

# Zimbabwe legal action

Faith-based charity USPG is supporting the Anglican Church in Zimbabwe as it takes legal action to retain church property confiscated by an ex-communicated bishop.



*Bishop Chad Gandiya*

**Your donation to USPG will cover legal fees incurred by the Anglican Church in Zimbabwe in its campaign for justice.**

Any donations over the required amount will go towards USPG's general support for the work of Anglican Churches in Zimbabwe and around the world.

#### **Three ways to give:**

- Call 020 7921 2200.
- Send a cheque, payable to 'USPG' to USPG, Harling House, 47-51 Great Suffolk Street, London SE1 0BS. Write on the back of your cheque: 'Zimbabwe legal fund'.
- Make a donation online at [www.uspg.org.uk/donation\\_form.php](http://www.uspg.org.uk/donation_form.php)

**Please help USPG in our support for the Anglican Church in Zimbabwe which needs to undertake legal action to retain control of church property that is being held by an ex-communicated bishop.**

It is hard to imagine the persecution which priests and people are suffering in Zimbabwe – from people who call themselves Christians.

Dr Kunonga used to be bishop of the Anglican diocese of Harare, in Zimbabwe. In 2007 he left, and he and his followers were later ex-communicated by the Church of the Province of Central Africa (CPCA), of which Harare is a part. Kunonga set up a new church in Zimbabwe, called the Anglican Church of the Province of Zimbabwe, appointing himself as archbishop. Then he obtained a court order in 2008 which entitled him to share the church buildings with the legitimate Anglican Church, pending the resolution of legal disputes.

Since 2007, the legitimate Anglican Church in Zimbabwe (recognised by the Anglican Communion), which refers to itself as the Diocese of Harare (CPCA), has been under attack from Dr Kunonga. With the support of police and henchmen, he has seized church property and used violence to break up church services. In an interview with the New York Times, Dr Kunonga said his aim is take control of about 3,000 Anglican churches, schools, hospitals and other properties in Zimbabwe, Zambia, Botswana and Malawi.

#### **Persecution and violence**

There have been many instances of persecution and violence. Church members have been tear-gassed and hit; priests have been evicted from their homes and falsely imprisoned; intimidation has been used; care assistants have been evicted from orphanages leaving orphans without proper care.

Because of his closeness to the Mugabe regime, Dr Kunonga has obtained the assistance of the police to evict clergy, teachers and medical personnel from churches, schools and medical centres. The police, without an authorising court order, have assisted and managed to arrest a number of legitimate occupants.

#### **The situation today**

The legitimate church has repeatedly appealed in the courts against unfair and illegal action, but there has been a lot of delay.

The Archbishop of Canterbury and some African Archbishops visited Harare in late 2011. They reaffirmed their support for the current Bishop of Harare, Chad Gandiya, and visited President Mugabe to provide him with a dossier of

Registered charity number 234518



**Anglicans in  
World Mission**

To fund this vital work, contact our Supporter Care team

**020 7921 2200**

[enquiries@uspg.org.uk](mailto:enquiries@uspg.org.uk)

## CHRONOLOGY

- Until September 2007: Dr Kunonga was Bishop of Harare in the Church of the Province of Central Africa (CPCA).
- 21 September 2007: Kunonga writes to CPCA withdrawing himself and the Diocese of Harare from CPCA.
- 16 October 2007: CPCA tells Dr Kunonga that CPCA laws (Canons) do not allow the Diocese of Harare to sever its links with the CPCA in this manner.
- 20 December 2007: An Extraordinary Episcopal Synod unanimously resolves that Kunonga has ceased to be the Bishop of the Diocese of Harare and his licence is revoked. The meeting appoints Bishop Bakare as Interim Bishop of the Diocese of Harare until a new bishop is elected.
- 12 January 2008: Kunonga announces the formation of his own church, the Province of Zimbabwe.
- 12 May 2008: Kunonga is ex-communicated from the Anglican Church, together with his followers.
- February 2009: Council of Anglican Provinces in Africa (CAPA) announces they do not recognise Kunonga, and his counterpart Elson Jakazi from Manicaland, as bishops within the Anglican Communion and calls for the full restoration of Anglican property within Zimbabwe to CPCA.
- 26 July 2009: Dr Chad Nicholas Gandiya becomes Bishop of Harare.

