

Anguish for mom

...detained with toddler for 'bombing' ZANU PF offices, mother speaks out

HARARE-The woman who spent two nights in police cells with her one-year-old toddler in connection with the alleged bombing of ZANU PF offices in Highfield has spoken out for the first time.

Terror is written all over the young woman's face.

She is clearly uneasy when *The Legal Monitor* meets her for this exclusive interview.

Initially she is reluctant to talk about her traumatising experience.

Spiwe Pambayi normally leads a routine life in one of the country's oldest suburbs, Highfield, where she spends her day selling cheap wares to support her small family.

But life has changed dramatically since that day - Saturday 28 September to be precise - when she was arrested for allegedly being behind the bombing of the ZANU PF Highfield offices.

Pambayi says she now lives in fear.

"I am still terrified by what happened to me and my son," an apprehensive Pambayi tells *The Legal Monitor* as she sorts out the wares she sells.

"I should be in a hospital bed recovering from the shock, but I have to fend for my children," says the 32-year-old vendor.

She tells us how her business as well as social life has been affected by the two days she spent in detention.

"Even my friends and relatives have not stopped querying about what really happened and that has affected me badly," says Pambayi.

Police detained Pambayi and her one-year old baby, Clifford, at Machipisa Police Station on Saturday 28 September before moving them to Harare Central Police Station for another night.

Since then, Pambayi is wary of her surroundings and *The Legal Monitor* experiences this fear first hand during its quest for an interview.

It takes several phone assurances, and then false starts involving several trips to meet her.

"*Mati muri kudei mukuwasha? Muri mapurisa?*" (What do you want? Are you a policeman?), she asks over the phone.

After the interview, she apologises for the "screening" saying: "I do not want to spend another day in police custody. I have had enough of it."

"The problem now is I can't trust anyone. That is why I was asking you so many questions over the phone. I am not like that under normal circumstances," she says. One can't fail to notice the disquiet.

Throughout the interview, she holds Clifford close to her chest - like that vulnerable prized asset.

"Clifford is so young and innocent. He just doesn't deserve this. No child should go through such an experience," says the diminutive mother of two.

"Just look at me, where would I get the strength or even just the thought of doing such a heinous act (bombing ZANU PF offices)? Until the day of the arrest, I was not even aware of the incident," she says, pleading her innocence.

Pambayi and her child were only released last Monday after the intervention of lawyer Charles Kwaramba of Mbidzo, Muchadehama and Makoni Legal Practitioners, a member of Zimbabwe Lawyers for Human Rights.

According to the police, an informant overheard Pambayi boasting that "fire-fire operation *yatakaita nezuro yakabudirira*," which the police translated to mean "the fire-fire operation that we conducted yesterday (Friday 27 September) was a success".

Media reports say the bombing reduced the ZANU PF offices to rubble.

But, it is Pambayi who is feeling the real damage at a personal level.

Even though she is out, Pambayi doesn't feel free.

Police released her after recording a warned and cautioned statement and indicating that they are carrying further investigations.

The prospect of jail for any mother such as Pambayi is a real nightmare in Zimbabwe, where human rights lawyers, convicts and members of the judiciary describe prisons as death traps.

Young children have often borne the brunt of being jailed with their mothers in grave conditions.

Take the example of Nigel Mutemagawu in 2008. Now seven, Nigel was dubbed the youngest terrorist after

spending jail time with his mother, who had been in remand prison for allegedly plotting to topple President Robert Mugabe's government.

Freeing both mother and child, High Court judge Justice Charles Hungwe in 2008 described the jailing of Nigel as "totally unconscionable and immoral".

Today, Nigel struggles to lead a normal life and often suffers hallucinations, according to his parents.

Apart from Justice Hungwe, lawyers and politicians who have previously been jailed for their work have spoken about the grave conditions children face in Zimbabwe's under resourced jails.

Their pleas for mechanisms to be put in place so that innocent children don't have to suffer for their mothers' perceived crimes have so far fallen on deaf ears.

And kids such as Clifford and Nigel bear testimony to authorities' brutal appetite for jailing innocent children.

