



# Capital Punishment Justice Project



## Zimbabwe

### Stakeholder Report for the United Nations Universal Periodic Review

Submitted by **The Advocates for Human Rights**,  
a non-governmental organization in special consultative status

#### **The World Coalition Against the Death Penalty**

**Eleos Justice, Monash University**  
and  
**Capital Punishment Justice Project**

for the 40th Session of the Working Group on the Universal Periodic Review  
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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

In 2018, Monash University joined forces with an Australian NGO, the Capital Punishment Justice Project, with a shared ambition to end the death penalty in Asia. Together, they formed **Eleos Justice**. Over the coming five years, Eleos Justice hopes to see a significant shift in the debate about the death penalty, and capital punishment policy. Our long-term vision is to become the region's leading institute for evidence-based research, policy, network-building, and clinical case-work devoted to restricting and abolishing the death penalty. Eleos Justice is based at the Faculty of Law, Monash University (Australia).

The **Capital Punishment Justice Project** (formerly Reprieve Australia) has been advocating for a world without the death penalty since 2001. It strives to be practical and effective by drawing upon networks of lawyers and experts in related disciplines to support local advocates who are working for change. Its projects began in the USA where it continues to assist lawyers in capital proceedings. In 2012, the scope of its work expanded to Asia in recognition of the persistence of the death penalty in that region. It is now an experienced participant in litigation, advocacy and professional development within Asia. It is committed to developing legal and policy solutions that will make a difference for people at risk of execution and create the conditions for abolition.

## I. EXECUTIVE SUMMARY

1. This report addresses Zimbabwe's compliance with its human rights obligations with respect to its use of the death penalty. The United Nations considers Zimbabwe a *de facto* abolitionist country. It has not carried out any executions since 2005.<sup>1</sup> Courts, however, continue to sentence individuals to death, with 88 people currently on death row as of December 2020,<sup>2</sup> after 8 sentences were commuted in April 2020.<sup>3</sup> The new Zimbabwean Constitution (the "2013 Constitution") has replaced the mandatory death penalty with a discretionary sentence for the crime of murder committed under aggravating circumstances. The 2013 Constitution further outlaws the imposition of the death penalty on women, men over the age of 70, and men under the age of 21 at the time the offence was committed.<sup>4</sup> In its 2016 Universal Periodic Review, Zimbabwe noted all recommendations related to the death penalty, partly on the ground that Zimbabwean public opinion did not support abolition of death penalty.<sup>5</sup> Since 2016, developments demonstrate a more positive attitude among the public and opinion leaders toward further reform and the abolition of death penalty.<sup>6</sup>
2. This report focuses on various issues concerning the death penalty and related international human rights instruments, and on conditions of detention and acts of torture and ill treatment of people in detention. Specifically, this report recommends that Zimbabwe abolish the death penalty, improve detention conditions, ratify relevant human rights treaties, and increase resources dedicated to improving the justice system.

## II. BACKGROUND AND FRAMEWORK

### A. 2016 Universal Periodic Review of Zimbabwe

3. During its second-cycle Universal Periodic Review, Zimbabwe received 13 recommendations related to the death penalty, 34 related to torture, 2 related to prison conditions, and 2 related to the administration of justice. In response, Zimbabwe supported only recommendations pertaining to prison conditions, administration of justice and torture.
1. *Abolition of the death penalty*

#### **Status of Implementation: Not Accepted, Not Implemented**

4. Zimbabwe received eight recommendations to ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>7</sup> Seven recommendations invited Zimbabwe to establish a formal moratorium on death penalty and abolish death penalty in domestic law.<sup>8</sup> Zimbabwe noted these recommendations and stated that the recommendations are currently receiving attention by the Government.<sup>9</sup> Zimbabwe still has a discretionary death sentence in place. However, as discussed in detail below, recent political developments include a motion in Parliament on the abolition of the death penalty and a call for moratorium on executions for all individuals currently on death row.<sup>10</sup>
2. *Improvement of prison conditions*
- #### **Status of Implementation: Accepted, Not Implemented**

