



EMBASSY OF THE REPUBLIC OF ZIMBABWE
ADDIS ABABA

V. URGENT

Zim-Add/AU/36

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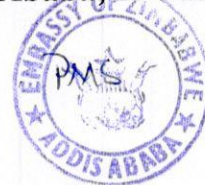
The Embassy of the Republic of Zimbabwe presents its compliments to the African Union Commission and has the honour to refer to the 46th Activity Report of the African Commission on Human and Peoples' Rights (ACHPR) covering the period from 14 November 2018 to 14 May 2019, presented to the 38th Ordinary Session of the Permanent Representatives Committee (PRC).

During the 38th Ordinary Session of the PRC, Commissioner Maria Teresa Manuela of the ACHPR requested Member States, that had a difference of opinion to the 46th Report, to submit responses that will be appended to the Report. Attached hereto is Zimbabwe's response to the 46th Activity Report of the ACHPR, specifically on Paragraph 48 (xvi).

The Embassy of the Republic of Zimbabwe avails itself of this opportunity to renew to the African Union Commission the assurances of its highest consideration.

Addis Ababa, 27 June 2019

The African Union Commission
Addis Ababa



ANNEX TO THE 46TH ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR) COVERING THE PERIOD FROM 14 NOVEMBER 2018 TO 14 MAY 2019: SUBMITTED BY THE REPUBLIC OF ZIMBABWE

The 46th Report of the African Commission on Human and Peoples' Rights (ACHPR), that will be presented to the 35th Session of the Executive Council in Niamey, Niger in July 2019, noted **“The continuing trend of internet and social media shutdowns in Africa, including in Chad, Sudan, the Democratic Republic of Congo, Gabon and Zimbabwe”**, among other concerns.

The Government of Zimbabwe, following the unmitigated violence that transpired during the period of 14 to 16 January 2019 and in an effort to safeguard the rights of the public including wanton destruction of the property fuelled by the abuse to Freedom of Expression and Access to Information, had to temporarily shut down the internet services to contain civil unrest, which could have degenerated into chaos. Section 86(2B) of the Constitution of Zimbabwe states that the right of access to information is not absolute and can be limited **“...in the interests of defence, public safety, public order, public morality, public health...”**. In this regard, the Government of Zimbabwe was compelled to shut down the internet which was being used to incite violence and destruction of property. The objective was to impede the mobilisation and coordination of looting and destruction of public and private property.

It should also be noted that the High Court of Zimbabwe ruled against the action taken by the State on a technicality that the Minister of State for National Security did not have the authority to order the internet shutdown. The Government obliged with the Court's ruling and immediately restored access, a clear demonstration of the Government of Zimbabwe to the rule of law.

Zimbabwe appreciates that the content of the 46th that report includes an urgent appeal that the Vice Chairperson of the ACHPR and Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Lawrence Mute in January 2019, that requested for an explanation on reports of the unlawful shutdown of the internet during the period 14 to 16 January 2019. The Government of Zimbabwe promptly responded.

Zimbabwe rejects the insinuation by the ACHPR that the country continuously shuts down internet and/or social media access. This is a complete misrepresentation of the situation in Zimbabwe. The only time that the internet was shut down was in the context of the Government taking up its responsibility to maintain law and order and to guarantee national and human security. This deserves the commendation of the Country for abiding by the rule of law. In view of the above, the Government of Zimbabwe requests that the name of Zimbabwe be removed from the list.