



Zimbabwe
HUMAN RIGHTS
NGO Forum

**Quarterly Political and Human Rights
Violations Report - January to March 2019**

By the Zimbabwe Human Rights NGO Forum

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Acronyms

OVT	Organized Violence and Torture
ZANU PF	Zimbabwe African National Union – Patriotic Front
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police
MDP	Malicious Damage to Property
MDC-A	Movement for Democratic Change - Alliance
CIO	Central Intelligence Officers
ZLHR	Zimbabwe Lawyers for Human Rights
ZPP	Zimbabwe Peace Project
MISA	Media Institute for Southern Africa

Executive Summary

The first quarter of the year was a landmark time in the Zimbabwean history. The masses were on the streets and so was the state machinery in the full force of the Zimbabwe National Army (ZNA) armed with live ammunition and the Zimbabwe Republic Police (ZRP) with the full rage of dogs in a crackdown on protestors. The furore was not a caricature of reality on the ground but a real manifestation of the ingrained anger the people of Zimbabwe were breeding as a result of years of holding on in fruitless hope that economic woes would end. Pregnant with disillusionment from the Government, fuelled by the pronouncement by the President Emmerson Mnangagwa on the 12th of January 2019 that there would be over 200 percent increase in fuel, the human instinct of the citizenry was propelled to give birth to expression through protests. The protests escalated to violence when some individuals went on a rampant spree looting from shops, burning tyres and putting boulders in the streets.

Against this back drop, the Government deployed the ZRP and the ZNA to deal with the protests which were widespread in major cities in Zimbabwe with Harare and Bulawayo being the hot spots. These state agents descended on communities assaulting people, torturing, shooting and killing some while the dragnet approach saw many arrested for being found in the proximity of the places of protest. 17 people died including a police officer who was a victim of retaliation of the masses. The situation continued up until the 5th of February 2019.

The social media was a hive of activity with members of the public taking pictures and posting the on-going atrocities at the instance of the state. To thwart this unfettered liberty, the Government unpacked its next onslaught by interfering with the free flow of online communication and access to information as well as trumping internet freedoms. Through MISA and Zimbabwe Lawyers for Human Rights who took the matter to court, the internet was eventually restored after a few days of Zimbabweans being shut down from accessing the world. February and March where more or less follow on attacks that saw the Government descend on Lawyers, Doctors and Human Rights Defenders who took the time to bring the truth out on the atrocities in the days of darkness.

In the first quarter, the Zimbabwe National Army and the Zimbabwe Republic Police were at the realm of terrorising communities through arbitrary arrests, sexual violence and extra-judicial killings among other violations. This was an unexpected turn of events following the Mothlante Commission Report¹ which was released in December 2018 discussing the deployment of soldiers on the streets of Harare on August 1, 2018 which resulted in shootings on citizens. One would think that the Government would think twice before deploying the army into communities as a lesson learnt from the effects of the August 1 events which resulted in the extra judicial killings of 6 people.

¹Report of the Commission of Inquiry into the 1st of August 2018 Post-Election Violence (called report of the Mothlante Commission herein)

*The Forum through its members documented over 1800 cases as reported in **On the Days of Darkness in Zimbabwe**² and presented the gruesome nature of violations to the African Union, the African Commission and the 40th session of the United Nations Human Rights Council. These reports brought to the fore cases of undue process witnessed through arbitrary arrests and malicious prosecutions that spared no one. Pregnant women and children were part of the massive dragnet arrests and fast tracked through trials. The Government targeted key human rights organisations such as the Zimbabwe Lawyers for Human Rights (ZLHR) and Zimbabwe Association of Doctors for Human Rights (ZADHR) wishing no one would care for the state of human rights in Zimbabwe. The Forum through the meritorious work of its members like the Counselling Services Unit (CSU), Zimbabwe Peace Project (ZPP), Zimbabwe Human Rights Association (ZimRights) and ZADHR continued to document violations and coordinate the human rights agenda in Zimbabwe.*

In this report the following trends and characteristics were noted on the incidents reported to the Forum and its member and partner organisations:

- *The Zimbabwe Republic Police and Zimbabwe National Army were the main perpetrators of attacks on human rights.*
- *There was a prevalence of attacks on ordinary citizens.*
- *The violation on media freedoms was real.*
- *The violations were in mostly in Harare, Bulawayo and other cities and towns.*

² <http://www.hrforumzim.org/wp-content/uploads/2019/02/Shutdown-Atrocities-Report-6-February-2019.pdf>

Introduction to the First Quarter:

The guns must be crazy!

