



PRESS STATEMENT

FRIENDS OF SMM (FOSMM)

7 JUNE 2021

FOSMM Announces the Appointment of MR. FRED MUTANDA AS CHAIRMAN

"This is a significant moment in the history of our organization. We are deeply grateful to Mr Mutanda as a businessman and for the role he played as a freedom fighter, and for his vision, dedication, and passion in shaping and defining the personality of many impactful institutions in Africa," said Mr Tapuwa Chitambo, Secretary General of FOSMM.

"Equally, I am excited for what the future holds under Mr Mutanda's leadership. Mutanda brings a wealth of nonprofit and for-profit success and strategic vision to our organization, which will be critical to our ability to scale and meet the demand for active citizenship in Zimbabwe."

Harare, Zimbabwe. FOSMM announced today the election and appointment of Mr. Mutanda as its Chairman.

He is a Zimbabwean entrepreneur and a war veteran.

During the liberation war he was part of the Zimbabwe African People's Union military wing Zimbabwe People's Revolutionary Army (ZPRA).

After independence he served as the chairman of ZPRA 's finance and projects committee.

In 2011, he was part of the former ZPRA combatants that met with Perence Shiri complaining about the serious marginalisation of their members despite the signing of the Unity Accord in 1987.



On 21 September 2016, his landmark application for the imposition of bond notes to be declared unconstitutional was accepted by the High Court of Zimbabwe.

In this pathfinding application, he listed the Reserve Bank of Zimbabwe and its Governor Dr John Mangudya as first and second respondents.

He also listed Stanbic Bank Limited and the Attorney General as third and fourth respondents respectively.

In November 2016, the High Court reserved judgment. Judge President, Mr. Justice George Chiweshe said he wanted to go through submissions made by the parties.

On May 11 2021, he joined the Young Lawyers Association of Zimbabwe in suing the Judicial Service Commission, Luke Malaba and the Attorney General after President Emmerson Mnangagwa extended the Chief Justice's term by five years.

On 15 May 2021, the High Court ruled that a term limit extension cannot benefit an incumbent, and Malaba had therefore ceased to be Chief Justice and a judge when he reached the age of 70 on the same day.

It is significant to highlight that his farm was invaded as punishment for his court application challenging the purported extension of Luke Malaba's term as Chief Justice past the retirement age of 70.

He and his alleged accomplice Justin Majaka faced charges of fraud involving more than US\$26 million by the state.

They were accused of illegally exporting Caps Pharmaceuticals intellectual property rights to Caps International Johannesburg.

According to the State, sometime in August 2011, he instructed Majaka to apply to the Medicine Control Authority of Zimbabwe (MCAZ), for a change of principal for 50 drug formulae (dossiers) from Caps Rallies, Harare to Caps International, Johannesburg.

The State boldly and falsely alleged that in October 2011, MCAZ registered the 50 dossiers with Caps International South Africa as the



new principal and owners, the effect of which ownership of the drug formulae shifted from Zimbabwe to South Africa.

It was the State 'case that the alleged exportation of the drug formulae which are classified under intellectual property rights or patents had no approval of the Exchange Control Authority, the Reserve Bank of Zimbabwe.

In 2013, he made a Constitutional Court application after arguing his constitutional right to a fair trial within in a reasonable time had been infringed upon.

Magistrate Noel Mupeiwa dismissed the application on the basis that it was frivolous and vexatious.

In 2010, he wrote to the then President Mugabe and Prime-Minister Tsvangirai requesting for ZPRA properties seized by government in 1982.

After a Con-Court application in 2015, he had discussions with the late former President about being divested from CAPS.

The former President then told him that in early 2012 when Cabinet discussed about CAPS, Tsvangirai, Tendai Biti, Elton Mangoma and Mai Mujuru urged Cabinet to take CAPS from him.

It is against this background that the MDC supporters were evicted from his Winray Estates farm.

In February 2011, he appeared in court for resisting a government order to vacate the very same farm. The farm had been allocated to Andrew Maringa, a former senior official in the President's Office.

"Ms. Yvonne Mwamba, a member of the FOSMM board said: "I am excited to serve under the stewardship and leadership of Mr. Mutanda in helping to raise awareness about the role of active citizenship in improving corporate literacy and the role of the rule of law in driving the agenda of caring and just governments in Africa using facts as weapons for change."

Mr. Mutanda said: "It is indeed an honour and privilege to be elected to this position. I will do my best to live up to the promise of FOSMM. As an



experienced corporate player, I am alive to the reality that no shared understanding exists in our societies on the role and power that corporate institutions can and do play in economic growth and development. My personal experiences will no doubt be useful in shaping and defining the personality and character of FOSMM. Watch the space."

About FOSMM

FOSMM is a duly registered trust in terms of the laws of Zimbabwe.

It is a non-profit association of members who share a common interest in raising awareness and literacy about the facts and circumstances leading to the demise of SMM Holdings Private Limited, hereinafter referred to as "SMM", and promote constitutionalism and the rule of law as possible avenues to address the triple challenges of poverty, unemployment and inequality.

It was established to support human and property rights cases, advice on constitutional advocacy, capacity building in human rights and the rule of law issues in Zimbabwe with particular emphasis on the SMM matter.

In pursuance of its aims, it conducts research and engages in advocacy, training, and capacity building aimed at promoting and protecting the rule of law, respect for human and property rights in Zimbabwe.

It focuses its activities of educating, informing and enriching the complex interplay between the respect of the rule of law and prosperity.

The institution is engaged in massive awareness-raising campaigns relating to the impact of factual and legal matrixes in relation to the affairs of SMM before and after its extra-judicial placement under the control of an Administrator.

After more than 17 years of the company operating under the control of the Administrator, the two asbestos mines have ceased to operate causing serious economic and financial problems for former employees



of SMM and the community that directly and indirectly depended on the company.

In the public advocacy arena, it uses social media to promote its agenda of good citizenship and knowledge sharing about what matters to all forward leaning people.

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