# Zimbabwean gay couple faces imprisonment under sodomy law



Two Zimbabwean men, Tavimbanashe Chawatama, aged 28, and Leonard Nyakudya, aged 25, are facing up to a year in prison after being charged under the country's sodomy law. The charges were brought by the National Prosecuting Authority (NPA), and the men appeared in the Harare Magistrates’ Court earlier this month.

According to authorities, Chawatama and Nyakudya began a relationship in August of the previous year and subsequently cohabitated, documenting aspects of their relationship, including intimate moments. An incident on 27th August, involving accusations of infidelity, led to an altercation between the two. As one of the men prepared to leave their shared residence, he was accused of theft, prompting police intervention.

While at the police station to file reports, during which the initial incident was disclosed, details of their relationship and living arrangements emerged. This inadvertent revelation resulted in their arrest on charges of sodomy under Section 73 (i) of Zimbabwe’s penal code. This law states that any male who, with the consent of another male, engages in anal sexual intercourse or any other indecent act is guilty of sodomy and faces up to one year of imprisonment, a fine ranging up to level 14, or both.

After their court appearance, Chawatama and Nyakudya were granted bail set at $50 each, with their sentencing anticipated later this month.

LGBTQ+ advocacy organisations in Zimbabwe have expressed outrage at the handling of the case. HQ Collective ZW, a local advocacy group, has criticised the NPA for what it describes as discriminatory treatment, highlighting that the police neglected the original complaint regarding the alleged theft.

An HQ Collective ZW spokesperson stated, “The issue that was reported and the issue that they are being prosecuted for is a direct reflection of how the LGBTQ+ community in Zimbabwe is stripped of its human rights. It's unjust and unfair.”

Adding to the criticism, another advocacy group, Pakasipiti, underscored the broader context of LGBTQ+ discrimination in Zimbabwe. A representative from Pakasipiti commented, “When the human rights discourse is juxtaposed with developmental agendas it loses its luster. We see the far-reaching effects of discrimination from entities such as religious groups and anti-rights groups purporting to protect the family.”

The representative went on to state that marginalised groups, particularly LGBTQ+ individuals, face the challenge of having to prove their humanness repeatedly. "Queer people, more so, LBQ (lesbian, bisexual, queer) women have the burden of proving their humanness twice, if not thrice, to other women too.”

While the existence and struggles of the LGBTQ+ community in Zimbabwe are recognised, the hostility towards this group renders many activists and members of the community vulnerable. Despite the lack of specific legislation targeting LGBTQ individuals, there is significant support among some politicians and religious leaders for such laws.