The Zimbabwe Human Rights NGO Forum began the first quarter of 2019 with hundreds of cases to verify and document due to the highest number of violations of human rights experienced in the space of a few days in 2019. The Forum through its members documented 2010 cases of human rights violations in the first quarter. 1837 cases were reported in January, 68 cases in February and 105 cases documented in March 2019. The cases were predominantly on organised violence and torture. The information in this report is derived from verified reports from the Forum Members, Media Reports and the Zimbabwe Human Rights Commission. This information is not exhaustive of human rights violations but presents a documented picture of the state of human rights in Zimbabwe between January and March 2019.

Forms of Abuse

The First Quarter witnessed human rights violations in the form of arbitrary arrests and detention, undue process, extra-judicial killings, violation of freedom of expression, torture and assault of civilians by the ZNA and ZRP. The quarter was also characterised by hundreds of lawyers in Harare demonstrating and calling for due process. Cyclone Idai struck in March and rendered many homeless while hundreds died in areas like Chimanimani and Mozambique. Zimbabweans stood in solidarity donating to the cause of the victims despite their own challenges. This is the humanity that we need not guns being fired on citizens in economic distress.

The following notes should be put into consideration when reading this report:

- *Human rights violations contained in this report are derived from statements made to the Forum's Public Interest Unit, its members and partner organisations. Reference is also made to press reports.*
- *The identities of victims whose names have not been published in the press and are not public officials are protected. This is done in order to protect the victim from further violence, intimidation and possible reprisals.*
- *One incident may contain multiple cases.*
- *The Report cannot be considered as the exhaustive record of all incidents of politically-motivated violence in Zimbabwe in the period under review.*

Section 1: Civil and Political Rights

The right to life

Since time immemorial, the right to life is the most jealously guarded right. Taking away human life is the most acrimonious of gross human rights violations. Section 48 of the Constitution of Zimbabwe Amendment (No.20) assures that every person has the right to life. Extra-judicial killings are the killing of someone/others without following legal justice

system, law and constitution. This is the unsanctioned killing of humans by security agents such as the police and the army. Sadly, the first quarter was characterised by 16 extra-judicial killings plus 2 other deaths. The Zimbabwe Human Rights Commission released their report entitled - *Monitoring Report in the Aftermath of the 14th of January to 16 January 2019 'Stay Away 'and Subsequent Disturbances* report³. They reported the death of Tinashe Choto who was killed by the police during the ZimShutDown period.

The following is an outline of the profile of deaths;

Victim 1: TN, a male adult aged 36 was killed having gone to a neighbour's place. His wife was in her home cooking when the incident occurred. His wife heard that a police officer called Mutisi from Mbare Police Station was the one who shot her husband. The deceased is survived by his wife and son. His death certificate shows that he died from a gunshot injury in the neck on 14 January 2019.

Victim 2: ES, a male adult aged 27 died from a gunshot on 14 January 2019. ES was shot when he went outside his home to try and assist a child who was struggling to breathe from the teargas sprayed by the police. He was shot under his chest on the left side and pronounced dead upon reaching the police station. It is alleged that a report was made to the police regarding his death. The deceased is survived by his pregnant wife and a daughter.

Victim 3: SN, a male adult was shot by a ZRP officer whilst checking if everything was ok at his small shop in Marondera. His post mortem report was done at Parirenyatwa, Hospital. He is survived by two minor children.

Victim 4: EZ, a 26 year old female died as a result of being shot 14 January 2019. She was shot in the head while covering the #ZimShutDown protests. She was buried in Marondera.

Victim 5: EM, a male adult aged 25 was shot by a police officer from the back while trying to assist a child suffocating from tear gas on 14 January 2019.

Victim 6: ND, a male adult aged 24 was allegedly shot by a police officer in plain clothes.

