

The LEGAL MONITOR

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



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UN targets security agents

A top United Nations (UN) official has said State security agents involved in the abduction and torture of political and rights activists last year should be held accountable.

Navanethem Pillay, the UN High Commissioner for Human Rights, told the 12th Session of the United Nations Human Rights Council in Geneva, that Zimbabwe should provide information about people abducted by State agents and held *incommunicado* in secret locations last year.

The State is charging 17 abductees, released in December last year, with sabotage, banditry, terrorism, and plotting to unseat President Robert Mugabe's previous government. Mystery however, still surrounds several other persons believed to have been abducted last year and who are still unaccounted for.

"We should all be dismayed when opposition officials or human rights defenders such as Jestina Mukoko are abducted in Zimbabwe, beaten and held for months. I call on the government to shed light on this case and on those other detainees, and to hold perpetrators to account," said Pillay, who has served as a Judge in the South African High Court as well as the International Criminal Court.

The Office of the United Nations High Commissioner for Human Rights is mandated by the international community to promote and protect all human rights, according to the UN body's website.



Navanethem Pillay, UN High Commissioner for Human Rights

Mukoko, a director of the Zimbabwe Peace Project, a rights organisation that compiled incidents and names of perpetrators of military-led election violence last year, was abducted from

her Norton home in an early morning raid on 3 December.

Mukoko's abduction heightened a wave of State-sanctioned post election kidnappings of Movement

for Democratic Change (MDC) and civic society officials between October and December 2008.

Among the abductees were Andriison Manyere, a freelance photo-journalist, Kisimusi Dhlamini, the MDC director of security and Ghandi Mudzingwa, who now works in the transitional government as the Principal Director, Infrastructure Cluster in Prime Minister Morgan Tsvangirai's Office.

The abductees also include a Banket couple, Manuel and Concilia Chinanzvavana, and Fidelis Chiramba, who, at 72 was the oldest of the abductees.

However, Zimbabwe's representative to the UN Human Rights Council session, Enos Mafemba, told delegates that Pillay's request was petty, despite horrendous accounts of torture narrated by the abductees.

"What we expect from the distinguished High Commissioner is fairness, and seriousness and not pettiness," the Zimbabwe envoy said.

Mafemba defended the abductions as necessary for State security. He said the UN body should have instead discussed the issue of travel and economic sanctions imposed on Mugabe and over a hundred members of his close elite.

"Human rights activists must not undermine public safety and State security," said Mafemba.

Abductees talked of horrific torture that included electrocution of genitals, severe beatings, being locked in freezers and denial of medical assistance by State agents to force false confessions of terrorism and banditry.

Fresh onslaught on Muchadehama

State prosecutors have again summoned prominent human rights lawyer Alec Muchadehama to stand trial next month for contempt of court.

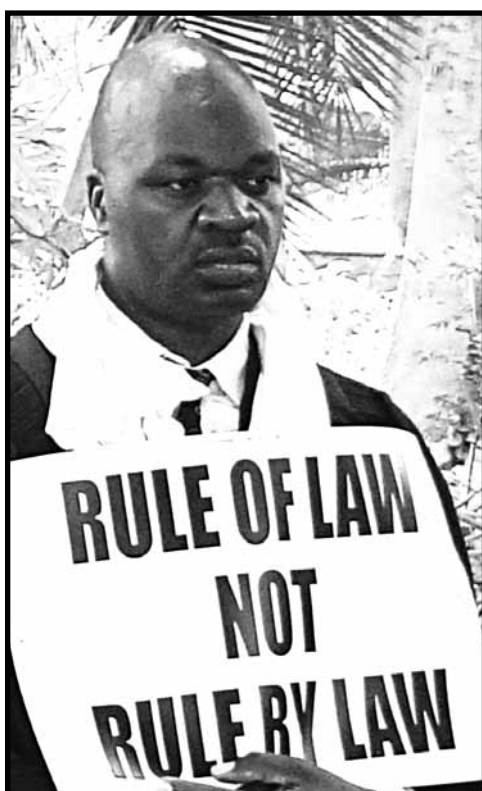
Rights organisations say the decision to revive a case in which a Magistrate once dismissed the performance of prosecutors as "nonsense and ineptitude of the worst type" is tantamount to harassment of human rights defenders.

