

[Print this page \(#\)](#)

State challenges bail for three who face death penalty for treason

Mar 26, 2011 11:56 PM| By

Luck ran out for the three Mthwakazi Liberation Front (MLF) officials in prison on treason charges when the state invoked a provision that could see them languish in remand for another week.

The three, Paul Siwela, Charles Thomas and John Gazi, were expecting to go home, having successfully applied for bail through their lawyers on Thursday. The State, however, quashed the ruling through the invocation of Section 121 of the Criminal Procedures and Evidence Act (CPEA).

The section suspends bail pending an appeal by the State at the Supreme Court challenging the granting of bail on the three.

The State says the three could be a flight risk.

The accused could be sentenced to death if found guilty of the offence.

On Wednesday, Justice Maphios Cheda, handing down a judgment prepared by his fellow High Court judge, Justice Nicholas Ndou, granted the three \$2000 bail each.

He ruled that the three would have to surrender their passports and report three times a week at the Bulawayo Central Police Station's Law and Order Section.

He also ordered the three to stay within a 40km radius of Bulawayo.

"The accused persons are not to travel out of the country without written approval of the judge. They are also ordered not to attend any political gatherings and or meetings until their matter is concluded," said Ndou.

After the judge had handed down his judgment, the state's representative, Martha Cheda said the state was invoking the CPEA section.

Lawyers representing the three argued that the matter was no longer purely of a criminal nature but had taken a tribal and regional twist.

The three are being represented by lawyers from the newly formed Abammeli Human Rights Lawyers Network (AHLN), which broke away from the Zimbabwe Lawyers for Human Rights .

"To us, this is now an issue of the rest of Zimbabwe versus the people of Matabeleland," said Kucaca Phulu of AHRLN.

He added: "It is ironic that while Munyaradzi Gwisai and the other people with whom he was arrested were charged with treason, the state did not invoke this section (121 of the Criminal Procedures and Evidence Act).

"Now that it is the case of three people from Matabeleland, the state sees it fit to invoke that section.

"What kind of double standards are these?"