Victim 7: CC, a male adult aged 22 was shot near Makoni on 14 January 2019 by soldiers who were moving from house to house doing searches.

Victim 8: TM, a male adult aged 19 was shot by a soldier and certified dead at 20.37 hours on 14 January 2019 in Kadoma.

Victim 9: TM, a male adult was shot on the forehead in Glenview, Harare.

Victim 10: TB, a male adult aged 27 was shot on the leg by soldiers on 5 January 2019 following clashes between protesting citizens and anti-riot police. The victim later died on 30 January 2019.

³ *Monitoring Report in the Aftermath of the 14th of January to 16 January 2019 'Stay Away 'and Subsequent Disturbances* -Zimbabwe Human Rights Commission

Victim 11: IOM, a male adult aged 34 died in Harare from being shot by the ZNA on 23 January 2019.

Victim 12: KR, a male adult aged 22 died in Mbare after being assaulted by soldiers on 27 January 2019

Victim 13: TN, a 53 year old female died in Harare when she was run down by a military tanker on 14 January 2019

Victim 14: TM a male adult aged 29 was shot in Kuwadzana and died on the street on the 14th of January 2019.

Victim 15: MC, a male student from University of Zimbabwe died in Harare and details under verification.

Victim 16: NS, a male aged 29 was assaulted and tortured by the ZNA and died on 1 February 2019.

The 2 other victims below were killed by the protestors;





Victim 1: AM, a policeman aged 32 was killed in Bulawayo by protestors.

Victim 2: TN, a male adult aged 39 was killed in Harare by protestors.



Figure1: Extra-Judicial Killings Geographical Representation

Key

-  Kadoma- 1 Victim
-  Harare- 12 victims
-  Marondera- 2 Victims
-  Mutare- 1 victim

The right to security of person

Direct Violence -Assault

Section 89 of the Criminal Law Codification and Reform Act defines assault as *a type of conduct, whereby a person interferes with the physical bodily integrity of another, realizing that there is a real risk or possibility of harming the other person. It includes the hitting of a person with or without an object such as a stick, belt, whip, barbed wire etc. It also includes the kicking or head butting of a person.* Other forms of assault include stabbing, verbal assault and forced consumption (forcing an individual to overeat or eat something poisonous or taboo). The Forum received a total of reports of assault. The assault was in the form of gunshots and dog bites mainly with the use of baton sticks and butts of guns being the tools of inflicting harm. 744 cases of assault were documented with 81 of these being gunshot attacks. Some of the reports are as follows;

- On 15 January, uniformed police officers assaulted client with baton sticks on her back and buttocks for about 5minutes at her place of residence and forced her to roll in flowing sewage.
- On 15 January, client was ordered by ZNA officers to remove burning tyres from the street with his bare hands and smear hot ash on his face.
- On 15 January, client witnessed people running away from soldiers and was told to get inside the house. As she entered, she tried peeping through the door to see how her granddaughter was being assaulted by army officers. One of them saw her and hit the door injuring her mouth causing her front tooth to shake
- The client was coming from picking his young brother from school. Whilst he was crossing the road, he saw a mob running towards his direction, then heard gunshots and he felt a sudden excruciating pain in his right thigh. He had been hit by a bullet.
- The client was cut by a glass after police and army were firing live ammunition into the shop, he was taking cover, they also threw teargas. A bullet grazed through his right hand.
- On 10 March, EM was assaulted by ZANU PF supporters after her husband refused to wear a ZANU PF t-shirt. It is also alleged that the ZANU PF supporters threatened to burn the victim's hut.