State prosecutors Andrew Kumire and Austin Muzivi last week summoned Muchadehama to stand trial next month for allegedly contravening Section 182 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23] on 14 October.

The State accuses Muchadehama, who is jointly charged with Constance Gambara, the clerk of High Court Judge Chinembiri Bhunu, of causing the release of two senior Movement for Democratic Change (MDC) officials and a journalist from Chikurubi Maximum Prison.

The three were languishing in jail following their abduction by State security agents late last year.

Prosecutors say Muchadehama and Gambara should not have caused the release of senior



Alec Muchadehama, summoned again

MDC officials Kisimusi Dhlamini and Gandhi Mudzingwa, and photo-journalist Andriison Manyere in April because the High Court had granted the State permission to appeal against a bail ruling used to free the three men.

The State alleges that Muchadehama and Gambara "unlawfully and intentionally impaired the dignity, reputation or authority of a court or realising that there was real risk or possibility of impairing the dignity, reputation or authority of a court" by causing the release of the three abductees.

State lawyers contend Muchadehama and Gambara were aware of Justice Bhunu's judgment in which he granted the State leave to appeal against Justice Charles Hungwe's earlier bail order.

In July, Magistrate Munamato Mutevedzi dismissed attempts by the State to nail Muchadehama on the same charges, advising prosecutors to proceed by way of summons, instead of subpoenas which they have now done.

Mutevedzi berated the prosecutors for using wrong procedures and using a document that appeared to have been authored in a township "beerhall" to bring Muchadehama to court.

State prosecutors had used subpoenas instead of summons to haul the human rights lawyer to court citing shortages of stationery.

Magistrate Mutevedzi said if a prosecutor could not distinguish between summons and a subpoena, "then he needs to go back to school".

But Mutevedzi had unkind words for the prosecutors describing their explanation as "a clearly unbelievable answer" and a "scapegoat" to cover up for the lack of seriousness in handling the case.

This is not the first time that the courts have lashed out at law officers from the Attorney General's Office for their conduct.

Muchadehama has become a target of State persecution because of his work in successfully representing several human rights defenders and MDC members.

He is currently representing several human rights activists and MDC members who were abducted and tortured by State security agents before being charged with treason, banditry, sabotage and plotting to topple President Robert Mugabe's previous government.

Lawyers insist Chinamasa wrong on Tribunal

The Legal Monitor publishes here the main points of the legal response to the Minister of Justice and Legal Affairs Patrick Chinamasa's purported withdrawal of Zimbabwe from the South African Development Community (SADC) Tribunal, which ruled against the previous government's land grab.

Hon. Chinamasa's sentiments were that the SADC Tribunal did not have jurisdiction over the Government of Zimbabwe, because Zimbabwe did not ratify the Protocol on the Tribunal.

The opinions published here were prepared by the Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights and leading South African lawyers J.J. Gaunlett and F.B. Pelsler. The lawyers evaluated the Minister's statements and were unanimous that Hon. Chinamasa's statements were wholly "unmeritorious" and dismissed his spurious comments as follows:

- Zimbabwe was, and still is, a signatory to the SADC Treaty and therefore has submitted to the Tribunal's jurisdiction as a Member State. It is a trite principle both in international law and all domestic legal

systems that once jurisdiction is established in a matter, it cannot be lost—least of all on a belated, unilateral disavowal, as is the case here. It is clear that article 16 of the Treaty, also before the 2001 amendment, constitutes the source of the Tribunal's jurisdiction. Accordingly this basis of jurisdiction is not challenged by the Minister, but indeed confirmed.

- Zimbabwe was, and still is, bound to the Protocol despite not ratifying it. This conclusion was based not only on article 16(2) of the Treaty subsequent to its amendment, but also affirmed by Zimbabwe's acceptance of the Protocol. It accepted the Protocol by signing it, proceeding under it, actively invoking it and by seconding a judge to the Tribunal under it.
- Quite apart from jurisdiction conferred by either the Treaty or the Protocol, Zimbabwe has itself conferred competency upon the Tribunal by submitting to its jurisdiction at numerous instances during separate proceedings. It is noted that it was well established that such submission irretrievably conferred jurisdiction on the Tribunal even if none existed otherwise.
- The SADC Tribunal was, and still is, the designated body to decide whether it had jurisdiction over the government of Zimbabwe. That body had meticulously considered the

very question and answered it in the affirmative. The Tribunal's determination of the issue is conclusive, and its finding has long since been accepted, under oath, as correct by the country's two most senior lawyers, the Attorney-General and Deputy Attorney-General.