• See page 2 and 3 for more coverage on children jailed with their mothers



Agony... Pambayi was detained in police cells with her one-year-old son for two days

KNOW YOUR RIGHTS

FIDELIS CHIRAMBA
and
TERRY MUSONA and
FANUEL TEMBO and
Mrs MUTEMAGAU
and
AGGRIPA
and
LLOYD TARUMBWA and
PIETA KASEKE and
LARRY GAKA
and
EMMANUEL CHINANZVAVANA
and
CONCILLIA CHINANZVAVANA and
ENERST MUDIMU and
COLLEN MUTEMAGAU

v

MINISTER OF HOME AFFAIRS N.O. and
COMMISSIONER GENERAL OF POLICE and
OFFICER COMMANDING CID HOMICIDE, Chief Superintendent CRISPEN MAKEDENGE and
DETECTIVE CONSTABLE MUUYA

HIGH COURT OF ZIMBABWE
HUNGWE J
HARARE, 11 NOVEMBER 2008

“....There is one more disturbing feature in this saga. The respondents have not denied it either orally through *Mr Ndlovu* or by their action. It is the detention of a two year old alongside its mother. It hardly needs me to point out that being a signatory to the Convention on the Rights of the Child; the Republic of Zimbabwe must be seen, through the acts of its public officials, to be protective of the rights of the child. One of the applicants was arrested and taken away together with her two year old baby. There is no suggestion that the baby was suspected of having committed, or being about to commit a criminal offence at the time. There appears to be no provision in our law as it currently stands as to how the police should deal with, such a situation,

Section 135(1) of the *Criminal Procedure and Evidence Act*, [Chapter 9:07] says that when a person under the age of eighteen years of age is accused of any offence other than treason, murder or rape, any judge, magistrate or police officer who has power under that part to admit the said person too bail may, instead of detaining him, a) release him without bail and warn him to appear before a court or magistrate at a time and on a date fixed by such a person, or; b) release him without bail to the care of the person in whose custody he is and warn that person to bring him or cause him to appear before a court or magistrate at a time and on a day then fixed, or, c) place him in a place of safety as defined in section 2 of the *Children's Act* [Chapter 5:06] pending his appearance before a court or magistrate or until he is dealt with according to law.

Section 58 of the *Prisons Act* [Chapter 7:11] provides that subject to such conditions as may be specified by the Commissioner, any unweaned infant child of a female prisoner may be received into prison together with its mother and may be supplied with clothing and necessities at the public expense provided that when such child has been weaned, the officer in charge, on being satisfied that there are relatives or friends of the child able and willing to support it, shall cause such child to be handed over to such relatives or friends. If he is not so satisfied, shall hand over such child to the care of such welfare authority as may be approved by the Commissioner for the purpose.

Section 84(1) of the *Children's Act* [Chapter 5:06] provides that a child or young person who is charged with an offence shall not before conviction be detained in a prison or police cell or lock-up unless his detention is necessary and no suitable remand home is conveniently available for his detention.

It is clear that all three statutes address the position of a child suspected of having committed a criminal offence. The *Children's Act* does not expressly address the plight of a baby taken by police who have arrested its mother but in my view the prohibition against detention of minors is implied in this section, Article 16 of the Convention on the Rights of the Child provides thus:

Article 16- protection and privacy

1. No child shall be subjected to arbitrary or unlawful interference with his or her

privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.“

In any event I hold that the protection afforded to children is over and above that set out in the Constitution and other statutes. There is need however for the appropriate Act to expressly state this prohibition in clearer terms as it appears a lacuna exists in our law as presently constituted.

The conduct of the respondents in this case does not in any way uphold this international obligation to protect and promote the said rights.

It is not sufficient to pass legislation which recognizes the protective rights set out under international covenants and the Constitution as well as other domestic laws when in practice the public face of the State acts in flagrant breach of such protection afforded by the law. There must be adequate recourse in cases of breaches being proved before the courts.

To subject a two year old to the rigours of detention simply on the grounds that its mother may have committed some criminal offence is totally unconscionable and immoral, This is made worse by the denial of basic rights to the mother in the present case. It cannot be over-emphasised that the police can only act within the law. No-one is

‘Unconscionable and immoral’

Below The Legal Monitor publishes extracts of Justice Hungwe’s ruling condemning the jailing of Nigel Mutamagawu, whose mother was facing charges of plotting to unseat the government.



Justice Hungwe

above the law or below it. In the present case the 3rd and 4th respondents have callously demonstrated the affinity to act as if they were above the law....”