Enforced or Involuntary Disappearances

The first quarter of 2019 was characterised by enforced or involuntary disappearances of citizens. *The arrest, detention, abduction or any other forms of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a*

person outside the protection of the law refers to enforced disappearances as provided for in the *Declaration on the Protection of all Persons from Enforced Disappearance*.⁴

The *Constitution of Zimbabwe Amendment (No.20)* provides in section 56 that all persons have the right to equal protection of the law. This makes it incumbent on the Government to ensure that all persons are able to access the protection of the law. During the First Quarter of the year, over cases of abductions were recorded. Some of the cases were as follows;

- On 16 January 2019, RJ was abducted by state security agents at Progress shopping centre in ward 12 Bindura North. He was assaulted and then taken away. He had been condemning the president for a failed economy.
- On 17 January, JN was abducted from his residential place in Chitungwiza. The circumstances are that 6 men, 2 of which were wearing army uniforms seized the victim from his place of residence in a white pick-up truck. His current whereabouts are unknown

Rape or Sexual Violence

Section 52 of the Constitution clearly protects the right to personal security which includes bodily and psychological integrity. Every person has the right to freedom from all forms of violence. The Criminal (Codification and Reform) Act Chapter 9:23 states in section 69 *that if a male person knowingly has sexual intercourse or anal sexual intercourse with a female person and, at the time of the intercourse the female person has not consented to it; and he knows that she has not consented to it or realises that there is a real risk or possibility that she may not have consented to it; he shall be guilty of rape and liable to imprisonment for life or any shorter period.* The Forum received reports of 38 cases of sexual violence in the first quarter. Women suffered at the hands of the ZNA which was the chief perpetrator of this violation to personal security. Some of the violations are reported below;

- On 15 January, M was raped by 2 soldiers in front of her two kids aged 23 and 11.
- On 17 January, JS was raped by a man wearing an army uniform after she had gone to visit her son who dislocated a leg during an assault by soldiers. It is alleged that the victim was asked about her son's whereabouts and she professed ignorance. At that point one of the 5 men wearing army uniforms and masked took off the victim's clothes and raped her in an ordeal that lasted between 10 to 15 minutes.
- On the 20th of January 6 men in army uniform arrived at client's home and raped her. The client told the soldiers that she was HIV positive and the 2 soldiers continued to rape the client one after the other
- The client had an 11 year old boy in the house when soldiers came to the house. They then kicked the son and when he woke up they realised he was young and they told him he could sleep. They then asked who the client was with on the bed and she informed them that it was her daughter. They instructed them to both wake up. They were only wearing tights. One of the soldiers called out to the other saying "*Mbada ndovakadzi vawanga uchitsvaka ka ava*" (meaning - Mbada, these are the women you

⁴ Adopted by General Assembly resolution 47/133 of 18 December 1992

were looking for.) One of them then called the 23 year old daughter to move from the bed. She complied and stood by the bedside. They asked her to bend over. The client realised that they were going to rape her daughter and she could not let them. She then told them that her daughter was very sick and on ARV's showing them the tablets which were actually for the client as she is living with HIV. The client was then raped by 2 soldiers one after the other without protection. She did not report for fear of victimisation.

Harassment and intimidation

Harassment is unwanted annoying behaviour that manifests in the form of demand or threats.⁵ This harassment may translate to torture or violations of the security of person endangering fundamental freedoms. The harassment and threats of violence are also characteristic of political violence. Incidents of harassment were high in the second quarter. According to consolidated statistics from the Forum, ZimRights and ZPP, there were 35 cases of harassment and intimidation. The majority of cases of intimidation are reported under the 586 cases of torture experienced in the first quarter. The following are illustrations of documented cases and its member and partner organisations during the period. Some notable examples include:

- On 05 February 4 unknown men in a white quantum informed client to go with them because he was being sought after by the police on allegations of being one of the protesters. Client walked with them for a few metres before he ran away.
- On 15 January, a uniformed ZNA officer armed with a gun and stick called the client on his way home after escorting his friend. Client was aware that soldiers were assaulting people and attempted to run away. The soldier caught up with him when he fell in an open pit resulting in dislocation of his right ankle.

Freedom from Torture or cruel, inhuman and degrading treatment or punishment

The *Convention against Torture (CAT)*⁶ defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed; such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.

