

FACT SHEET

A summary of local press reports on the incidents concerning the wife and daughter of the President of the Republic of Zimbabwe from January 2009 to June 2009

Table 1 – Summary of local press reports on the alleged assault of a photographer by Mrs Grace Mugabe, wife of the President of the Republic of Zimbabwe

The incident
<p>A Hong Kong-based photographer alleged that he was beaten up by the first lady of Zimbabwe, Grace Mugabe, as he was trying to snap photos of her shopping on 15 January 2009. He claimed that Mrs Mugabe's bodyguard grabbed him and attempted to take his camera while Mrs Mugabe repeatedly punched him. The photographer claimed to have suffered bruises and cuts on his face and forehead. He reported the incident to the police two days later, by which time Mrs Mugabe and her entourage had left Hong Kong.</p>
Mrs Grace Mugabe's entitlement to diplomatic immunity
<p>On 22 March 2009, the Department of Justice (DoJ) announced that Mrs Mugabe was entitled to diplomatic immunity from prosecution, which included immunity from criminal jurisdiction.</p> <p>Several legislators expressed concern over the incident and there were queries on Mrs Mugabe's eligibility to diplomatic immunity as she was on a shopping trip but not diplomatic visit during the incident.</p> <p>At the meeting of the Panel on Administration of Justice and Legal Services held on 30 March 2009, the Secretary of Justice (SJ) explained that the Government had approached the Office of the Commissioner of the Ministry of Foreign Affairs (OCMFA) to ascertain whether Mrs Mugabe enjoyed any privileges or immunities. OCMFA advised that the Central People's Government in general conferred diplomatic privileges and immunities to spouses of foreign heads of states during their stay in the country, including Hong Kong, and that Mrs Mugabe enjoyed such privileges and immunities irrespective of whether the relevant act was performed in the exercise of official functions.</p>

Table 2 – Summary of local press reports on the alleged assault of two journalists by the bodyguards of the daughter of the President of the Republic of Zimbabwe

The incident
<p>On 13 February 2009, two Hong Kong-based journalists were allegedly attacked when they were on assignment for a newspaper investigating a report about the President of Zimbabwe owning a luxury property in Tai Po. The journalists were attacked by a man and a woman outside the house of Miss Bona Mugabe, daughter of the President of Zimbabwe. The house was Miss Mugabe's home while she was studying in Hong Kong. The journalists called the police and made a formal complaint of assault. The alleged attackers were questioned but not arrested. The alleged attackers were bodyguards looking after Miss Mugabe.</p>
Department of Justice's decision not to prosecute the bodyguards
<p>The police had referred the case to DoJ for advice in early March as to whether a prosecution should be brought. On 8 June 2009, DoJ decided not to prosecute the two bodyguards. A department spokeswoman said that the bodyguards "saw it as their duty to protect Miss Mugabe from any sort of danger, whether actual or perceived". <i>"In our review of the case, it became clear that the complainees [the bodyguards] were genuinely concerned for the safety of Miss Mugabe.... They appeared to have believed that they were acting properly in intercepting the complainants, who they considered to be trespassing, and who in fact had not registered at the guard post when entering the complex.... Miss Mugabe was about to leave the house in a two-car convoy with her security personnel when the complainants suddenly appeared at the scene, and the complainees were apprehensive for her safety in the circumstances which confronted them,"</i> the spokeswoman said. The Director of Public Prosecutions took outside advice from an expert senior counsel in deciding the case, and was advised that the case was "borderline or marginal".</p>
Concerns arising from the decision
<p>The decision had aroused concerns from legislators and the press. It raised concerns about press freedom and the rule of law. It was suggested that it would be in the public interest to put the case to court. The justification provided by DoJ that the bodyguards were genuinely concerned for Miss Mugabe's safety and that they were acting properly was an issue which would be best settled by the court.</p>

Table 2 – Summary of local press reports on the alleged assault of two journalists by the bodyguards of the daughter of the President of the Republic of Zimbabwe (cont'd)

Response from the Department of Justice
<p>The Director of Public Prosecutions asserted that basic prosecutorial standards must be fully respected in the debate over the decision. He explained that DoJ had examined all aspects of the case, including the versions of the bodyguards and the other witnesses at the scene. A very experienced senior counsel from the bar also considered the case and advised that it was "borderline", and that "the public interest did not require a prosecution".</p> <p>SJ also said that the decision was made after external advice that the case was borderline, and in all the circumstances, the public interest did not require a prosecution. Non-prosecution was the considered view not only of the senior counsel within the department, but also of the senior counsel at the bar.</p>
Questions raised by the journalists' lawyer
<p>The lawyer representing the two journalists was considering seeking a judicial review. He claimed that his clients immediately identified themselves as journalists, and neither of the alleged assailants at any stage expressed concern for the safety of Miss Mugabe, who was nowhere to be seen at the time of the incident. A tape recording taken by one of the journalists and handed to the police raised further questions over DoJ's decision. The bodyguards appeared from the tape to understand early on that the two were journalists, and seemed more intent upon taking their camera from them than from preventing any form of attack on Miss Mugabe.</p>
Work permit of the bodyguards
<p>On 20 June 2009, the <i>South China Morning Post</i> revealed that the two bodyguards were working in Hong Kong on tourist visas. They had neither work permits nor security personnel permits. The police had begun an investigation into whether they were working illegally. A DoJ spokeswoman confirmed the case but insisted that "their visa status would in no way have affected the decision not to prosecute them for assault".</p>

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References

1. Wisers Information Limited. (2009) *LegCo News Clipping Services*. From 18 January 2009 to 24 June 2009.