5. Zimbabwe received two recommendations relating to the improvement of detention conditions in prisons and police holding cells.<sup>11</sup> Zimbabwe supported these recommendations.<sup>12</sup> While prison conditions continue to be harsh, Zimbabwe has recently issued several amnesty orders to decongest overcrowded cells in the wake of the COVID-19 pandemic.<sup>13</sup>

3. *Prohibition of torture and cruel, inhuman, or degrading treatment*

**Status of Implementation: Partially Accepted, Not Implemented**

6. Zimbabwe received 33 recommendations relating to torture and the ratification of the Convention against Torture and its Optional Protocol, to which Zimbabwe is not a party.<sup>14</sup> Zimbabwe noted these recommendations.
7. Zimbabwe accepted a recommendation to accelerate the process of reviewing and aligning its domestic laws with the Constitution, particularly those provisions pertaining to the prohibition of torture.<sup>15</sup> Despite this commitment, Zimbabwe has not undertaken any significant developments in reviewing domestic legislation pertaining to the prohibition of torture.

4. *Administration of justice & fair trial*

**Status of Implementation: Accepted, Not Implemented**

8. Zimbabwe received two recommendations relating to the implementation of measures to strengthen the system of justice administration in order to ensure equal access and due process and to fight impunity.<sup>16</sup> These recommendations also asked Zimbabwe to ensure that all individuals who have been detained and charged with an offence are given a fair and impartial trial.<sup>17</sup> Zimbabwe supported these recommendations, however, Zimbabwe has not implemented any changes in this regard.

**B. Domestic Legal Framework**

9. The death penalty remains legal in Zimbabwe, although its leaders, including the current President Mnangagwa, have repeatedly expressed their intention to abolish the death penalty.<sup>18</sup>
10. The 2013 Constitution abolished the mandatory death penalty yet retained a discretionary death penalty with limited scope. Section 48 of the 2013 Constitution permits the imposition of the death penalty for the crime of murder committed under aggravating circumstances.<sup>19</sup> The Constitution grants courts discretion on whether to impose the death penalty, even in the presence of aggravating circumstances.<sup>20</sup> The definition of aggravated circumstances is broad, ranging from insurgency, torture, and terrorism, to rape or sexual assault, robbery, and murder in a public place.<sup>21</sup> The Defense Act authorizes Zimbabwean martial courts to impose death penalty for certain military offences.<sup>22</sup>
11. The 2013 Constitution also narrowed the scope of people who can be executed. The death penalty cannot be imposed on (i) women, (ii) men over the age of 70, or (iii) men under the age of 21 at the time the offence was committed.<sup>23</sup> There is an automatic right to appeal and all men sentenced to death have the constitutional right to seek a presidential pardon or commutation of the penalty.<sup>24</sup>

### III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### Right or area 2.1. Acceptance of international norms

12. Zimbabwe ratified the ICCPR on 13 May 1991.<sup>25</sup> It accepted recommendations to ratify the Second Optional Protocol to the ICCPR during its first Universal Periodic Review.<sup>26</sup> To date, however, Zimbabwe has not ratified OP2-ICCPR,<sup>27</sup> and it noted similar recommendations in the second UPR cycle.<sup>28</sup>
13. In December 2018, Zimbabwe voted against the biennial resolution of the UN General Assembly calling for the establishment of a universal moratorium on executions with a view to fully abolishing the death penalty.<sup>29</sup> In December 2020, Zimbabwe switched its vote on the resolution from opposition to abstention for the second time, having previously abstained in December 2016.<sup>30</sup>
14. Zimbabwe has not ratified the Convention against Torture or its Optional Protocol.<sup>31</sup>