In addition, Minister Chinamasa positively repudiates the rule of law by insisting that Zimbabwe is at large to decide whether it is bound by the Tribunal's rulings or not. He avers that a State may invoke its own constitutional provisions to renounce an international legal obligation.

The international lawyers noted that no country can impose its own domestic laws over those of an international treaty as explained thus:

- This is yet another example of the Minister misstating a clear and fundamental principle of international law. The correct legal position is the opposite: a State may *not* invoke its internal law, including its constitution, as excuse to dishonour a treaty obligation. Were this not so, a State could shelter behind its own legislation permitting any infringement of human rights, even genocide. That is the terminus of the Minister's reasoning.
- The discussion on the second ground of attack shows that the point now taken is

utterly unsupportable. Presumably it is for this reason that not even Zimbabwe's own lawyers would present it to the Tribunal. Had the Tribunal have had occasion to consider this contention, it would no doubt have rejected it categorically and rebuked Zimbabwe with another punitive costs order for invoking such frivolous and vexatious constructs.

- Article 4 of the Treaty, which tables its governing principles, emphatically imposes a duty on member States to adhere to *inter alia* human rights and the rule of law. It peremptorily states that "SADC and its Member States *shall* act in accordance with" (emphasis added) the stated principles.

This too establishes that human rights are justiciable and enforceable under the Treaty. Also article 6 of the Treaty clearly provides that the objectives of SADC, contained in article 5 of the Treaty, constitute enforceable legal obligations.

In conclusion, for these reasons it then remains that there is still no *bona fide* basis for the contention that rulings by the Tribunal do not bind the Government of Zimbabwe.

Constitution Watch

Reminder of GPA Time-line for the New Constitution

13 July 2009 - Convening of the First All Stakeholders Conference
13 November 2009 - Public Consultation Process must be completed

Reasons for Delay

Lack of finance – the ZANU-PF chairperson of the Select Committee has said that funding must not come direct from donors to the Committee as that would create the wrong perception, but must come via the Government.

Disagreement between the political parties – with one party being accused of slowing down the whole process deliberately by not getting on with naming their quota of chairpersons and boycotting meetings, the other party blaming a lack of response from Treasury.

Progress on Work Plan for the Consultative stage

Planning and selection of thematic sub-committees:

Persons to sit on these committees have been identified, but not yet informed. The number of thematic sub-committees will be 17, with each sub-committee having 25 members, making a total of 425 people.

Chairpersons of the thematic committees:

They will all be Parliamentarians. ZANU-PF and MDC-T have each been asked to put forward seven chairpersons, MDC-M two and Chiefs one. Both MDCs had selected theirs by 16th July. The thematic committees have now been formed after ZANU PF released names of their quota

Vice-Chairpersons: These will be non-Parliamentarians chosen and then appointed by the Select Committee. There will be seven each nominated by ZANU-PF and MDC-T, two by MDC-M and one by the Chiefs. They will be selected by the parties from names of non-Parliamentarians put forward by NGOs and other civil society bodies for the thematic committees.

Planning and selection of Outreach Teams:

There will be 70 outreach teams to cover 210 constituencies. Each team will visit three constituencies. The total number of people involved in the outreach teams for the public consultation process is 860 – made up of the 425 thematic committee members plus an extra 435 people.

Construction of Questionnaires:

This is being done by technical experts, who include members of the 1999 Government Constitutional Commission. When the questionnaires have been drawn up they will have to be discussed and agreed with the thematic sub-committees.

Training:

The thematic committees and other members of the outreach teams will be trained for about two weeks together in a series of seminars in the use of the questionnaires and the outreach procedures. The Select Committee will identify these trainers.

Representation on Thematic Sub-Committees and Outreach Teams

The total number of people in the outreach teams is 860. Parliamentarians (Senators and MPs) will number 258 out of the 860 (30%).

