

URGENT ACTION

RELEASE THE 'NYATSIME 16' AND DROP ALL CHARGES

16 men, known as the 'Nyatsime 16', including two opposition members of parliament, were arrested in June for allegedly protesting the murder of an opposition activist during their funeral and charged with inciting public violence, an offence that carries a lengthy prison term often at the discretion of the magistrate. They have been detained for over 130 days without trial and have been denied bail countless times. They now await trial, which is due to begin in November. The Zimbabwean authorities must drop the politically motivated charges against the 'Nyatsime 16' and immediately release them.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Emmerson D. Mnangagwa

President of the Republic of Zimbabwe
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Your Excellency,

I write to express concern over the unlawful detention of opposition party politicians, **Job Sikhala** and **Godfrey Sithole**, and **14 other men** who are held in custody without trial.

Job Sikhala and Godfrey Sithole are members of Zimbabwe's main political opposition party, Citizens' Coalition for Change (CCC). On 14 June, they were arrested in Nyatsime, in the town of Chitungwiza, 22km from Harare, after attending Moreblessing Ali's funeral. Moreblessing Ali, a political activist, was missing for three weeks before being found murdered and her body mutilated on 11 June. The two MPs, together with 14 other men (together known as the '**Nyatsime 16**') who were also arrested and are being held arbitrarily – including 3 CCC activists, 5 transportation drivers for funeral guests, some who were not even at the alleged crime scene – have been charged with 'inciting violence' after clashes broke out at the funeral between members of the ruling party, ZANU PF and the CCC, which resulted in the destruction of private property.

The politically motivated charges levelled against the 16 men and continued denial of bail before the magistrate's court (as well as an unsuccessful appeal before the High Court) are the hallmarks of an effort by the authorities to persecute and silence real or perceived opponents of the ruling party.

I call on you to:

- Immediately and unconditionally release Job Sikhala, Godfrey Sithole and the other 14 men, guarantee their safety and personal security back in their community and ensure that they are protected from abuse from ruling party members.
- Drop all charges against them and ensure they are not threatened, intimidated, harassed or arrested.
- End the misuse of the criminal justice system to intimidate, harass and persecute activists and real or perceived opponents of the ruling party.

Yours sincerely,

ADDITIONAL INFORMATION

On 24 May, Moreblessing Ali, an activist from the main opposition party Citizens' Coalition for Change (CCC), was abducted at Chibhanguza shopping centre in Nyatsime, Chitungwiza, a dormitory town, 22km from Harare, Zimbabwe's capital. The alleged abductor, identified by people at the shopping centre, is a well-known activist with the ruling ZANU PF party. On 11 June, Moreblessing Ali's mutilated body was found dumped in a well at the home of a ZANU PF supporter. ZANU PF supporters quickly denied that Moreblessing Ali's abduction and murder was politically motivated, instead calling it a "relationship gone sour".

Job Sikhala, a CCC MP and lawyer, who has been arrested a total of 67 times on politically motivated charges without conviction, led the search for Moreblessing Ali and was appointed by her family to be their lawyer. He mobilized calls for justice which was seen as provocative by supporters of the ZANU PF. One ZANU PF councillor insisted that the mourners were not supposed to gather in Nyatsime to mourn Moreblessing Ali's death, despite Moreblessing Ali's home being in Nyatsime.

On 14 June, during Moreblessing Ali's funeral, there were clashes between members of ZANU PF and the CCC which resulted in the destruction of property. Job Sikhala and Godfrey Sithole, another CCC member of parliament, were arrested and charged with 'incitement to commit violence or public violence' on the false basis that they had made utterances which incited violence and also that they supplied vehicles to ferry CCC supporters from the towns of Chitungwiza and Epworth to Nyatsime. If convicted, the offence carries a lengthy prison term often at the discretion of the magistrate. On 14 July, Job Sikhala was additionally charged with 'obstructing the course of justice' under section 184(1) (e) of the Criminal Reform and Codification Act, which carries a fine or imprisonment not exceeding 6 months or both. It is alleged that Job Sikhala uploaded video footage on both YouTube and an online newspaper claiming that Moreblessing Ali was abducted and murdered by ZANU PF supporters and therefore misleading the police in their investigation.

The two have been denied bail countless times, the most recent on 19 October for Job Sikhala. The courts have indicated that they will be tried in November 2022. Meanwhile, the other 14 men have not yet been given a trial date. The lawyers representing Job Sikhala and Godfrey Sithole have requested that they are given the necessary documents as well as a fixed trial date to carry out the necessary preparations. The court ordered that the prosecutors deliver the documents but they have to date failed to do so, leading to their lawyers filing an application for the prosecutors be declared to be in contempt of court. On 14 July, Job Sikhala's lawyers applied for the recusal of the presiding magistrate handling the obstruction of justice charge against him on the basis that he was biased.

The case has been heavily politicised and fears are rising that Job Sikhala might have been poisoned in detention after reporting being unwell, with him alleging that he has received information from ruling party sympathisers that the plan is to poison him in jail. Some ruling party officials have been quoted on their social media accounts saying that 'they will ensure Job Sikhala is not released from jail'.

Job Sikhala (50) is the MP for Zengeza West representing the CCC and is also a lawyer by profession. **Godfrey Sithole** (40) is the MP for Chitungwiza North. **Chauya Shopa** (41) is a resident of Chitungwiza. He was arrested because his car was seen on the road to Nyatsime on the day the clashes at the funeral broke out. **Cleaver Sibanda** (37), **Ephrage Gwavava** (35) and **Robert Madzokere** (30) are CCC activists arrested a month after the incident after being implicated by people who know that they are CCC activists. **Emmanuel Muradzikwa** (38) is a truck driver. He was not in Nyatsime on the day in question but was implicated because of his relationship with drivers who were hired for the funeral. **Zecks Makoni** (54), **Enock Tsoka** (39), **Shepherd Bulakasi** (40) and **Tatenda Pindahama** (43) were truck drivers hired to carry mourners to Moreblessing Ali's funeral. They maintain that they were not at the scene where the violence occurred. **Zephania Chinembiri** (45) and **Roan Tsoka** (39) were arrested on the basis that they own the trucks which were used to carry mourners to the funeral. Zephania Chinembiri was not in Nyatsime on the day of the incident. **Misheck Guzha** (62), **Precious Jeché** (41) and **Odius Makoma** (42) were arrested after reporting to the police that their property had been destroyed during the clashes. They did not attend the funeral. Another Nyatsime resident, **Felix Biri** was abducted on 30 September by ZANU PF thugs and tortured before being arrested and charged with engaging in public violence in connection with the June violence. He was granted bail on 17 October.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Shona

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 22 December 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: 'Nyatsime 16' – all he/him; Moreblessing Ali – she/her

ADDITIONAL TARGETS

Mr Ziyambi Ziyambi,
Minister of Justice and Constitutional Affairs
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ADDITIONAL CALL:

♣ Conduct an independent, thorough, transparent, impartial, and effective investigation into the abduction and murder of Moreblessing Ali and ensure that those responsible are brought to justice in fair trials and provide access to justice and effective remedies to victims.

ADDRESSED TO:

Hon. Kazembe Kazembe
Minister of Home Affairs
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