Cry, children, cry

The LEGAL MONITOR

30 January 2012

A newsletter published by Zimbabwe Lawyers for Human Rights for members & human rights defenders

Inside prison walls

MP speaks of child horrors

Chimanimani West MP, Hon. Lynette Karenyi (LK) talks to *The Legal Monitor* (LM) about her prison experience over the last Christmas period. She was imprisoned at Mutare Remand Prison for over a week on accusations of calling President Robert Mugabe a homosexual who had enjoyed gay relations with former information minister Jonathan Moyo and the late President Canaan Banana. In the Question and Answer below, Hon. Karenyi speaks about her trauma at seeing the pain of children as young as nine-months old jailed with their mothers. Read on...

LM: What did you take from your stint in remand prison?

LK: Sad memories mostly. At Mutare remand, the food is horrible. Inmates get two small slices of bread in the morning, boiled beans in the afternoon. And then you imagine someone is going to stay there a year or more. Bearing in mind that there are diseases, surely can one be expected to use the same bucket for bathing. And inmates share one bathroom and being women you know every month there is this national duty and you need to use that one bathroom. I was sharing a cell with five women and three children and you have just your little space to fit.



Hon. Lynette Karenyi

LM: How did you feel as a mother sharing such conditions with innocent children?

LK: Up to now it is haunting me every day. There is one woman with a nine month-old child. She wants to breastfeed until the kid is one year-old and then maybe plead with her mother to look after the child. With the other one, I thought she will be coming out of prison soon with her child since the case was minor. She had been imprisoned for fighting. Then there was one who turned three on 27 December (2011). The prison guards were asking the mother to take the baby home. But she told me her husband died when she was three-months pregnant and her sister took the child for only two months and returned the child. She asked me to look for an organisation that could take care of the child. Up to now I am yet to find one. The organisations I have approached tell me they only look after orphans. It is a challenge.

LM: What are some of the situations these children live with daily in prison?

LK: Those kids experience hate in prisons. The language that people use in prison is vulgar and these children are growing in that sort of environment. They are a forgotten lot. If you think of this small child, two or three years old, without enough clothes to change and no breakfast because the prison guards say they don't have shares for children. So if the mother gets two slices of bread she has to share with the child. The children only get porridge. Yet for a three-year-old, breakfast is necessary. We are abusing those children.

LM: You are in a position to influence things as MP?

LK: We are abusing those children. Taking from a Girl Child point of view, the government should formulate policies that a rigorously implemented to ensure children imprisoned with their mothers do not lose out. We should take care of these children. They have not committed any crime. Imagine, the baby is crying and other inmates are shouting 'iwe nyaradza mwana wako' apa mai wacho nefrustration ('hey you, get your child to stop crying' and the mother, out of frustration) and depression just beats up the child. It is a challenge we have to overcome as political leaders and as a society.

The LEGAL MONITOR

19 November 2012

A newsletter published by Zimbabwe Lawyers for Human Rights for members & human rights defenders

Nigel's long and bumpy road

By Kumbirai Mafunda

BANKET-It is a bumpy ride to get to Banket's Kuwadzana suburb where Violet Mupfuranhewe stays with her six-year-old son Nigel.

That Nigel became Zimbabwe's "youngest terrorist" at the age of two years appears enough for a shock story. Now six years old, Nigel is much unlike his age mates. While the country has "moved on" from the volatile 2008 election violence which affected Violet and her husband Collen, the scars are too deep to ignore.

Nigel Mutemagawu was abducted by state security agents in October 2008 during the height of Zimbabwe's political crisis together with his parents and held incommunicado at various secret locations for allegedly plotting to overthrow President Mugabe. His parents' captors denied knowledge of their whereabouts and only surrendered them to a police station in Harare in December 2008 after human rights lawyers mounted a vigorous search on them. Nigel was only released to his relatives in January 2009 in a moving incident while his parents remained incarcerated at Chikurubi Maximum Prison.

The parents only secured freedom in February 2009 when they were released on bail. Nigel's story is no ordinary schoolboy tale as his parents can testify. As a result of the abduction and detention at Chikurubi Maximum Prison, Nigel still suffers from hallucinations. His father Collen told *The Legal Monitor* that his son was behaving strangely.

"We are worried that his behaviour is no longer normal. He seems not to have forgotten the wild experience that he endured because the image of what transpired while in detention is very much in his mind," said Mutemagawu, who together with other abductees have sued their captors including ministers for more than \$20 million for illegal arrest, detention and torture.