Non-parliamentarians will be 602 (70%) out of the 860. These will be selected by political parties from a pool of names put forward by NGOs, the business sector, women's groups, war veterans, farming groups, unions (not ZCTU who are opting out of the Parliamentary-driven process). Which stakeholder groups were approached for names was decided on by the Select Committee. ZANU-PF will select 254 (42.2%) of the 602, MD-T will choose 254 (42.2%), MDC-M 62 (10.3%), and chiefs will choose 32 (5.3%). The Select Committee wants the skills, gender balance and political affiliation to be considered during the selection process.

New Time-Frame

After funding is secured it will still take about a month to put thematic sub-committees and outreach teams in place, complete the questionnaires and conduct the training seminars. The Select Committee have said the tasks that do not require substantial funding will be started immediately, while waiting for the major funding needed for the actual outreach, for allowances, transport and accommodation for 860 people and support staff and services. The Select Committee have said that they believe they will still meet the deadline of 13th November given in the GPA time-frame. This will mean that the time allotted for public consultation is reduced to about one month.

There has been talk that the principals will meet to decide whether to alter the time-line. The problem now is that with the amount of time that has already passed since the All Stakeholder Conference, if the GPA deadline of 13th November is met, then the GPA intention of allowing four months for outreach for wide public consultation cannot be honoured.

Proposal for Secretariat:

The Select Committee resolved that a special Secretariat with an executive director should be set up to back its work on the Constitution. So far administrative tasks arising from the Select Committee's work have had to be carried out by the Parliament staff. Parliament has to continue with its core business and the amount of work and logistics involved in the public consultation stage and then the collating and writing up the information into reports to form the basis of drafting a new Constitution requires extra personnel and resources.

Comment: It is sad that something as important as a new Constitution should be the subject of delays caused by inter-party power plays. At the All Stakeholders Conference attendees were assured the Select Committee would publish notices in the press not later than 17th July giving details of the thematic sub-committees and calling on stakeholders to indicate their fields of interest and nominate representatives to serve on the sub-committees and that the sub-committees would be constituted by 28th July. These deadlines have not been met. Calls for nominees were not made public.

Although there is in fact no obligation for the Select Committee to stick to what was decided at the First All Stakeholder Conference (the GPA states that the Select Committee is to "consult" stakeholders and get their "assistance") there is a moral imperative that the new Constitution promised to the people of Zimbabwe by the GPA should not be derailed or delayed by party-political tactics. It was also hoped that there would be more accountability and transparency in the whole process.

Source: Veritas

Elderly families fight eviction

The Zimbabwe Lawyers for Human Rights (ZLHR) has taken up a case in which a business group wants to demolish shelter belonging to four elderly families.

Granary Investments, a subsidiary of J.S Omar Holdings, has ordered the demolition of the elderly families' homes at Snake Park, about 15 kilometers outside Harare, to pave way for a major housing scheme.

Angelo Chabwa (78), Faustina Gava (55), Chiranga Bakari and Jack Matope, (ages not given) said their problems began last year when they were ordered to leave the place where some of them have stayed since 1957.

They said the eviction notice followed the termination of their employment contract by Granary Investments two years ago. Chabwa and Matope said they have been staying at Snake Park since 1957 and were employed as cattle herders, wood cutters and brick makers by Granary Investments.

Chabwa and Matope said they lost their jobs after the company transferred the cattle which they were looking after to Bulawayo.

In one of the eviction notices seen by ZLHR, Granary Investments said the land occupied by the four families had been planned for prospective clients under a housing project called the Snake Park Housing Scheme. The company has offered the elderly former employees to purchase the



Angelo Chabwa and Jack Matope face eviction

stands where they are living. But the four said they could not afford the properties.

In another eviction notice, the company said the four families were not entitled to reside on company premises since they were no longer employed by the company.

"The material at these premises is required for use by the company and therefore we will be demolishing these premises. Our security department has been instructed to serve this notice in conjunction with the Zimbabwe Republic Police and we would strongly suggest you vacate

the premises to avoid any embarrassment or further action that the company will take to ensure that you vacate the premises as per instructions from the Chairman," read part of letter written to the four families by Ishmael Khan, J.S Omar Holdings' General Manager.

