



EMBASSY OF THE REPUBLIC OF ZIMBABWE
ADDIS ABABA

V. URGENT

Zim-Add/AU/36

Note No: 17/2022

The Embassy of the Republic of Zimbabwe presents its compliments to the Secretariat of the African Commission on Human and Peoples' Rights (ACHPR) and has the honour to refer to the 50th and 51st Combined Activity Reports of the ACHPR, to be presented to the 40th Ordinary Session of the Executive Council.

The 43rd Ordinary Session of the Permanent Representatives Council, requested States Parties, if they so wish, to submit written observations on the Activity Reports, to be annexed thereto upon the Report's publication.

Attached hereto are Zimbabwe responses to be annexed to the Activity Reports. The Embassy of Zimbabwe kindly requests that the Secretariat of the ACHPR acknowledges, through Note Verbale, receipt of this correspondence.

The Embassy of the Republic of Zimbabwe avails itself of this opportunity to renew to the Secretariat of the African Commission on Human and Peoples' Rights the assurances of its highest consideration.

Addis Ababa, 25 January 2022

**Secretariat of the African Commission on
Human and Peoples' Rights
Banjul**



**c.c: African Union Commission
Addis Ababa**

**ANNEX TO THE 50TH AND 51ST COMBINED ACTIVITY REPORTS OF
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
(ACHPR) EX.CL/1325(XL): SUBMITTED BY THE REPUBLIC OF
ZIMBABWE**

The 50th and 51st Combined Activity Report of the African Commission on Human and Peoples' Rights (ACHPR), that will be presented to 40th Ordinary Session of the Executive Council from 2 to 3 February 2022, in Addis Ababa, Ethiopia, states that **“a letter of urgent appeal was submitted to Zimbabwe on 8 September 2021, following the arrest of Ms. Alice Kuvheya after she obtained a court order on behalf of CHITRET prohibiting local and central governments from demolishing informal business structures and houses in Chitungwiza and Harare.”**

The Embassy of the Republic of Zimbabwe to the Federal Democratic Republic of Ethiopia and Permanent Representative to the African Union Commission and the relevant authorities in Zimbabwe have not received such correspondence. The ACHPR is hereby requested to submit this letter to the Embassy.

The Commission is informed that the offense was not connected to the Court Order, as indicated in this Activity Report. Furthermore, the case has been concluded in line with sections 36(1)(a)(b) and 187(1)(a)(b) of the Zimbabwe Criminal Law (Codification and Reform) Act.

The Government of Zimbabwe is committed to observing the rule of law and as such is bound by the judgement. The Government did not sanction any demolitions as purported to misinform the Commission. Zimbabwe's course of justice must be respected before presumptions are cast to impugn the country's dignity. Articles 50 and 51 of the African Charter on Human and Peoples'



Rights were crafted to protect the integrity of the functionaries of the State and test their effectiveness and efficiency. Premature reporting of alleged violations have become a vice that must be resolved by the Commission. While, it is commendable for the Commission to be proactive in its activities it must recall that it is bound to the Charter, specifically Article 45 (2) of the ACHPR which provides that one of its functions is to “*ensure the protection of human and peoples' rights under conditions laid down by the present Charter.*”

Zimbabwe questions, from the several Communications received, the Commission's compliance with Article 56 (5) of the Charter which provides that communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they are sent after exhausting local remedies, unless it is obvious that this procedure is unduly prolonged. The Commission has never provided any evidence that procedures in achieving local remedies in Zimbabwe have been unduly prolonged.

While Zimbabwe appreciates the positive mentions in the Report, it is regrettable that the country is mentioned Under areas of concern as listed below:

xxvii. The threat of displacement of the Dinde Community in Hwange, Zimbabwe from their land, and other violations of their rights due to mining activities; and

xxxii. Smuggling of gold leading to illicit financial flows in Zimbabwe;

Zimbabwe wishes to reassure the Commission that the relocation or resettlement of the affected community of Dinde in Hwange is being considered in tandem with Government policy. The Dinde Community is in a remote part of the country and the strategies that will be implemented will have immediate benefits thereby facilitating enjoyment of rights and not violation of rights. In



that regard, the Commission is assured that the Government of Zimbabwe is committed to guaranteeing that the potential threats/risks that community face are mitigated for the general good of the whole community.

Additionally, the ACHPR is informed that the Government of Zimbabwe has taken legislative and policy measures as well as, capacitated its law enforcement and front-line officers to combat smuggling of goods or human beings. Zimbabwe condemns any form of criminality that may be perpetrated by its citizens or residents within its jurisdiction. However, Zimbabwe takes exception to these unfounded allegations that smuggling of gold is leading to illicit financial flows in the country. It should be recalled that the Commission's obligation under Article 51 (1) of the Charter that requires it to "*...ask the States concerned to provide it with all relevant information.*" Therefore, it maybe prudent for the Commission to communicate its concerns after obtaining factual evidence on arising matter rather than concur with unsubstantiated allegations.

Lastly, Zimbabwe is committed to meeting its reporting obligations and in that regard will submit the outstanding Report in accordance with Article 62 of the African Charter, in due course.



25 January 2022