as PVOs.²⁴ The Registrar of PVOs is granted extensive powers including suspension, deregistration, removal of board members, and appointment of interim trustees, with limited judicial review. Registration may be denied on grounds of “political affiliation”, still undefined.²⁵ Four UN Special Rapporteurs have expressed concern about the Act’s disproportionate powers and executive oversight.²⁶ Legal organisations reported that, despite having submitted their applications for registration in 2025, they still await a decision, leaving them in a legal limbo and resulting in self-censorship to avoid negatively impacting the outcome of their applications.

c. Maintenance of Peace and Order Act [Chapter 11:23] (the “MOPA”)

23. The MOPA, enacted in November 2019, replaced the Public Order and Security Act (POSA) but retained broad discretionary powers for law enforcement over public gatherings.²⁷ The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended in 2019 that the legislation be brought into line with international standards. Those recommendations have not been substantively implemented.²⁸ Lawyers reported that the MOPA continues to be applied to prohibit gatherings perceived as oppositional and has formed the backdrop to lawyers’ arbitrary arrests.²⁹

d. Interception of Communications Act (the “ICA”) and Cyber and Data Protection Act (the “CDPA”)

24. The ICA, enacted in 2007 and amended in March 2022 by the CDPA, provides for the interception of telecommunications and electronic communications. Interception warrants are issued by the Minister of Home Affairs and Cultural Heritage without judicial authorisation. The legislation contains no exemption for lawyer-client communications, notification obligation, nor clear rules on retention or use of intercepted data.³⁰ Analyses have concluded that this does not adequately safeguard lawyer-client confidentiality.³¹ These provisions have been applied against journalists and civil society, and have prompted lawyers to adopt enhanced security and digital risk management measures to pre-emptively protect their communications with clients, particularly when handling sensitive matters.³² Such precautions illustrate the extent to which fears of surveillance have become embedded within legal practice. They appear inconsistent with Article 14³³ of the ICCPR and Principle 22 of the UN Basic Principles on the Role of Lawyers, which protects the confidentiality of lawyer-client communications.

e. Legal Practitioners Act [Chapter 27:07]

25. Proposed amendments to the Legal Practitioners Act, approved in principle by cabinet in 2021 but not yet enacted, raise serious concerns regarding the independence of the legal profession's regulatory body.³⁴ They would authorise the Minister of Justice to approve or disapprove external funding received by the LSZ and increase ministerial appointees on its Council from two to four.³⁵ Whilst submitting organisations raised these concerns in a 2021 UPR submission, no action has been taken and the proposals have not been formally withdrawn.³⁶ Lawyers indicated that the prospect of these amendments has already affected LSZ's willingness or ability to take independent positions, reducing its protective function and ability to robustly oppose changes that would negatively impact the independence of the legal system. If enacted, they would be inconsistent with Principle 24 of the UN Basic Principles on the Role of Lawyers providing for self-governing professional associations with executive bodies elected from their members which can exercise their functions without external interference.

f. Legal Aid (Amendment) Bill, 2026

26. The Legal Aid (Amendment) Bill, 2026 was gazetted during the reporting period to amend the Legal Aid Act [Chapter 7:16].³⁷ A number of its provisions would place the provision of free legal assistance under executive control and are difficult to reconcile with the independence of the legal profession and with the State's obligation to facilitate access to legal aid.

27. Of greatest concern is a new registration regime for legal aid service providers. The Bill would prohibit any person other than an individually licensed legal practitioner from providing legal aid unless that person is registered by the Legal Aid Directorate, a department of the Ministry of Justice, Legal and Parliamentary Affairs. The definition of "legal aid service provider" is very broad, capturing any non-state actor that provides free legal services "for any purpose whatsoever" and expressly including university law clinics and NGOs. In practice this would bring the established network of civil society providers, within a licensing system controlled by the executive, and would criminalise the provision of free legal assistance by any organisation the Directorate declined to register.³⁸