AFRICAN BAR ASSOCIATIONS AND RULE OF LAW INSTITUTIONS ARUSHA COMMUNIQUE



The representatives of the regional bar associations and rule of law institutions on the African continent gathered in Arusha, Tanzania on 15 and 16 September 2009 to, among other things, reflect on the state of the rule of law in Africa and the current state of regional and sub-regional judicial organs, have made and adopted the following communique:

Reaffirming that the observance of human rights, good governance and the Rule of Law are indispensable requirements for the greater democratisation of the African continent;

Mindful that these are dependent on the existence of independent, impartial and effective institutions that deliver justice without fear or favour;

Acknowledging that in a significant number of African countries the Rule of Law has entrenched itself and judicial institutions operate without interference from any quarters;

Wary that some African countries have depicted a tendency to undermine judicial authority at both the domestic and regional levels;

ON THE SADC TRIBUNAL

The representatives of Regional Bar Associations and Rule of Law Institutions:

1. Observed with alarm the current efforts of the Government of Zimbabwe through the Minister of Justice and

Legal Affairs of Zimbabwe, Honourable Patrick Chinamasa to cause SADC to dismantle a sub-regional judicial organ-the SADC Tribunal on his perceptions relating to non-ratification and the implications thereof.

2. Are not convinced by the official reasons, which the Minister has raised to justify his decision. They observed among others that,
 - a. The establishment of the SADC Tribunal needs no ratification.
 - b. The Zimbabwean Government nominated a judge to sit as a Member of the Tribunal. Other SADC states have also nominated judges to constitute a full complement of Tribunal judges.
 - c. The Government of Zimbabwe has appeared before the Tribunal in more than one case, and has at no time raised objections to its legality and/or legitimacy.
 - d. The Government of Zimbabwe is only challenging the Tribunal as a result of it being referred to the SADC Heads of State and Government to explain its non-compliance with binding decisions of this sub-regional judicial organ.
 - e. The failure of the Government of Zimbabwe to comply with a court decision, whether of a domestic or international tribunal, is consistent with

its endemic culture of defiance of court orders that it dislikes.

- f. In Zimbabwe the Government dismantled the Supreme Court and the High Court when they were seen as issuing decisions, which the Government disliked through forcing out judges and hiring "politically correct" individuals. Its current thrust to destroy the SADC judicial organ is consistent with the Government's conduct in dealing with judicial organs that it dislikes.
3. There have been suggestions that the SADC Ministers of Justice and Attorneys General will meet shortly to decide the fate of the SADC Tribunal. Attention must be drawn to the fact that the jurisdiction of the Ministers of Justice (as extensions of executives) to consider this matter is irregular, as this amounts to an assault on the principle of separation of powers. It is an established principle of international law that the Tribunal, as the judicial organ itself – and not the executive organ constituted by Ministers – must be the ultimate judge of its own jurisdiction.

The representatives of Regional Bar Associations and Rule of Law Institutions therefore implore the SADC and the African Union to:

1. Encourage the Government of Zimbabwe to comply with the decisions of the SADC

Tribunal rather than to use disingenuous and convoluted legal arguments to destroy the Tribunal and subvert the Rule of Law.

2. Strengthen and defend its institutions of justice when they make decisions which are within their competencies. Failure by the SADC and AU leadership to vigorously defend regional and sub-regional judicial organs from such a blatant assault is likely to have a contagion effect throughout the continent which is so desperate for strong institutions of democracy and rule of law to protect the rights of the people and promote socio-economic development.

Thus done and signed at Arusha, Tanzania, this 16th day of September 2009.

EAST AFRICA LAW SOCIETY

**SOUTHERN AFRICA DEVELOPMENT
COMMUNITY LAWYERS ASSOCIATION**

WEST AFRICAN BAR ASSOCIATION

PAN-AFRICAN LAWYERS' UNION

**COALITION FOR AN EFFECTIVE AFRICAN
COURT ON HUMAN AND PEOPLES' RIGHTS**

**INTERNATIONAL BAR ASSOCIATION
(AFRICA REGIONAL FORUM)**

**INTERNATIONAL COMMISSION
OF JURISTS**

SADC pullout void: PM

Prime Minister Morgan Tsvangirai says Zimbabwe will remain a member of the SADC Tribunal because the country cannot be bound by a one-man decision to pull out of the regional court.