#### Right or area 12.4. Death penalty

15. Zimbabwe has not carried out any executions since July 2005,<sup>32</sup> yet courts continue to sentence people to death, and 88 individuals remain on death row.<sup>33</sup> The Government of Zimbabwe reported that courts sentenced 11 individuals to death in 2017, at least 5 in 2018, 6 in 2019, and 6 in 2020.<sup>34</sup>
16. During Zimbabwe's interactive dialogue in November 2016, President Emmerson Mnangawa, who was then Vice President, told the Human Rights Council that the country was not yet prepared to abolish the death penalty because most Zimbabweans who participated in the Constitution-making process favored the death penalty.<sup>35</sup>
17. In 2018, a nationally representative survey analyzing attitudes toward the death penalty among the general public concluded that public opinion is not an impediment to abolition of the death penalty and that the Zimbabwean public "*is ready to accept reform, should the government decide to move away from the death penalty in law and practice.*"<sup>36</sup> The public opinion survey results show that even though 61% of participants favored retention of the death penalty,<sup>37</sup> only 4% of participants demonstrated accurate knowledge of the status of the death penalty in the country, including the number of executions carried out in the past 10 years, the method of execution, and the offenses that are punishable by death.<sup>38</sup> Of participants supporting the death penalty, 80% said that they would accept abolition if the government adopted it as a policy, showing that abolition would not undermine the legitimacy of Zimbabwe's criminal legal system.<sup>39</sup>
18. Among respondents who support the death penalty, only 13% favored the execution of individuals with serious psycho-social disabilities.<sup>40</sup> And of all participants, only 32% favored the execution of individuals with serious physical disabilities.<sup>41</sup>
19. In 2020, President Mnangawa published a foreword in a nationwide study analyzing the attitude of 42 Opinion Leaders toward death penalty, in which he stated, citing this 2018 study,<sup>42</sup> "*only a small majority of our citizens are in favour of keeping the death penalty, and that out of those who favour it, 80 per cent will be prepared to go along with abolition if the government so decides.*"<sup>43</sup> The President reiterated his belief that the death penalty is "*a flagrant violation of the right to life and dignity*" and expressed his "*sincere*

*hope that, in the near future, Zimbabwe will formally abolish the [death] penalty by removing it from our statute books.*<sup>44</sup> The main finding of the study indicates that 90% of Opinion Leaders (38 out of 42) support the abolition of the death penalty.<sup>45</sup>

20. Other positive developments toward the abolition of the death penalty have taken place under the Presidency of Emmerson Mnangagwa. In 2019, the Government commuted the death sentences of 34 individuals, and the Ministry of Justice, Legal and Parliamentary Affairs reportedly made several recommendations to the Cabinet that the death penalty be abolished.<sup>46</sup> In February 2020, Dorcas Sibanda, a member of the opposition party, MDC, introduced a motion in Parliament on the abolition of the death penalty, and a call for moratorium on executions for all individuals currently on death row.<sup>47</sup> In March 2020, President Mnangagwa issued Clemency Order No. 1 of 2020 commuting death sentences of all individuals who had been on death row for over ten years.<sup>48</sup> Consequently, eight individuals were removed from death row.<sup>49</sup> In April 2021, another Clemency Order provided the commutation of death sentence to life imprisonment of all individuals who had been on death row for at least eight years.<sup>50</sup>

#### **Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment**

21. Zimbabwe is not a State party to the Convention against Torture, but the 2013 Constitution provides for an absolute prohibition against torture and cruel, inhuman or degrading treatment.<sup>51</sup> The Delegation to the 2016 interactive dialogue confirmed that the relevant laws were being reviewed as part of an ongoing alignment process.<sup>52</sup> Zimbabwe supported a recommendation from Thailand to align its national laws with the 2013 Constitution, in particular provisions pertaining to the prohibition of torture.<sup>53</sup>
22. In its 2016 UPR State Party Report, Zimbabwe stated that it had incorporated in its new training curriculum provided to the Zimbabwe Republic Police and the Zimbabwe Prisons and Correctional Service trainings on human rights issues and the rule of law, including the prohibition against torture.<sup>54</sup> The use of excessive force by prison guards nonetheless continues.