"Up to this day he still shouts at his friends statements such as 'D1-Terror', which are names that were called out by prison guards while we were detained at Chikurubi," Mutemagawu added.

Nigel Mutemagawu



Chikurubi Maximum Prison, where Nigel was held, is notorious for its atrocious conditions even during Zimbabwe's better days. Ever since his ordeal, Nigel's life has been full of misery. In 2009, just about a year after his abduction, the then three-year-old boy dropped out of kindergarten school. His parents said he quit attending kindergarten classes after finding it difficult to cope with life at the pre-school following months of detention at various torture centres around the country where his parents were subjected to rigorous torture.

"He is fearful and is refusing to go to crèche. He doesn't like crowds and if he hears voices of people singing he starts crying," her mother said.

It is not Nigel alone.

His brother Allan is failing to cope as well. According to his parents, Allan, now 10, at one time refused to stay at his parents' home in Kuwadzana Township in Banket, where they were forcibly seized by State security agents.

"He doesn't stay at home and if he sees big vehicles he runs away," said Collen.

Four years after the torment and long forgotten by the government and institutions that ruined his life and exacted anguish on him, Nigel, now six, finds himself in the deep-end again. He has failed to enroll for Grade One lessons at a local school in Banket because his parents cannot raise money to pay school fees in a special class that needs \$350 to cover for his tuition fees and uniforms.

"We were advised to register him in a special class because he is still retarded in comprehending things. I need my son to be in school," said an emotional Violet while fighting to contain tears.

Nigel, Violet says, still needs counseling and psychotherapy support.

"He is hardened now tow the extent that he can't play well with others. He beats them and sometimes throws stones at them. He doesn't respect me to the extent of calling me Vie (short cut for Violet) because he says that is what prison wardens called me in prison," Violet said.

The LEGAL MONITOR

01 April 2013

A newsletter published by Zimbabwe Lawyers for Human Rights for members & human rights defenders

Mtetwa cries for jailed children

"Free these children." That is the war cry Beatrice Mtetwa has adopted since leaving remand prison last week.

Mtetwa said while she was prepared for every dirty tactic by the State to break her down, it was the children jailed with their mothers who got her heart bleeding. In an interview with *The Legal*

Monitor, Mtetwa said the system is being unfair to children, whose future is being wrecked by their forced stay in jail.

"The saddest bit is there are children in prison between the ages of four and six whom I saw. They ought to be in school yet they have been in jail for up to two years.

"They are there because their mothers are said to have transgressed some immigration law. They have to sleep with women – some criminals, some not convicted. Surely, surely we can do better than that. Our laws should take into account that kids should not be punished for the transgressions of their parents," said Mtetwa. She added: "I also think that it is inhuman and completely degrading

for 17 women to be packed into a cell that does not have even a toilet. Particularly because by 4pm you are already locked up in the cell and it will be opened in the morning between 6 and 7am. I think it is particularly inhuman to force those women to relieve themselves in little containers that they have each cut around. That is totally, totally unacceptable."

Date set for Valentine marcher judgment

BULAWAYO-A woman arrested for commemorating Valentine's Day is set to know her fate on Wednesday.

Bertha Sibanda, a member of Women of Zimbabwe Arise (WOZA) member, is being charged with breaching the Criminal Law (Codification and Reform) Act.

Magistrate Charity Maphosa – based at Tredgold Magistrate Court - last Monday reserved ruling after lawyer Kossam Ncube had finished the defence case.

Sibanda was arrested on Valentine's Day, 14 February, when she

participated in a protest march together with close to 200 WOZA activists to commemorate Valentine's Day.

All the other activists were released on the same day, except for Sibanda because on arrival at the police station she allegedly removed all her clothing and was charged with "public indecency" in contravention of Section 77 of the Criminal Law (Codification and Reform) Act.

Magistrate Maphosa dismissed Sibanda's application for discharge at the close of the State's case last month. Shepherd Nhamburo prosecuted.