Tsvangirai said Minister of Justice and Legal Affairs Patrick Chinamasa's decision to write to the SADC Tribunal withdrawing the country's participation was null and void.

"The decision to pull out of the SADC Tribunal was a comment by an individual minister and the country cannot be bound by that. The issue has not yet been discussed in cabinet and we cannot therefore be bound by the decision of a single minister. It was not a collective Cabinet decision," said Tsvangirai while addressing a mining conference that ended in Harare Thursday.

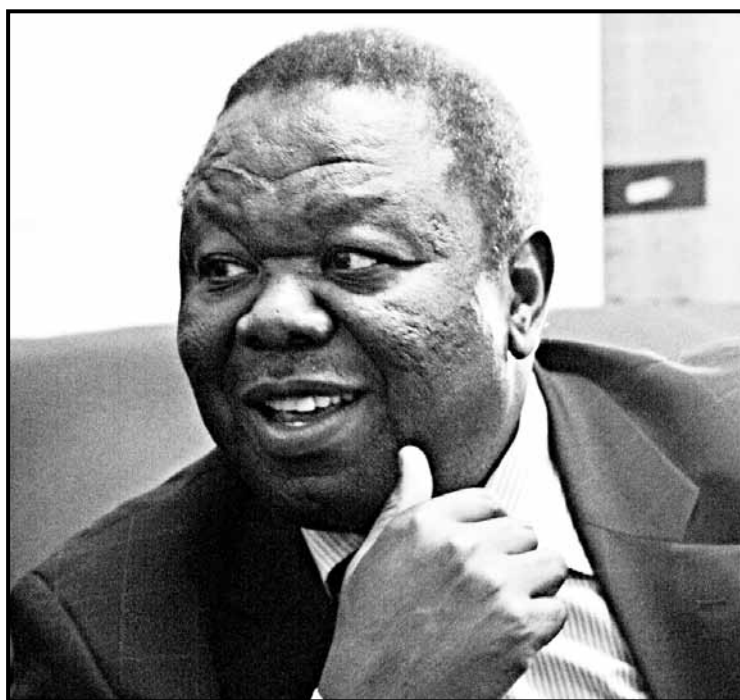
Chinamasa wrote to the SADC Tribunal clerk in August advising that Zimbabwe was withdrawing from all Tribunal proceedings.

The Justice Minister argued that the Tribunal's establishment was yet to be ratified by at least two thirds of the 15-nation regional bloc as required by a SADC treaty which established the Tribunal.

Chinamasa even told journalists that Zimbabwe would recall former High Court Judge Justice Antoinette Guvava who was seconded by the previous government to the Windhoek-based regional court in 2005.

The Justice Minister's actions came after the Tribunal ruled against President Robert Mugabe's controversial programme to seize white-owned farms for redistribution to landless blacks last November. The Tribunal, comprised of senior regional judges, ruled that the chaotic and often violent land redistribution programme was discriminatory, racist and illegal under the SADC Treaty.

The regional court ordered Harare not to evict the 78 farmers who had sought relief from the Tribunal. It ordered Harare to pay full compensation to those it had already forced off farms.



Prime Minister Tsvangirai calls for investigation into abuses

Mugabe has publicly dismissed the ruling by the Tribunal, while his followers in the army and in his ZANU PF party continue defying the court order by seizing more land from the few white farmers remaining in Zimbabwe.

Speaking at the mining indaba, Tsvangirai also called for an investigation into human rights abuses allegedly committed by security forces in the Chiadzwa diamond fields must be investigated.

"It is a sad fact that in recent history the local communities have been prevented from enjoying the fruits of our natural resources and particularly in the east of the country where they have been persecuted for their proximity to enormous natural wealth," said Tsvangirai.

"The tragedies that took place in Chiadzwa and other places cannot be repeated. We must as a government investigate in an open and transparent manner any human rights abuses that took place so that the innocent victims receive justice to ensure that the protection of our people is paramount in this new Zimbabwe."

Tsvangirai said the government was working with the Kimberley Process to develop a diamond mining strategy for the country.

"Kimberly is working with us in developing a plan to make sure that we are a credible diamond exploiter," said Tsvangirai.

The Zimbabwe Congress of Trade Unions (ZCTU) is demanding US\$50 000 in defamation claims from the Zimbabwe Broadcasting Holdings (ZBH) for tarnishing its reputation.