#### **Right or area 12.6. Conditions of detention**

23. Zimbabwe accepted two recommendations by Burundi and Cuba to step up its efforts to improve prison conditions.<sup>55</sup> In the 2016 interactive dialogue, the Zimbabwean delegation presented a number of measures and efforts aimed at improving prison conditions, such as ongoing review of the Prison Act,<sup>56</sup> transfer of individuals to “*spacious farm prisons*,”<sup>57</sup> issuance of presidential clemency orders,<sup>58</sup> inspection and monitoring prison visits by the Judicial Service Commission and the Zimbabwe Human Rights Commission,<sup>59</sup> joint-community action and increased budgetary allowance to the Zimbabwe Prisons and Correctional Service.<sup>60</sup>
24. Despite these efforts, conditions in Zimbabwe remain far below minimum international standards on prison and conditions of detention. Most people under sentence of death live at Harare Central Prison, but due to space shortages, others live at Chikurubi Maximum Prison.<sup>61</sup> Prisons and detention centres often are often overcrowded and unsanitary, with prisoners lacking access to running water in cells, adequate food, and medical care.<sup>62</sup>
25. In March 2020, the Government of Zimbabwe acknowledged that 22,000 individuals were detained in facilities that have a capacity for only 17,000.<sup>63</sup> President Mnangagwa issued an amnesty order that led to the release of 4,208 individuals from detention between March and June 2020.<sup>64</sup> In April 2021, the President issued another amnesty

order that released another 320 individuals to ease congestion in prisons.<sup>65</sup>

26. In 2020, a group of lawyers filed a High Court application to compel the Ministry of Justice and the Commissioner of General Prisons to uphold the rights of their detained clients, a prominent journalist Hopewell Chin'ono and politician, Jacob Ngarivhume, on the ground that they were not given access to food, warm clothing, private consultations with their lawyers, or visits by relatives.<sup>66</sup>

#### **Right or area 15.1. Administration of justice & fair trial**

27. In its 2016 Universal Periodic Review, Zimbabwe accepted a recommendation from Chile to implement measures in the judicial system in order to “*ensure equal access and due process and to fight impunity.*”<sup>67</sup> Zimbabwe also supported a recommendation from Australia to ensure that all individuals “*are given a fair and impartial trial while ensuring the independence of the judiciary.*”<sup>68</sup>
28. In practice, due process rights guaranteed in the Constitution are not enforced.<sup>69</sup> Authorities subject individuals to lengthy pretrial detention, and often violate rights relating to detention, searches, and seizures.<sup>70</sup> Recent court decisions and developments suggest that the judicial system continues to lack independence from the executive branch and the Zimbabwe African Union-Patriotic Front.<sup>71</sup> In July 2020, Chief Justice Luke Malaba issued a directive, now rescinded in response to criticism, instructing judges to clear rulings with their superiors.<sup>72</sup> In the absence of the formal abolition of the death penalty, due process violations threaten to result in an arbitrary deprivation of the right to life in capital cases.
29. The Zimbabwean delegation to the 2016 interactive dialogue stated that the government has decentralized the provision of legal aid to eight out of the country's ten provinces to enhance access to justice.<sup>73</sup> There has been no indication of further decentralization of the provision of legal aid to the remaining two provinces, making it difficult for indigent individuals to effectively access their right to counsel in capital cases. Lack of access to legal counsel is reportedly also a persistent problem for individuals in detention.

#### **IV. RECOMMENDATIONS**

30. This stakeholder report suggests the following recommendations for the Government of Zimbabwe:
- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards.
  - Impose an official moratorium on carrying out death sentences with immediate effect, and commute all existing death sentences to sentences that are fair, proportionate, and in compliance with international human rights standards.
  - Collaborate with civil society organisations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and alternatives to the death penalty.
  - Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
  - Ratify the Convention against Torture and its Optional Protocol.

- Ensure that detention conditions comply with the Nelson Mandela Rules.
- Ensure that detainees are provided with access to water, food, and clothing, as well as regular visits from their lawyers and family members.
- Commission a prompt, independent, and impartial investigation into the death of Hilton Tamangani in a prison cell in Harare Central Prison in October 2019 and publish the findings.
- Increase the resources available to the justice system to reduce overcrowding, including investing in infrastructure such as new detention facilities.
- Finalize ongoing legislative efforts aimed at introducing alternatives to imprisonment for minor offences and pre-trial detention, with a view to reducing overcrowding in prison.
- Continue ongoing efforts to decongest prisons and detention centers in the wake of the COVID-19 crisis.
- Further decentralize the provision of legal aid and free legal representation in capital cases to all ten provinces to enhance access to justice.

<sup>1</sup> Carolyn Hoyle (The Death Penalty Project), *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*, 11. Also available online at:

<https://www.deathpenaltyproject.org/wp-content/uploads/2020/06/Zimbabwe-Opinion-Leaders-Report-2020.pdf>.