### USPG: Anglicans in World Mission

Harling House  
47-51 Great Suffolk Street  
London SE1 0BS

Tel: 020 7921 2200  
Email: [enquiries@uspg.org.uk](mailto:enquiries@uspg.org.uk)  
[www.uspg.org.uk](http://www.uspg.org.uk)



Registered charity number 234518

incidents of violence and oppression which the diocese has suffered at the hands of Dr Kunonga, his supporters and the police.

At last, the appeals which the Diocese of Harare has been making to the Supreme Court of Zimbabwe will soon be heard. Scheduled for the middle of 2012, the Chief Justice of Zimbabwe will hear all the appeals in connection with the issue of control of church buildings, which include churches, vicarages, schools and medical centres.

The cost of all legal actions which the Diocese of Harare (CPCA) has had to take so far has been borne by the Diocese itself. Now, further costs are being incurred for the appeal, and funds are desperately needed to ensure that the best lawyers are instructed.

*'The Diocese of Harare (CPCA) is a legal church organisation in Zimbabwe whose operations are above board. Anyone who disturbs the activities of the Diocese of Harare (CPCA) is breaking the law.'*

*'Christians anywhere in Zimbabwe when they meet for worship or church business do not need to be sanctioned by the police. You only need to look at the number of congregations throughout Zimbabwe who meet under trees to worship. They do not need police to give them permission to gather.'*

*'Any police officer who demands any of our congregations to be sanctioned by them or Kunonga is simply abusing his/her authority, breaking the law and infringing on the constitutional rights of the people of Zimbabwe to assembly, association, expression and worship.'*

*The Rt Revd Chad Gandiya, Bishop of Harare, Zimbabwe*

## The legal actions: case by case

**Since 2007**, Dr Kunonga and his followers have asserted their right to use the buildings belonging to the Diocese of Harare (CPCA).

**19 January 2008:** Justice Rita Makarau (HC345/08) ruled that Kunonga and his followers should share the church premises with the CPCA, with the former conducting their services first before the latter conducts their services, 90 minutes later.

**24 July 2009:** In Case Number HC4327/09, High Court of Zimbabwe judge, Justice Ben Hlatshwayo declared that Kunonga's supporters were the legitimate Board of Trustees for the Diocese of Harare. The ruling further affirmed that the property belonged to the Diocesan Trustees for the Diocese of Harare under Kunonga. Aggrieved by both judgments, the CPCA lodged an appeal with the Supreme Court of Zimbabwe on the same day, relying on the common rule of practice in the superior courts that an appeal suspends the decision appealed against. This approach paved the way for the consecration of Bishop Chad Gandiya.

**28 May 2010:** Justice Hlatshwayo summoned the CPCA and Kunonga's Province of Zimbabwe to his court chambers. At the meeting he claimed that he had dealt with the main dispute over properties, when he declared that Kunonga and his Trustees were the legitimate Board of Trustees for the Diocese of Harare on 24 July 2009. To him there was no need for a trial and the only outstanding issue was to who pays the costs of the litigation of 24 July and the main case that the CPCA wanted to proceed by way of trial.

**Current:** The CPCA has applied to the Supreme Court (SC130/2010) to have the appeal which was dismissed by Justice Malaba, reinstated and be argued on its merits than being dismissed on technical grounds, bringing three cases involving the Anglican dispute at the Supreme Court. The third is an appeal which was lodged by the Province of Zimbabwe against Justice Hungwe's ruling that Kunonga did not have the locus standi to claim the ownership of the property of Harare Diocese.

Please donate as much as you can afford. Your support will encourage the Anglican Church in Zimbabwe and will help see justice done.