28. In addition, the Bill would allow the Minister, by statutory instrument, to designate the civil and criminal matters for which legal aid may be granted, giving the executive discretionary control over the substantive scope of legal aid, and it would exclude categories of matters, including those said to be pursued for "speculative gain", a term left undefined. These provisions sit uneasily with Principle 3 of the UN Basic Principles on the Role of Lawyers, which requires governments to ensure sufficient funding and resources for legal services to the poor, and with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which call on States to support a diversity of legal aid providers, including NGOs and university law clinics.³⁹

IV. Barriers for Practice

29. Lawyers in Zimbabwe have testified to experiencing significant barriers during the reporting period which prevent them from effectively representing their clients and their rights. These barriers raise serious concerns for the protection and promotion of the right to a fair trial and to a defence under UDHR Articles 10 and 11, ICCPR Article 14, Human Rights Committee General Comment No. 32, and the UN Basic Principles on the Role of Lawyers.

a. Access to Case Files and Procedural Barriers

30. Lawyers reported persistent barriers in accessing case materials, court records and detained clients, undermining the effective preparation of a defence and impairing the right to a fair trial. Administrative obstruction, missing documentation, delays in disclosure and inefficient court record-management systems continue to impede lawyers' ability to represent clients effectively, particularly in politically sensitive cases.
31. Since February 2022, the JSC has rolled out an Integrated Electronic Case Management System (IECMS) across the superior courts and, from 2025, the Magistrates' Courts, through which litigants file and serve documents, pay court fees, track cases and appear at virtual hearings. While the digitisation of the courts has the potential to improve efficiency, access to records and reduce delays, its mandatory implementation has created significant barriers to justice. The system disadvantages rural, poor and self-represented litigants who lack reliable internet access, devices or the necessary digital skills, prompting the Parliamentary Legal Committee to find in November 2023 that it is unconstitutional, undermines fair hearing and administrative justice rights, and fails to accommodate Zimbabwe's 16 officially recognised languages by operating only in English. Despite amendments to the rules (SI 81 of 2024) which provided for e-filing centres with free device and internet access,⁴⁰ the access barriers have persisted in practice. Concerns have also been raised about excessive administrative powers vested in court registrars⁴¹ and the system's frequent technical failures,⁴² which delay filings and access to court records, adversely affecting legal representation, case preparation and the rights of detained defendants.
32. Lawyers described serious challenges in obtaining court records required to appeal bail decisions and criminal convictions. While some courts are undergoing digitisation, many continue to rely on handwritten records that must subsequently be transcribed. Delays in obtaining transcribed records regularly postpone appeals for weeks or months, resulting in prolonged detention and limiting the practical enjoyment of procedural safeguards. This is particularly concerning as in recent years lawyers have noted that in politically sensitive cases, bail is often denied arbitrarily despite the constitutional right to release on bail, unless "compelling reasons" justify continued detention.⁴³ They further stressed the limited possibility for appeal when bail is denied and a perception that a lack of independence of the High Court means decisions to deny bail are unlikely to be overturned.⁴⁴
33. Difficulties in obtaining case files are compounded by broader procedural delays. Lawyers reported instances in which documents were unavailable, incomplete or disclosed only after substantial delay, including court records relating to politically sensitive matters being classified as "security records" with access subject to delay and apparent extra-judicial approval.⁴⁵ Proceedings are frequently postponed because authorities fail to provide necessary materials or comply with procedural deadlines, adversely affecting defence preparation. These challenges are particularly pronounced in cases involving political activists, HRDs and government critics. Lengthy delays can be accompanied by extended periods of pre-trial detention, creating punitive consequences before guilt has been determined and reducing the effectiveness of legal representation.

b. Prompt Access to a Lawyer of One's Choosing

34. Section 50(1)(b) of the Constitution guarantees the right of arrested and detained persons to consult a legal practitioner of their choice without delay. Nevertheless, lawyers reported

continuing barriers preventing detainees from accessing legal assistance promptly and effectively.