"Two witnesses, both members of WOZA arrested on the day in question, Hlalaphi Ndlovu and Joyce Ndebele took to stand and both maintained that the instruction to remove clothes came from the police officers. The members felt that the command shouted to the group of arrested women, misled them to think that they were under arrest and expected to remove their clothes in the courtyard. The two said that they did not strip as WOZA leader Magodonga Mahlangu stopped them and told them to sit down while waiting for formal procedures after a telephone conversation with WOZA leader Jennifer Williams," said WOZA in a statement last week.

Komichi case: State witnesses continue stuttering



HARARE-The trial of Senator-elect Morgan Komichi, who is facing charges of destroying or opening a pack of ballot papers, continues this week.

Defence lawyers argue that State witnesses are failing to show consistency under cross-examination.

"You had 100 percent confidence when I asked if anything had gone missing (during elections) and you said no, now you say there were some stuff missing," said defence lawyer Alec Muchadehama of Mbidzo Muchadehama and Makoni Legal Practitioners while cross examining Jane Pamhidzirai Chigiji, the Zimbabwe Electoral Commission (ZEC) chief inspector.

She was the fifth State witness in a case in which Komichi is denying allegations of tempering with some ballot papers.

Komichi was arrested ahead of the July 31 elections and charged with contravening of Section 136 of the Criminal Law (Codification and Reform) Act Chapter 9:23 or alternatively contravening Section 85 of the Electoral Act Chapter 2:13.

Since then, the Movement for Democratic Change (MDC-T) deputy national chairman has been languishing in remand prison after both trial Magistrate Tendai Mahwe and the High Court denied him bail several times.

Allegations against Komichi stem from when he handed the elections management body - on 25 July 2013 - an envelope containing a stray ballot paper cast in his MDC-T's favour by police constable Mugove Chiginya.

Chiginya denies voting in the 14-15 July chaotic "special voting" meant for ZEC and State security officials who would have been on duty on the main polling day.

Besides Chiginya and Chigiji, ZEC chief legal officer Shamiso Barbra Chahuruva, Utoile Silaigwana, the ZEC deputy chief elections officer (operations), Tendai Pamire ZEC deputy director public relations, Dominico Chidakuza ZEC secretary, have taken to the witnesses stand.

Last week, Michael Mugabe from the Attorney General's Office, who is leading the prosecution, said Crispin Makedenge CID deputy officer commanding Law and Order Section, who led the police's investigation would be the next witness this Tuesday.

The State lined 12 witnesses to nail down Komichi.

Other State witnesses are; Japhate Rufaro Murenje ZEC director polling and training, Arimon Mirimbo a CID detective inspector, Collet Nyoni a CID detective assistant inspector, Ben Justen a CID detective assistant inspector and Maria Phiri officer-in-charge CID Law and Order Section.

Just like Chahuruva, Chigiji last week failed to explain who would have authorised Komichi to open a ballot paper he picked in a bin, she just responded by saying; "It was supposed to be in ZEC custody."

The ballot papers showed they were for Harare East constituency, while Chiginya was on the Southerton constituency for the special voting exercise. In the main voters roll, Chiginya is a Mbare constituency registered voter.

"It has mixed up details that it is hard to determine who was actually supposed to open it. So it was as good as rubbish, that is why it was found in a bin," said Muchadehama.

Chigiji would shock the public gallery as she contradicted herself most of the time she was under cross-examination.

She changed several times how Komichi came into the ZEC boardroom and where he sat. "I do not recall," would be the answer at times.

When asked what language was used in the discussions, she said; "Shona through-out."

Then when asked what was Komichi's answer was to why he opened the envelope, Chigiji said the politician response was: "I opened it out of curiosity" in English, to which Muchadehama reminded her that she had said Komichi communicated in "Shona through-out."

"It is hard to recall every single detail," said the ZEC official.

Initially she said Komichi brought a sealed envelope and then later still under cross-examination she changed; asked by Muchadehama why she said: "It was a slip of the tongue."

Mtetwa case: AG's house chaotic

HARARE-Defence lawyers and Magistrate Rumbidzai Mugwagwa have asked the Attorney General (AG)'s Office to "put its house in order" to ensure the trial of veteran lawyer Beatrice Mtetwa continues with less inconveniences.

Last Friday, Magistrate Mugwagwa was forced to adjourn the trial to 18 October after the State's leading counsel Tawanda Zvekare, who is the Acting Director of Public Prosecutions in the AG's Office, was said to be on an unspecified "official duty."

"Clearly from the submissions of the State, it is clear that its house is not in order. The application for postponement is granted so that the State can put its house in order," Magistrate Mugwagwa said.