Section 53 of the Constitution guarantees freedom from torture, cruel, inhuman or degrading treatment or punishment. While this is so, the Government has not ratified the CAT. Ratification would mean that Zimbabwe takes a further and meaningful step to come up with legislation specific to prohibition of torture. This will benefit the ordinary citizen by not only criminalising the acts of torture, but also providing penal provisions for the perpetrators of this violation to be caught by the arms of the law and brought to book. 586 cases reported

⁵ <https://www.collinsdictionary.com/dictionary/english/harassment>

⁶ Article 1 of the Convention against Torture and other cruel, inhuman and degrading treatment or punishment.

under assault were inclusive of torture in the first quarter. Some of the cases reported on torture were as follows;

- Around 2400hrs Police and soldiers smashed doors at client's residence and took him and his brothers out. They were bitten by dogs canned with sticks and button sticks. They were made to roll on the tarred road for more than 50metres and bled profusely.
- Client was assaulted on 14 January around 2300hrs with open hands and bitten by police dogs on left calf. He sustained a painful blocked left ear and ulcer on left calf and perforation on left ear drum.
- Client was 8 months pregnant. She sustained bruises all over the body and swollen forearms following assault by soldiers.
- Client sustained soft tissue injuries to the buttocks and back after being assaulted by soldiers who had broken into their house.

The right to personal liberty

The right not be deprived of liberty arbitrarily is in protection of personal liberty which accrues by virtue of being human⁷. Arbitrary arrest or detention is the arrest or detention of an individual in a case in which there is no likelihood or evidence that they committed a crime against legal statute, or in which there has been no proper due process of law. 944 cases of arbitrary arrests were documented. Reports were received from ZLHR and other members. The following were some of the cases reported in the first quarter;

- On 28 February 2019, MDC Alliance Legislator, Charlton Hwende was arbitrarily arrested at the Robert Mugabe International airport on his way from Namibia. He was accused of subverting a constitutionally elected Government.
- On 2 March, Joana Mamombe, Member of Parliament for Harare West was arrested in Nyanga whilst attending a workshop. The victim was accused of organising January protests and she was charged with subverting a constitutionally elected Government.



Figure 1: Pastor Evan Mawarire arrested on 16 January 2019 for calling for a peaceful stay away protest⁸.

⁷ Section 49 of the Constitution of Zimbabwe Amendment(No.20)

⁸ <https://news.pindula.co.zw/2019/01/16/pastor-evan-mawarire-arrested-following-shutdownzimbabwe-protest/>

Property rights

The right to property is protected in section 71 of the Constitution. The state security agents went on to steal property belonging to citizens in some reports which constitutes a violation of their property rights. Some citizens violated criminal law by burning down state property which is malicious damage to property in terms of the Criminal Law Codification and Reform Act Chapter 9:23. Some of the cases of citizens committing criminal offences were as follows;

- Protestors destroyed a wall and forced themselves into the police station where they burnt two vehicles. The police then fired teargas dispersing the angry mob.
- Masvingo Skyline tollgate was set on fire by protesters



Figure 2: Masvingo tollgate damaged by protestors in January 2019⁹.

Respect for civil liberties

This section covers freedom of assembly and association; freedom of assembly and association; freedom to demonstrate and petition; freedom of conscience; and freedom of expression and freedom of the media. These rights are all constitutionally guaranteed in sections 58, 59, 60 and 61 respectively. Although these rights are constitutionally provided, the law limits the exercise of these freedoms in the “interest of defence, public safety, public order, state economic interests, public morality, and public health.”

Violation of freedom of expression and freedom of the media

Freedom of expression and that of the media are both important freedoms provided for in Section 61 of the Constitution. The rights include seeking, receiving and communicating ideas and other information. The freedom of the media includes protection of confidentiality of journalists’ sources of information. The nation- wide protests witnessed an onslaught on journalists who were either assaulted or arrested while conducting their lawful and constitutionally protected responsibility of reporting. The Government through the Minister of State shut down internet¹⁰ from the 15th of January 2019. MISA and ZLHR put up a good

⁹ <https://www.mysimbabwe.co.zw/videos-pics/39028-mnangagwa-fuel-protest-masvingo-road-tollgate-set-ablaze-see-pic.html>

¹⁰ <https://www.theindependent.co.zw/2019/01/18/legality-of-zims-internet-shutdown/>

fight¹¹. The High Court ruled on the 21st of January 2019 that the shutting down of the internet was illegal. A total of 16 victims were either assaulted arrested and detained during the period while social media platforms like Whatsapp, Facebook and Twitter were briefly interrupted. MISA recorded the following cases of violations of freedom of the media during the quarter.