35. They described routine delays in obtaining access to clients in police custody. Lawyers attending police stations are often instructed to return later or tomorrow, informed their client is unavailable, falsely informed they are not being held there, or made to wait extended periods before access is granted. They also report regular threats of violence or arrest for obstruction when seeking to access detained clients.⁴⁶ These delays and intimidation tactics prevent timely legal advice, hinder monitoring of detainees' welfare and increase the risk of violations occurring in the early stages of custody when individuals face high risk of ill-treatment. Lawyers also described being excluded from client interviews while detainees were subjected to "profiling" that elicited intrusive personal information, later used in adverse press coverage.⁴⁷
36. Lawyers further reported continued denial of prompt access to detainees, in some cases amounting to incommunicado detention as defined by the UN Working Group on Arbitrary Detention.⁴⁸ Individuals may be held for days before lawyers are informed of their location or granted access. They noted that detainees held incommunicado are particularly vulnerable to coercion, ill-treatment and violations of fair trial rights.⁴⁹
37. Additional barriers arise through informal administrative restrictions. Lawyers working through legal assistance organisations reported difficulties accessing clients in rural areas because local authorities in certain districts require memoranda of understanding (MOUs) that have no clear legal basis. Recourse to these MOUs is disparate and arbitrary, and some lawyers seeking access to clients without an MOU reported being threatened with detention by local authorities. These practices restrict access to legal services and impede the timely preparation of an effective defence.
38. Lawyers also described instances in which clients were discouraged from retaining lawyers associated with human rights work. Some clients reported being advised that representation by such lawyers would reduce their prospects of release or a favourable outcome, leading them to seek alternative representation. In one reported instance, a lawyer withdrew from a case after threats from police officers linked to his representation of particular clients.⁵⁰

c. Interference with Lawyer-Client Confidentiality

39. Despite constitutional⁵¹ and professional⁵² guarantees protecting legal privilege, lawyers reported that confidential communication between lawyers and clients is routinely undermined.
40. Lawyers consistently reported police stations, detention facilities and prisons lacking facilities for private consultations. Meetings often take place in the presence of police or prison officers, who are "almost invariably" within hearing distance throughout consultations, preventing confidential communication with clients.⁵³
41. The absence of private consultation facilities significantly affects the quality of legal representation. Clients may be unwilling to disclose sensitive information, report ill-treatment in detention or provide complete instructions when it may be overheard. Lawyers expressed concern that information disclosed during consultations could be communicated to investigators or prosecutors.

42. The combination of inadequate consultation facilities and a widespread perception that telephone and electronic communications are vulnerable to surveillance (see III(d) above) creates a broader chilling effect on lawyer–client relations. These practices discourage full disclosure, undermine trust, weaken the quality of legal advice and impair the right to a fair trial and effective defence.