<sup>2</sup> Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2020*, 48, 54. Also available online at <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF>.

<sup>3</sup> The number of individuals who might have been removed from death row under the Clemency Order No. 1 of 2021 is not reflected in this total number. *8 removed from death row*, The Herald, (Apr. 4, 2020). Also available online at <https://www.herald.co.zw/8-removed-from-death-row/>. Veritas, *Clemency Order 1 of 2020 incorporating amendments*. Also available online at

[https://www.veritaszim.net/sites/veritas\\_d/files/Clemency%20Order%201%20of%202020%20incorporating%20amendments.pdf](https://www.veritaszim.net/sites/veritas_d/files/Clemency%20Order%201%20of%202020%20incorporating%20amendments.pdf). Constitution of Zimbabwe, Clemency Order No. 1 of 2021, section 9. Also available online at: <https://gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf>.

<sup>4</sup> Carolyn Hoyle (The Death Penalty Project), *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*, 11. Also available online at:

<https://www.deathpenaltyproject.org/wp-content/uploads/2020/06/Zimbabwe-Opinion-Leaders-Report-2020.pdf>.

<sup>5</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 20. Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 14. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.

<sup>6</sup> Carolyn Hoyle (The Death Penalty Project), *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*. Also available online at:

<https://www.deathpenaltyproject.org/wp-content/uploads/2020/06/Zimbabwe-Opinion-Leaders-Report-2020.pdf>.

<sup>7</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Mar. 13, 2017), U.N. Doc. A/HRC/34/8/Add.1 ¶ 132.28 Ratify or accede to, as appropriate, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ¶ 132.44 Ratify the International Covenant on Civil and Political Rights and its protocols (Portugal); ¶ 132.47 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); ¶ 132.48 Ratify the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Right (New Zealand); ¶ 132.49 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda); ¶ 132.50 Sign and ratify the two Optional Protocols to the International Covenant on Civil and Political Rights

(Turkey); ¶ 132.86 Establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty (Slovenia); ¶ 132.87 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Right (Australia).

<sup>8</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Mar. 13, 2017), U.N. Doc. A/HRC/34/8/Add.1 ¶ 132.82 Abolish the death penalty in domestic law for all crimes, adopt an immediate official moratorium on executions and commute without delay all death sentences into prison sentences (Uruguay); ¶ 132.83 Abolish the death penalty in national legislation for all crimes (Belgium); ¶ 132.84 Establish a moratorium on the death penalty with a view to fully abolishing it both in practice and in law, for all cases and under all circumstances (Portugal); ¶ 132.85 Adopt a moratorium on the death penalty, as a first step towards its complete and full abolition (France); ¶ 132.86 Establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty (Slovenia); ¶ 132.87 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Right (Australia); ¶ 132.88 Advance towards the abolition of capital punishment by decreeing a de jure moratorium (Spain).

<sup>9</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Mar. 13, 2017), U.N. Doc. A/HRC/34/8/Add.1 ¶¶ 10, 15, 16.

<sup>10</sup> *Death penalty should be abolished completely*, NewsDay (Mar. 30, 2020). Also available online at <https://www.newsday.co.zw/2020/03/death-penalty-should-be-abolished-completely/>.

<sup>11</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.75 Step up its efforts to improve detention conditions in prisons and in police holding cells (Burundi); ¶ 131.76 Step up efforts to improve prison conditions and police cells, in order to decongest prisons (Cuba).

<sup>12</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.

<sup>13</sup> Human Rights Watch, *Prisoners in Zimbabwe at Grave Risk of Covid-19 Spread*, (Jul. 29, 2020). Also available online at <https://www.hrw.org/news/2020/07/29/prisoners-zimbabwe-grave-risk-covid-19-spread>; *First Lady officially opens female prison*, The Herald, (Jun. 3, 2021). Also available online at <https://www.herald.co.zw/first-lady-officially-opens-female-prison/>.