DATE	NAME OF JOURNALIST	MEDIA HOUSE	VIOLATION	PERPETRATOR
9 January 2019	Costa Nkomo	263 Chat	Physical Assault	ZRP
14 January 2019	Zenzele Ndebele	CITE	Verbal Intimidation	ZRP
14 January 2019	Abigail Khupe	CITE	Tear gassed	ZRP
14 January 2019	Lulu Brenda Harris	CITE	Tear gassed	ZRP
14 January 2019	Mqondisi Nzipho	Freelance	Temporarily Detained	ZRP
14 January 2019	John Cassim	Freelance	Harassed	Crowd
16 January 2019	Unnamed driver 1	Daily News	Physical Assault	ZNA
16 January 2019	Unnamed driver 2	Daily News	Physical Assault	ZNA
16 January 2019	Unnamed driver 3	Daily News	Physical Assault	ZNA
18	Aldrian	eNCA	Deported	Government

¹¹ <http://www.hrforumzim.org/press-releases/high-court-sets-aside-internet-shut-down-directives/>

January 2019	Sampear			
18 January 2019	Linge Ndabambi	eNCA	Deportation	Government
11 February 2019	Journalists	Various	Verbal Intimidation	Remigio Matangira, MP Bindura South (ZANU PF)
17 February 2019	Panashe Makufa	Mail and Telegraph	Physical Assault	Municipal Police
23 February 2019	Tafara Chikumira	ZBC	Harassment	MDC Alliance Security Personnel
23 February 2019	Maggie Gonyeti	ZBC	Harassment	MDC Alliance Security Personnel
23 February 2019	Zenzele Ndebele	CITE	Detention	
5 April 2019	Lovejoy Mtongwiza and 263 Chat	263 Chat	Tear gas Assault	ZRP and Municipal Police

Political violence in the first quarter

The MDC party was rocked with intra party violence as pressure mounted towards the elective National Congress to be held in May 2019. The Zimbabwe Peace Project condemned the violence which included the assault of MDC Chitungwiza provincial youth Chairperson Jabulani Mthunzi, who is also a councillor for Zengeza East ward 15¹². This was a result of tension with Zengeza East legislator Goodrich Chimbaira. Jabulani Mthunzi was then attacked by party youths.

Section 2: Economic, Social and Cultural rights

The Constitution has a broad human rights matrix with new entitlements that include the right to health, education, clean and safe water, food, language and culture, labour rights,

¹² <https://news.pindula.co.zw/2019/04/13/full-text-zimbabwe-peace-project-condemns-mdc-intra-party-violence/>

environmental rights and trade or occupation. These rights are progressively realized over time.

a. The right to education

The right to education is recognised in domestic, regional and international human rights instruments to which Zimbabwe is a State party. The Constitution provides for the right to education for all citizens and permanent residents, and calls for State resources to be made available in order to fulfil this right¹³. Further the State must take reasonable legislative and other measures within the limits of resources available to make the right to education progressively realized. The Convention on the Rights of the Child¹⁴, to which Zimbabwe is a State Party, emphasises the need for young persons to reach the highest level of education of which they are capable. However, school heads disregarded the right to education by sending pupils away over non-payment of fees and levies. It is illegal for schools to chase school children away from classrooms over outstanding school fees. Parents should however not ride on that legal provision to avoid paying fees. One case of the violation of the right to education was reported as follows;

- In January 2019, CS was denied access to her Ordinary Level results by the Headmaster due to non-payment of fees in violation of her right to education.

b. The right to food

The right to sufficient food is guaranteed in section 77 (b) of the Constitution. It is the prerogative of the Government to ensure that its citizens have access to sufficient food regarded for full enjoyment of all other rights. In times of natural disasters such as Cyclone Idai which hit Zimbabwe in March 2019, hundreds died and left many in need of basic amenities of life such as food, shelter and healthcare. The Government received food aid which it was meant to distribute on non-partisan grounds. ZimRights, ZPP and the Forum documented at least 5 cases of partisan distribution of food. Sadly, politics did not take a rest as food aid was politicised. Some of the cases are reported below;

