



19 March 2013

The African commission finds the Government of Zimbabwe in violation of the African Charter on Human rights

The Zimbabwe Human Rights NGO Forum (the Forum) welcomes the decision by the African Commission on Human and Peoples' Rights (the African Commission) against the Government of Zimbabwe in relation to violations of her human rights obligations under the African Charter on Human and Peoples' Rights (the African Charter). In particular the Government of Zimbabwe was found in violation of Articles 1 and 4 of the African Charter by failing to protect its citizens from extra judicial killings as well as affording effective redress to the bereaved families. The African Commission recommended that the Government of Zimbabwe "undertake law reform to bring domestic laws on compensation in cases of wrongful killings into conformity with the African Charter and other international standards, especially in respect to effective and satisfactory compensation.... ;and to pay compensatory damages to the legal heirs and next of kin of the four deceased persons"

The decision which was recently communicated to the Forum, was adopted in May 2012 and endorsed by the AU Executive Council in January 2013 following a complaint filed before the Commission by the Forum over the wrongful deaths in the hands of state agencies, of Batanai Hadzizi, Never Chitsenga, Beaven Kazingachire and Lameck Chemvura. The four, who were killed on separate occasions between January and November 2001, were victims of excesses by the security agents. In brief, the circumstances of the four deceased were as follows;

- i. Beavan Tatenda Kazingachire was driving with his parents in Chitungwiza on the 10th of January 2001, when four plain clothes police officers driving in an unmarked vehicle pounced on them. The said officers, without any warning, fired shots directly at the Kazingachire vehicle thereby killing the 6-year-old Beavan who was in the back seat.
- ii. The 17-year-old Munyaradzi Never Chitsenga who was a motor mechanic, was shot and killed by police officers again in Chitungwiza on 14 March 2001. On the fateful day, the late Munyaradzi was test - driving a vehicle that had been brought for repairs when the police officers pulled him over and shot him in the head at point blank range.

- iii. Lameck Chemvura was a disabled second year University of Zimbabwe student and was travelling by train from Harare to Mutare on 25 November 2001 when six army officers on board approached him. The army officers upon discovering that the deceased was a University of Zimbabwe student started assaulting him with clenched fists, kicking him randomly all over the body, strangling him and pressing him against the floor until he died. The army officers in full view of the other passengers pulled his body and threw it out through the window of the moving train. He was 23 years old.
- iv. Batanai Hadzizi, was fatally assaulted by police officers on 9 April 2001 during some disturbances at the University of Zimbabwe where he was a student. The late Batanai was only 21 years old when he was murdered.

In all the cases, the bereaved families did not receive adequate support from the state, no bereavement compensation was paid to the deceased's estates and no prosecutions have been made so far save for Chemvura and Batanai's cases where the responsible officers were arrested and charged with murder. However, there are no updates as to the progress of the prosecution.

This prompted the Forum to file the complaint on behalf of the deceased's families in 2004 citing violation by the Government of Zimbabwe of its obligations under the African Charter.

The decision by the Commission confirms and vindicates the concerns by the Forum and other civil society groups over the years on the excesses by state security agencies and their wanton disregard to the sacredness of human life.

The Forum applauds the Commission on these findings, and urges the government of Zimbabwe to honor its obligations under the African Charter and provide due and adequate compensation to the families of the deceased.

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