<sup>14</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Mar. 13, 2017), U.N. Doc. A/HRC/34/8/Add.1 ¶ 132.1 Fully respect the spirit and letter of the 2013 Constitution, and ratify the Convention against Torture (United Kingdom of Great Britain and Northern Ireland); ¶ 132.2 Ratify other human rights conventions, particularly the Convention against Torture and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo); ¶ 132.3 Consider ratification of the Convention against Torture (Indonesia); ¶ 132.4 Ratify the Convention against Torture (Netherlands); ¶ 132.5 Ratify the Convention against Torture (Montenegro); ¶ 132.6 Ratify the Convention against Torture (Senegal); ¶ 132.7 Ratify the Convention against Torture (Timor-Leste); ¶ 132.8 Ratify the Convention against Torture (Costa Rica); ¶ 132.9 Ratify the Convention against Torture (Czechia); ¶ 132.10 Ratify the Convention against Torture (Djibouti); ¶ 132.11 Ratify the Convention against Torture without delay (Sweden); ¶ 132.12 Consider accession to the Convention against Torture (Namibia); ¶ 132.14 Ratify the Convention against Torture and its Optional Protocol and incorporate it into domestic law, in line with the new Constitution (Kenya); ¶ 132.15 Sign and ratify the Convention against Torture (Italy); ¶ 132.16 Intensify efforts to ratify the Convention against Torture (Denmark); ¶ 132.17 Speed up the process to ratify the Convention against Torture and the Optional Protocol thereto (Chile); ¶ 132.18 Ratify the Convention against Torture and typify torture as a crime by modifying its Criminal Code (Spain); ¶ 132.19 Ratify the Convention against Torture (Rwanda); ¶ 132.20 Ratify the Optional Protocol to the Convention against Torture (Rwanda); ¶ 132.21 Ratify the Convention against Torture as well as its Optional Protocol (Zambia); ¶ 132.22 As previously recommended, ratify the Convention against Torture and its Optional Protocol, implement its standards into national law and take immediate and concrete actions against the practice of torture by State officials (Germany); ¶ 132.23 Ratify promptly the Convention against Torture (Guatemala); ¶ 132.24 Ratify the Optional Protocol to the Convention against Torture (Guatemala); ¶ 132.27 Accept, ratify or accede, as appropriate, to the Convention against Torture (Uruguay); ¶ 132.31 Take all institutional measures required to accede to the

Convention against Torture (France); ¶ 132.33 Ratify the core international human rights instruments, including the Convention against Torture, [...], and incorporate them into its national legislation (Slovenia); ¶ 132.34 Ratify the Convention against Torture (Sierra Leone); ¶ 132.38 Proceed with the early conclusion of the Convention against Torture (Japan); ¶ 132.42 Ratify the Convention against Torture (Ghana); ¶ 132.45 Ratify the Convention against Torture, as well as its Optional Protocol (Portugal); ¶ 132.48 Ratify the Convention against Torture and the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand); ¶ 132.51 Sign and ratify the Convention against Torture (Turkey); ¶ 132.52 Sign and ratify the Optional Protocol to the Convention against Torture (Turkey).

<sup>15</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.12 Accelerate the process of reviewing and aligning its domestic laws with the Constitution, particularly those pertaining to the prohibition of torture and the elimination of violence against women (Thailand).

<sup>16</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.81 Implement measures to strengthen the system of justice administration in order to ensure equal access and due process and to fight impunity (Chile).

<sup>17</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.84 Ensure that all individuals who have been detained and charged with an offence are given a fair and impartial trial, while ensuring the independence of the judiciary (New Zealand).

<sup>18</sup> *Zimbabwe: President Reiterates Stance on Death Penalty*, The Herald, (Jun. 10, 2020). Also available online at <https://www.herald.co.zw/president-reiterates-stance-on-death-penalty/>.

<sup>19</sup> Constitution of Zimbabwe (May 5, 2013), Section 48.

“A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances”.

Also available online at [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf).

<sup>20</sup> Constitution of Zimbabwe (May 5, 2013), Section 48. “a. the law must permit the court a discretion whether or not to impose the penalty”. Also available online at

[https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf).

<sup>21</sup> General Laws Amendment Act 2016, p 84. Also available online at

[http://www.veritaszim.net/sites/veritas\\_d/files/General%20Laws%20Amendment%20Act%2C%202016.pdf](http://www.veritaszim.net/sites/veritas_d/files/General%20Laws%20Amendment%20Act%2C%202016.pdf).

<sup>22</sup> Defence Act [Chapter 11:02].