V. Systemic Persecution of Lawyers

a. Physical Attacks, Threats and Intimidation

43. Since Zimbabwe's previous review, lawyers acting in politically sensitive matters have continued to face physical attacks, threats, surveillance and other forms of intimidation linked to their professional activities. Interviewed lawyers described an environment in which the risk of attack is most acute around elections, the constitutional amendment process, and the representation of activists, journalists and protesters, and where perpetrators are routinely identified but rarely held accountable.
44. Documented attacks during the reporting period include lawyer and ZLHR member Kudzai Kadzere, assaulted by police officers in January 2023 while providing legal assistance for arrested clients. Following the assault, he was charged by the same officers with criminal nuisance, highlighting the assault-then-prosecution pattern.⁵⁴ On 5 July 2023, lawyer and ZLHR member Obey Shava was lured to a meeting on the pretext of seeking legal assistance and beaten by four unidentified assailants, sustaining fractures to his legs and other serious injuries. Following the attack on Douglas Coltart at a CAB3 public hearing on 31 March 2026 (see II(a) above), journalists recording the incident were also assaulted and pressured to delete the footage. Other lawyers known to have been targeted in connection with CAB3 include Professor Lovemore Madhuku, who was abducted and assaulted following a private meeting concerning the amendment, and lawyer Tendai Biti, whose vehicle was reportedly rammed by individuals identified as security intelligence officers (see II(a) above).
45. Interviewed lawyers also reported incidents of threats, intimidation and sustained surveillance. Some reported being instructed to withdraw from cases following direct threats from police officers, including a homicide officer's warning that they would be "dealt with" if they continued acting for particular clients.⁵⁵ One lawyer described being followed by individuals understood to be state agents in 2022 while assisting a client recovering from injuries sustained during an enforced disappearance. In Chinhoyi in 2023, lawyers attempting to locate two students subjected to enforced disappearance were questioned by Central Intelligence Organisation officers and informed by police that they could not act without a written power of attorney (see IV(b) above), which the lawyers understood as a pretext for arrest. Lawyers described being threatened with arrest at police stations for insisting on attending client interviews, and reported routinely receiving threats by telephone in connection with particular cases. Munyaradzi Gwisai and other lawyers were among those prevented from contributing to the public hearings and intimidated out of venues following threats.⁵⁶
46. The absence of effective investigation or accountability is a defining feature of the pattern. Police reports were filed following the alleged torture of one lawyer and the assaults on Prof Madhuku, Mr Shava, and Mr Coltart described above, with no meaningful progress.⁵⁷ In the case of Mr Coltart, the perpetrators were identified from video footage and their names and

video evidence were provided alongside the police report, yet no arrest or prosecution has followed at the time of writing. Where complaints are not pursued, interviewees attributed this to the evidential difficulty of proving targeting, as well as the short prescription period for civil claims against members of the police under section 70 of the Police Act [Chapter 11:10], and a well-founded fear of reprisal.

b. Arbitrary and Malicious Prosecutions and Professional Interference

47. Lawyers reported that the broadly drafted provisions of the Criminal Law Act and related instruments (see III(a) above) continue to be deployed against the profession. In a number of recent cases, members of ZLHR and other independent lawyers have been arrested, detained or charged in connection with their professional activities. Lawyer Fadzayi Mahere was convicted on 5 April 2023 and fined US\$500 under section 31 (publishing or communicating a false statement prejudicial to the State) in connection with online speech made in the course of her advocacy; her conviction was quashed on appeal by the High Court on 28 February 2024. On 4 September 2023, lawyers Douglas Coltart and Tapiwa Muchineripi were arrested at Parktown Hospital in Harare after declining, on grounds of legal professional privilege, to disclose the medical information of two abducted opposition activists whom they were representing; both were charged with defeating or obstructing the course of justice (s.184 of the Criminal Law Act).⁵⁸ The charges were withdrawn on 26 January 2024 for lack of evidence. Meanwhile, on 24 January 2024, lawyer Harrison Nkomo was denied entry to a courtroom at Harare Magistrates Court by police officers, one of whom pointed a firearm at his head despite Mr Nkomo having identified himself as a lawyer.⁵⁹ Mr Kadzere, having survived the 2023 assault described above, was subsequently subjected to renewed charges after he sought disclosure of JSC interview score sheets on behalf of a client — a sequencing that interviewed lawyers regarded as designed to discourage further inquiry into judicial appointment processes.⁶⁰

VI. Recommendations

- a. Bring the process for the appointment of all judges, particularly to the superior courts, in line with international standards on integrity, transparency, accountability, and public participation, as set out, among others, in the report of the UN Special Rapporteur on the independence of judges and lawyers on principles for judicial appointments processes [UN Doc: A/HRC/62/43].
- b. Establish clear, objective, merit-based, and pre-defined mechanisms for the random or otherwise impartial assignment of cases to judges.
- c. Guarantee judges' freedom of expression and association within the limits permissible under international law and standards, consistent with the need to preserve judicial impartiality and dignity of judicial office.
- d. In accordance with the principle of accountability, ensure that any financial benefits, allowances, or other forms of remuneration granted to judges are publicly disclosed.
- e. Ensure that disciplinary proceedings against judges are governed by clear and rigorously applied standards and procedures, that the merits of any case are established by an independent body, and that the removal of judges is carried out in accordance with the safeguards required under international standards on judicial independence, including the UN Basic Principles on the Independence of the Judiciary.

