

**IN THE CONSTITUTIONAL COURT OF ZIMBABWE
HELD AT HARARE**

CASE NO. CCZ 47/25

In the matter between:

MOREPRECISION MUZADZI

And

PARDON GAMBAKWE

And

PRESIDENT EMMERSON D MNANGAGWA

And

SPEAKER OF PARLIAMENT

And

MINISTER OF JUSTICE

And

ZIMBABWE ELECTORAL COMMISSION

And

ZIMBABWE HUMAN RIGHTS COMMISSION

And

ATTORNEY GENERAL



1st APPLICANT

2ND APPLICANT

1ST RESPONDENT

2ND RESPONDENT

3RD RESPONDENT

4TH RESPONDENT

5TH RESPONDENT

6TH RESPONDENT

1st, 3rd AND 6TH RESPONDENTS' NOTICE OF OPPOSITION

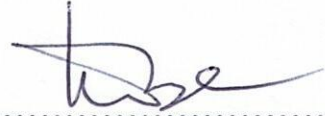
TAKE NOTICE THAT the 1st, 3rd and 6th Respondents intent to oppose the Court Application for leave of direct access to the Constitutional Court on the grounds set out in the affidavit(s) and documents annexed hereto and that their address for service is specified below.

The Court Application was served on the Respondents on the 12th of November 2025.

DATED AT HARARE THIS

26th

DAY OF NOVEMBER 2025



.....
**CIVIL DIVISION OF THE
ATTORNEY GENERAL'S OFFICE**

1st, 3rd and 6TH Respondents'
Legal Practitioners
3rd Floor, New Govt. Complex
Cnr Samora Machel/4th Street
HARARE (4/PRES/246/MC/km)
mchimombe@yahoo.co.uk
0712 514 423

TO: **THE REGISTRAR**
Constitutional Court of Zimbabwe
HARARE

And

TO: **MOREPRECISION MUZADZI**
1st Applicant
38 Somerset Eastlea
HARARE

And

TO: **PARDON GAMBAKWE**
2nd Applicant
38 Somerset Eastlea
HARARE

And

TO: **SPEAKER OF PARLIAMENT**
2nd Respondent
New Parliament Building
Mt Hampden
HARARE

And

TO: **ZIMBABWE ELECTORAL COMMISSION**

4TH Respondent

Mahachi Quantum

1 Nelson Mandela Avenue

HARARE

And

TO: **ZIMBABWE HUMAN RIGHTS COMMISSION**

5TH Respondent

144 Samora Machel Avenue

HARARE

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1ST RESPONDENT

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2ND RESPONDENT

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MINISTER OF JUSTICE

3RD RESPONDENT

And

ZIMBABWE ELECTORAL COMMISSION

4TH RESPONDENT

And

ZIMBABWE HUMAN RIGHTS COMMISSION

5TH RESPONDENT

And

ATTORNEY GENERAL

6TH RESPONDENT

1st, 3rd AND 6TH RESPONDENTS' OPPOSING AFFIDAVIT

I, the undersigned VIRGINIA MABIZA, do hereby make oath and state that:-

1. I am the Attorney General of Zimbabwe and I have been cited as the 6th Respondent in this matter. I depose to this affidavit on my own behalf and I have also been authorized by the 1st and 3rd Respondents to depose to this affidavit on their behalf.
2. The matters of fact which I depose to herein are true to the best of my knowledge and belief.

3. I have read and understood the founding affidavit of the Applicant and wish to respond as follow: -
4. Applicants allege that 1st Respondent's political party adopted a resolution which effectively seeks to extend the 1st Respondents' term of office. Such an extension, Applicants allege, will violate Applicants' political rights enshrined in Chapter 4 of the Constitution.
5. To be granted direct access, Applicants have to meet the requirements set out in both the Constitution and the Constitutional Court Rules.
6. Rule 26 (4) of the Constitutional Court Rules sets out the requirements for an application of this matter. In the instant case, Applicants have failed to meet those requirements particularly how it is in the interest of justice that direct access be granted. It is not enough for Applicants to simply cite the provisions of section 67 of the Constitution.
7. Further the Applicants do not address the issue of potential disputes of facts and how such maybe resolved. This is pertinent considering the allegations by the Applicants that the resolution was made by a political party which they have not cited and is not before the Court.
8. Rule 26 (9) of the Constitutional Court Rules further sets out the factors to be taken into account in deciding whether it is in the interest of justice that direct access be granted.
9. In the instant case, the Applicants have not addressed the issue of prospects of success of the intended substantive application.

To start with, the attached draft of the substantive application is fatally defective. Applicants intend to bring the main application in terms of section 67 of the Constitution. Section 67 of the Constitution deals with political rights and does not entitle a person to approach this Court seeking redress for alleged violation of rights.

10. Further the matter is not yet ripe for adjudication. The resolution has not been given legal effect to nor has the legal process begun to make the resolution have the force of law through a constitutional amendment.

The intended main application therefore has no realistic chance of succeeding. It is based on speculation and conjecture. It is not yet certain whether the constitutional amendments are going to be effected and if they are, which provisions are to be amended and how the amendments are going to be implemented. This Honorable Court is therefore being asked to determine the constitutionality of a resolution made by a political party.

11. It is also a requirement in terms of Rule 26 that Applicants indicate whether or not the matter can be decided without the calling of evidence. Applicants in the present case have not bothered to engage with that requirement. Further, Applicants have alternative remedies in the event that their issue is considered to be ripe for adjudication, they can approach the High court for the relief they seek.

12. In view of the above, it is therefore not in the interests of justice that leave for direct access be granted to the Applicants.

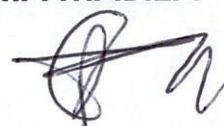
Wherefore 1st, 3rd and 6th Respondents pray for the dismissal of this application.

Thus done and sworn to at Harare this 26th day of **November 2025**.

Signed


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VIRGINIA MABIZA


.....

Before me

DANASHE CHIBANDA
(LLBS UZ)
LEGAL PRACTITIONER
CONVEYANCER
NOTARY PUBLIC
COMMISSIONER OF OATHS

COMMISSIONER OF OATHS