In summons filed in the High Court last week, the country's largest labour union cited ZBH, its subsidiary, the Zimbabwe Broadcasting Corporation (ZBC) and news anchor Oscar Pambuka as defendants.

ZCTU said its reputation was damaged following the broadcasting of a report accusing the labour union of leading disturbances that affected the All Stakeholders Constitutional Conference held in July.

Alec Muchadehama, the ZCTU lawyer, said the State broadcaster lied when it reported that the labour federation led a group of people that disturbed proceedings at the constitutional conference, leading to police intervention.

ZCTU's court action followed the refusal by ZBC to retract the report and apologise to the labour federation.

ZCTU sues Pambuka, ZBC

In its bulletins of Monday 13 July 2009, ZBC asserted that, "the first Constitutional All Stakeholders conference failed to take off in Harare as the poorly planned meeting turned into chaos with members of the ZCTU, NCA, ZINASU and MDC leading and distracting the proceedings. The police had to move in to avert a riotous situation when stakeholders from ZANU (PF) and war veterans reacted to the intimidation."

But the ZCTU said the statement was wrongful and defamatory in that it was intended and understood by listeners to mean that the labour union was a violent organisation that promoted chaos and anarchy.

ZCTU stated that as a result of the ZBC report, listeners were left with the opinion that the organisation was a bully which used intimidatory tactics in its operations.

ZANU PF hooligans violently disrupted Speaker of Parliament Lovemore Moyo's welcome remarks on the first day of the constitutional conference. Proceedings had to be stalled until the following day after Prime Minister Morgan Tsvangirai, President Robert Mugabe and Deputy Prime Minister Arthur Mutambara openly condemned the disruptions and ordered that the conference proceeds.

Mukoko petitions Supreme Court

Prominent human rights activist, Jestina Mukoko, who is facing terrorism charges, has petitioned the Supreme Court to release her passport to enable her to travel abroad for crucial meetings.

Mukoko, the Executive Director of the Zimbabwe Peace Project (ZPP), was forced to approach the Supreme Court after Chris Mutangadura, a law officer in the Attorney General (AG)'s Office refused to consent to a request for the release of the passport.

Mutangadura said the AG's Office feared that Mukoko would "abscond in view of pending charges".

Mukoko is one of the 17 political and rights activists abducted and tortured by State security agents before being charged with treason, banditry and sabotage last year. The terrorism case is now with the Supreme Court, which is yet to decide on Mukoko's application for a stay of prosecution on the basis that her rights were infringed during the abduction and torture.

The human rights activist stated that she approached the Supreme Court directly on the passport issue because of uncertainty on which

court has the capacity to deal with the issue of variation of bail conditions, following the Registrar of the Supreme Court's advice that proceedings in lower courts are automatically suspended until the Supreme Court makes a determination on the terrorism charges case.

Mukoko needs the passport to travel to Sweden and the United States next month.

The ZPP executive director's meeting in the US is on peace building and the role of the grassroots, especially women in building peace and healing in relation to reconciliation and reconstruction.

Mukoko is also scheduled to travel to Germany in December to receive a human rights award.

"These invitations are extremely important not just to me but both to the country and my organisation taking into account the inclusive government's very commendable efforts at peace building, healing and reconciliation as demonstrated by the setting up of the Organ on National Healing, Integration and Reconciliation as well as the declaration of peace, healing, and reconciliation days from 24th to 26th July 2009.

"My attendance at these meetings would complement and enhance these government attempts and as an NGO concerned with these issues, I believe we would be able to do advocacy in support of the organ so that it can be capacitated to achieve the noble goals of peace building, healing and reconciliation," reads part of Mukoko's court application.

In August, the AG refused to release Mukoko's passport for a meeting hosted by the Institute for Justice and Reconciliation in South Africa. She said the meeting would have immensely contributed towards the inclusive government's efforts towards peace and reconciliation.

Mukoko says her failure to travel and attend meetings regionally and internationally is negatively impacting on her job.

Mukoko wants her passport released up to 18 December when it shall be redeposited with the Clerk of the Court. She also wants her reporting conditions cancelled.

The Supreme Court is yet to set a date for the hearing of Mukoko's application.



Jestina Mukoko seeks passport release