Prosecutor Gift Zumbika had told the court that Zvekare would only be available from 17 October.

Mtetwa and her lawyer, Harrison Nkomo, opposed the application saying the case had been postponed for a week after State witnesses failed to turn up in court. Zumbika said he was not aware if the State witnesses had been subpoenaed.

"I won't be available to proceed with the case. I am alone," said Zumbika. "Mr Zvakare is on some official duty."

Mtetwa, who was arrested in March and charged with contravening Section 184 (1) (g) of the Criminal Law (Codification and Reform) Act for allegedly defeating or obstructing the course of justice, opposed the application for postponement.

She said the State was now dragging its feet yet initially it said it wanted to finish the case "as soon as yesterday".

"When this case started, when we were unavailable, the State would insist on proof or on the matter continuing. The standards set by the State must equally apply to it," said Mtetwa. "How Mr Zvekare, with this background, is unavailable because of an undisclosed official commitment; it boggles the mind. It appears the State is taking this court for granted. He is not the only official from the AG's Office. We risk creating an impression that our courts are run by the AG's Office."

The award winning lawyer said in her 32 years experience, she had not witnessed such "gross contempt of the court".

The State was scheduled to lead evidence from Assistant Inspector Thabani Nkomo, who could not come to court the previous week when the case adjourned to last Friday.

To date, Detective Sergeant Taizivei Tembo, Chief Superintendent Luckson Mukazhi, Detective Assistant Inspector Wilfred Chibage, Detective Sergeant Ngatirwe Mamiza and Tembo have testified against Mtetwa.

The remaining witnesses are police officers Thabani Nkomo and Chido Chawanikwa as well as Stemiwe Vera, Brian Mutusva, and Zororai Mudariki, all from former Prime Minister Morgan Tsvangirai offices.

Police accused Mtetwa of defeating or obstructing the course of justice by allegedly interfering with

a search conducted at one of Tsvangirai's offices.

Mtetwa argues that she simply asked to be shown a search warrant by the police officers who were ransacking the residence of her client.

Music lecturer sings the blues

MASVINGO-He has been fired from his job as a lecturer at a government-owned university, he faces three months in jail for allegedly insulting President Robert Mugabe and is awaiting judgment in a case related to insulting the 89-year-old leader.

Chenjerai Pamhiri has just been relieved of his job as a Music and Musicology lecturer at the Great Zimbabwe University after a court convicted him of insulting President Mugabe as defined in Section 33 (2) of the Criminal Law (Codification and Reform) Act and sentenced to three months in prison.

The State alleged he described President Mugabe as "a dirty, rotten old donkey". He is appealing against both conviction and sentence.

The 38-year-old is also awaiting judgment in another case after he was dragged to court on similar charges – this time stemming from a beer drink. The State alleges that Pamhiri early last month referred to President Mugabe as an ageing, impotent wife snatcher while drinking beer at Chembiri Bar in Mashava mining town.

According to the State, Pamhiri declared his allegiance to former Prime Minister Morgan Tsvangirai's Movement for Democratic Change-T party after he spotted one Antony Muvha wearing a ZANU PF t-shirt with President Mugabe's image.

"The accused then started insulting the President R.G. Mugabe saying in Shona 'Handisapoti musangano unotungamirirwa nengomwa ine 89 years, mudhara asina kana wazukuru akadzanga baba vevana akatora mukadzi wacho nevana' when translated into English means: 'I don't support a party which is led by a barren leader who is 89-years-old and an old man without a grandchild who chased the father of the children and took the wife and children'," reads the State outline. Pamhiri says the accusations are fabricated.

"I do not admit to the charges leveled against me. I did not say any words insulting the President R.G. Mugabe," he said in a warned and cautioned statement. The former lecturer's case is not isolated.

Zimbabwe Lawyers for Human Rights (ZLHR) has recorded close to 80 cases of Zimbabweans - ranging from politicians to villagers – who have been nabbed for allegedly passing unkind remarks about President Mugabe which the State deems criminal.

Several victims of the harsh insult laws have approached the Constitutional Court asking for the repeal of the laws. They argue that the insult laws are unconstitutional and infringe on the right to free expression. They argue that the laws give unfair protection to the President, a political player who is effectively shielded from criticism by the voting public and political opponents.