- f. Review section 33A of the Criminal Law (Codification and Reform) Amendment Act, 2023 and the Maintenance of Peace and Order Act 2019 and repeal provisions which are vague and lack legal certainty.
- g. Repeal or review the Private Voluntary Organisations Amendment Act to remove the Registrar's powers of suspension, deregistration and removal of board members of civil society organisations on grounds of undefined 'political affiliation'.
- h. Revoke provisions of the Interception of Communications Act which interfere with the principle of lawyer-client confidentiality and halt the monitoring of private communications, including privileged exchanges between lawyers and clients.
- i. Reconsider the proposed amendments to the Legal Practitioners Act that would increase ministerial representation on the Council of the Law Society of Zimbabwe and subject its external funding to ministerial approval, and otherwise guarantee the institutional independence of the Law Society of Zimbabwe in accordance with Principles 24 and 25 of the UN Basic Principles on the Role of Lawyers.
- j. Amend the Legal Aid (Amendment) Bill, 2026 to remove the registration requirement, criminal penalties and caseload-reporting obligations applicable to legal aid service providers; ensure that a diversity of legal aid providers, including non-governmental organisations and university law clinics, can operate without executive licensing; and adequately resource the provision of legal aid, in accordance with Principle 3 of the UN Basic Principles on the Role of Lawyers and the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.
- k. Refrain from invoking any legislation against lawyers, civil society organisations or HRDs in respect of conduct forming part of the lawful exercise of professional functions or the rights to freedom of expression, assembly and association.
- l. Ensure lawyers have prompt access to their clients and are able to consult with them in private, as well as access to documents relevant to their client's case to enable them adequate time and facilities for the preparation of a defence in accordance with ICCPR Article 14.
- m. Ensure everyone charged with a criminal offence has the right to access a lawyer of their choice in accordance with ICCPR Article 14.
- n. Ensure the constitutional right to bail is respected in practice and pre-trial detention is an exceptional measure in compliance with the right to liberty under ICCPR Article 9, the presumption of innocence under Article 14(2), and the requirements of necessity and proportionality set out in Human Rights Committee General Comment No. 35.
- o. Ensure lawyers can perform all of their professional functions without intimidation or improper interference, in line with the UN Basic Principles on the Role of Lawyers, including Principles 16, 17, 18, 20 and 23.
- p. Ensure all attacks, threats, acts of intimidation and surveillance directed at legal practitioners are promptly, independently and impartially investigated, that perpetrators are prosecuted and brought to justice, and that the outcome of investigations is made public.
- q. Publicly condemn, at the highest levels of Government, attacks and acts of intimidation against legal practitioners, and refrain from public statements or measures that identify lawyers with the cause or activities of their clients.
- r. Review and reform statutory limitation periods, immunities and procedural rules, including the eight-month prescription period applicable to civil claims against the Zimbabwe Republic Police and the rules protecting State property from execution, which operate to deny effective remedies to lawyers and their clients who have been victims of unlawful conduct by State agents.
- s. Ensure that the digitisation of the courts, including the Integrated Electronic Case Management System, does not impede access to justice, by retaining accessible non-

electronic means of filing and obtaining court records, providing free and adequately resourced e-filing facilities, addressing the constitutional concerns identified by the Parliamentary Legal Committee, and putting in place independently supervised data-protection safeguards that protect the confidentiality of lawyer-client communications and case information.

¹ Supported recommendations: 139.61; 139.62; 139.64; 140.76; 140.78; 140.50; 140.79; 140.80; 140.81; 140.82; 140.83; 140.84. Noted recommendations: 141.15; 141.18; 141.19; 141.30; 141.31; 141.32; 141.37; 141.38.

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