<sup>23</sup> Constitution of Zimbabwe (May 5, 2013), Section 48.

“c. the penalty must not be imposed on a person—

i. who was less than twenty-one years old when the offence was committed; or

ii. who is more than seventy years old;

d. the penalty must not be imposed or carried out on a woman”.

Also available online at [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf).

<sup>24</sup> Constitution of Zimbabwe (May 5, 2013), Section 48.

“e. the person sentenced must have a right to seek pardon or commutation of the penalty from the President.”

Also available online at [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf).

<sup>25</sup> U.N. Office of the High Commissioner for Human Rights, *U.N. Treaty Body Database*. Also available online at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en).

<sup>26</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 20.

<sup>27</sup> U.N. Office of the High Commissioner for Human Rights, *U.N. Treaty Body Database*. Also available online at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en).

<sup>28</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Mar. 13, 2017), U.N. Doc. A/HRC/34/8/Add.1 ¶¶ 132.28; 132.44; 132.47; 132.48; 132.49; 132.50; 132.86; 132.87.

<sup>29</sup> UN General Assembly Resolution 75/183 of 16 December 2020.

<sup>30</sup> Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2020*, 8. Also available online at <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF>. Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*. 13. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.

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- <sup>31</sup> U.N. Office of the High Commissioner for Human Rights, *U.N. Treaty Body Database*. Also available online at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=195&Lang=en).
- <sup>32</sup> Carolyn Hoyle (The Death Penalty Project), *Time to Abolish the Death Penalty in Zimbabwe: Exploring the Views of its Opinion Leaders*, 11. Also available online at: <https://www.deathpenaltyproject.org/wp-content/uploads/2020/06/Zimbabwe-Opinion-Leaders-Report-2020.pdf>.
- <sup>33</sup> Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2020*, 48, 54. Also available online at <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF>.
- <sup>34</sup> Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2017*, 7. Also available online at <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>; *Amnesty International Global Report: Death Sentences and Executions 2018*, 11. Also available online at <https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF>; *Amnesty International Global Report: Death Sentences and Executions 2019*, 51. Also available online at <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>; *Amnesty International Global Report: Death Sentences and Executions 2020*, 12. Also available online at <https://www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF>.
- <sup>35</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 20. Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 14. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
- <sup>36</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 37. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>. The nationally representative survey of 1,200 Zimbabweans took place in July 2017.
- <sup>37</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 17. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
- <sup>38</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 20. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
- <sup>39</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 34. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
- <sup>40</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 23. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
- <sup>41</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 24. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.
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- <sup>46</sup> *Govt Removes 34 From Death Row to Life Imprisonment As Death Sentence Phases Out*, ZimEye (Feb. 1, 2019). Also available online at <https://www.zimeye.net/2019/02/01/govt-removes-34-from-death-row-to-life-imprisonment-as-death-sentence-phases-out/>.
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<sup>48</sup> Constitution of Zimbabwe, Clemency Order No. 1 of 2020, General Notice 673/2020 (Mar. 27, 2020) and

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amended by an amending Order, General Notice 688/2020 (Apr. 30, 2020); Veritas, *Clemency Order 1 of 2020 incorporating amendments*. Also available online at [https://www.veritaszim.net/sites/veritas\\_d/files/Clemency%20Order%201%20of%202020%20incorporating%20amendments.pdf](https://www.veritaszim.net/sites/veritas_d/files/Clemency%20Order%201%20of%202020%20incorporating%20amendments.pdf); *Zimbabwe: Eight Death Sentences Commuted and 1.680 Inmates Released*, Hands Off Cain (Apr. 6, 2020). Also available online at <http://www.handsoffcain.info/notizia/zimbabwe-eight-death-sentences-commuted-and-1-680-inmates-released-60306014>. *Death penalty should be abolished completely*, NewsDay (Mar. 30, 2020). Also available online at <https://www.newsday.co.zw/2020/03/death-penalty-should-be-abolished-completely/>.

<sup>49</sup> *8 removed from death row*, The Herald, (Apr. 4, 2020). Also available online at <https://www.herald.co.zw/8-removed-from-death-row/>.

