



## PRESS RELEASE

22.03.21

### ILLEGAL RECALL OF PARLIAMENTARIANS VIOLATES CULTURAL RIGHTS & ARTISTIC FREEDOM

Nhimbe Trust expresses its shock and condemnation of the recent illegal recall of six Members of Parliament from the majority opposition (MDC Alliance) purportedly in terms of section 129(k) of the Constitution. The total number of opposition Members of Parliament illegally withdrawn *enmasse* from Parliament now stands at 47. Nhimbe Trust views this as an unprecedented violation of the recall provision in the Constitution which severely undermines the electorate's right to political representation. We hold the view that this latest recall attests and underscores the determination by the Government and the ruling party to violate freedom of expression and opinion, freedom of assembly and association, to unduly invalidate, revoke or obstruct the exercise of the parliamentary mandate by these Members of Parliament. This conduct also displays the deliberate motive to undermine the results of the last election in general.

We understand that the withdrawal of ***Tendai Biti, Kucaca Phulu, Settlement Chikwinya, Willias Madzimore, Regai Tsunga*** and ***Chelesile Mahlangu*** was announced by the Speaker of Parliament the Hon. Jacob Mudenda without verification of the authenticity of the individual claiming to be the Secretary General of their political party. This is despite the fact that a letter had previously been written to the Speaker of Parliament advising him of the identity of the authentic Secretary General of the **People's Democratic Party (PDP)**, the party through which all the recalled Members of Parliament claimed their stake in the **MDC-Alliance**. Furthermore, the Speaker had also been advised that the question of the legitimacy of the author of the recall letter was pending before the court and the matter was thus *subjudice*.

The Speaker was also aware that Members of Parliament have pointed out that the arbitrary implementation of Section 129(k) without any Rules or Guidelines violates the right to administrative justice of the members of Parliament concerned and leads to arbitrary invalidation of their election mandate. A Motion is currently on the Order Paper of the House of Assembly to debate this very issue.

Nhimbe trust would like to condemn this abusive and arbitrary revocation of parliamentary mandate and point out that there are various Bills that impact our work in advocating for the promotion of cultural rights and artistic freedom. The Constitutional Amendment Number 2, the Zimbabwe Media Commission Bill and other important Acts of Parliament, which still need alignment to the Constitution means that the implementation legislative agenda will suffer a big dent in credibility and its outcome will not reflect the electoral mandate that was given by the people of Zimbabwe in the 2018 election. The High number of Parliamentarians lost due to COVID-19 exacerbates this problem.

We call upon the Speaker of Parliament and Parliament to revisit the procedure used to implement section 129(k) of the Constitution and put in place a procedure that will guarantee Members of Parliament the right to be heard, the right to notice and the right to administrative justice in general. The procedure must not allow any random person to write a letter recalling elected members of parliament at a whim and for the speaker to implement such without much ado.



We also call upon the Speaker to quickly reverse the decision to implement a recall on the basis of a letter by an individual whose authority is being challenged.

*Nhimbe Trust is a creative civil society organization whose strategic objectives include promoting and defending cultural rights and artistic freedom of artists and cultural professionals Zimbabwe and globally.*

*As a critical element of its advocacy strategy, Nhimbe Trust seeks to increase artists' knowledge and claim of their political rights in terms of Section 67(2)(d) of the Constitution, so that they are able to engage with legislators across the political divide meaningfully - offer advisory services on cultural governance legislation; and extend solidarity to like-minded legislators under siege.*

ENDS//