<sup>50</sup> Constitution of Zimbabwe, Clemency Order No. 1 of 2021, section 9. Also available online at: <https://gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf>. The number of individuals removed from death row under the Clemency Order No. 1 of 2021 is not available.

<sup>51</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 21; *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 95.

<sup>52</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 10.

<sup>53</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.12 Accelerate the process of reviewing and aligning its domestic laws with the Constitution, particularly those pertaining to the prohibition of torture and the elimination of violence against women (Thailand).

<sup>54</sup> *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 96.

<sup>55</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.75 Step up its efforts to improve detention conditions in prisons and in police holding cells (Burundi); ¶ 131.76 Step up efforts to improve prison conditions and police cells, in order to decongest prisons (Cuba).

<sup>56</sup> *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 97; *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 29.

<sup>57</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 29.

<sup>58</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 29.

<sup>59</sup> *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 23.

<sup>60</sup> *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 97.

<sup>61</sup> Mai Sato (The Death Penalty Project), *12 Years Without an Execution: Is Zimbabwe Ready for Abolition?*, 12. Also available online at <https://www.deathpenaltyproject.org/wp-content/uploads/2018/05/12-Years-Report-1.pdf>.

<sup>62</sup> Freedom House, *Freedom in the World 2017: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2017>; Freedom House, *Freedom in the World 2019: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2019>.

<sup>63</sup> Human Rights Watch, *Prisoners in Zimbabwe at Grave Risk of Covid-19 Spread*, (Jul. 29, 2020). Also available online at <https://www.hrw.org/news/2020/07/29/prisoners-zimbabwe-grave-risk-covid-19-spread>.

<sup>64</sup> Human Rights Watch, *Prisoners in Zimbabwe at Grave Risk of Covid-19 Spread*, (Jul. 29, 2020). Also available online at <https://www.hrw.org/news/2020/07/29/prisoners-zimbabwe-grave-risk-covid-19-spread>.

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<sup>65</sup> *First Lady officially opens female prison*, The Herald, (Jun. 3, 2021). Also available online at

<https://www.herald.co.zw/first-lady-officially-opens-female-prison/>. *Zimbabwe prisoners released amid overcrowding during Covid-19 pandemic*, Africa News, (Apr. 17, 2021). Also available online at <https://www.africanews.com/2021/04/17/zimbabwe-prisoners-released-amid-overcrowding-during-covid-19-pandemic/>.

<sup>66</sup> Human Rights Watch, *End Inhuman Prison Conditions of Activists in Zimbabwe*, (Aug. 11, 2020). Also available online at <https://www.hrw.org/news/2020/08/11/end-inhuman-prison-conditions-activists-zimbabwe>.

<sup>67</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.81 Implement measures to strengthen the system of justice administration in order to ensure equal access and due process and to fight impunity (Chile).

<sup>68</sup> *Report of the Working Group on the Universal Periodic Review: Zimbabwe*, (Dec. 28, 2016), U.N. Doc. A/HRC/34/8 ¶ 131.84 Ensure that all individuals who have been detained and charged with an offence are given a fair and impartial trial, while ensuring the independence of the judiciary (New Zealand).

<sup>69</sup> Freedom House, *Freedom in the World 2019: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2019>; Freedom House, *Freedom in the World 2020: Zimbabwe*, <https://freedomhouse.org/country/zimbabwe/freedom-world/2020>; Freedom House, *Freedom in the World 2021: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2021>.

<sup>70</sup> Freedom House, *Freedom in the World 2017: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2017>; Freedom House, *Freedom in the World 2019: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2019>; Freedom House, *Freedom in the World 2020: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2020>; Freedom House, *Freedom in the World 2021: Zimbabwe*, <https://freedomhouse.org/country/zimbabwe/freedom-world/2021>.

<sup>71</sup> Freedom House, *Freedom in the World 2019: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2019>; Freedom House, *Freedom in the World 2021: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2020>.

Freedom House, *Freedom in the World 2020: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2021>.

<sup>72</sup> Freedom House, *Freedom in the World 2021: Zimbabwe*. Also available online at <https://freedomhouse.org/country/zimbabwe/freedom-world/2021>.

<sup>73</sup> *National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (Aug. 22, 2016), U.N. Doc. A/HRC/WG.6/26/ZWE/1 ¶ 39.