- On 15 March, MDC Alliance supporters were denied food aid by ZANU PF supporters in ward 9 Chimanimani East at Chigwegwe Creche by the local Councilor affiliated to Zanu PF.
- ZANU PF official in Chimanimani East, Nokuthula Matsikenyerere, was accused of distributing food aid along partisan lines to survivors of Cyclone Idai. Accusations were levelled against ZANU PF party officials for politicising the disaster relief donated by the United Nations International Children's Emergency Fund (UNICEF).

c. Violation of the right to health

The right to health is jealously guarded by section 76 of the Constitution which provides for the right to access to basic health care. In March senior doctors went on strike and openly

¹³ Section 75 of the Constitution of Zimbabwe Amendment (No. 20).

¹⁴ See Article 28 - <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

bemoaned the working conditions in the Government hospitals¹⁵. They put out a plea on state of affairs in hospitals as they were failing to give any meaningful service to those in need of emergency health care or with chronic illness¹⁶. The Government has a duty to avail access to basic healthcare and just having a facility with no medical supplies to treat sick people is denial of the right.

d. Freedom from arbitrary eviction

In terms of the Constitution¹⁷, no person may be evicted from their home, or have their home demolished without an order of the court made after consideration of all the relevant circumstances. ZPP reported that on 13 March 414 families were forcefully evicted in Kadoma while almost 200 people were evicted from Twinland, Deseree and Roonie and Bunnie farms in Chakari on 23rd of March 2019.

Violations at a glance

At least 2010 cases of human rights violations were reported by the Forum through its members. Most of the violations were experienced in January 2019 and spilled over into February and March 2019.

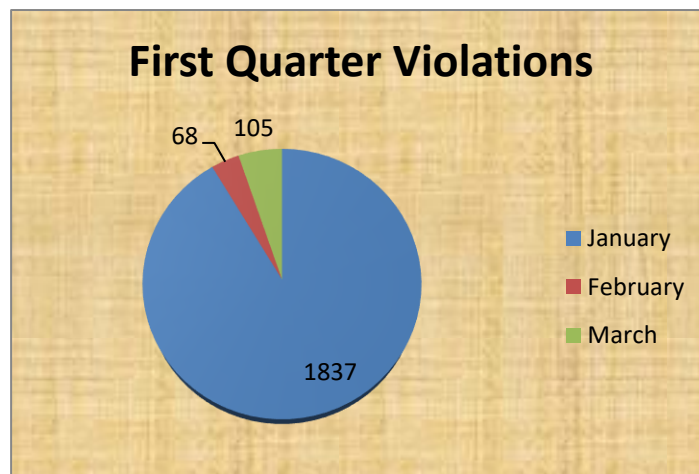


Figure 3: Statistics of collated violations of human rights.

Analysis of the first quarter

The nature of violations throughout the first quarter of 2019 was a sad systematic occurrence of gross human rights violations. The 861 cases received and reported by the Forum were of violence in the form of assaults and torture. The pattern of assaults at the hands of the ZNA was seen throughout the month of March 2019. Most of the cases reported in February and

¹⁵ <https://www.dailynews.co.zw/articles/2019/03/14/death-suffering-at-hospitals-doctor-weeps-in-front-of-health-minister>

¹⁶ <https://www.newsday.co.zw/2019/03/hospitals-now-death-zones-striking-doctors/>

¹⁷ Section 74 of the Constitution of Zimbabwe Amendment No.20.

March were a spill over from violations that occurred between 14 January and 5 February in 2019.

The use of rifle butts, gunshot assaults and beatings using the sjamboks and baton sticks was clearly a common trend of inhuman and degrading treatment of citizens. The methodology of the violence was an attack on human dignity of the victims. The use of intimidation was real and some victims were made to roll in sewage while some the butts of guns were used to conduct the assault. The ZNA were firing live ammunition and the ZRP using their dogs and guns as well. It was a time of madness. ZimShutDown period characterised by extra-judicial killings resembled the conduct of the army in the August 1 Shootings that occurred in 2018 in Zimbabwe presenting a pattern of violence. Below is a presentation of the month with the most violations in the first quarter.

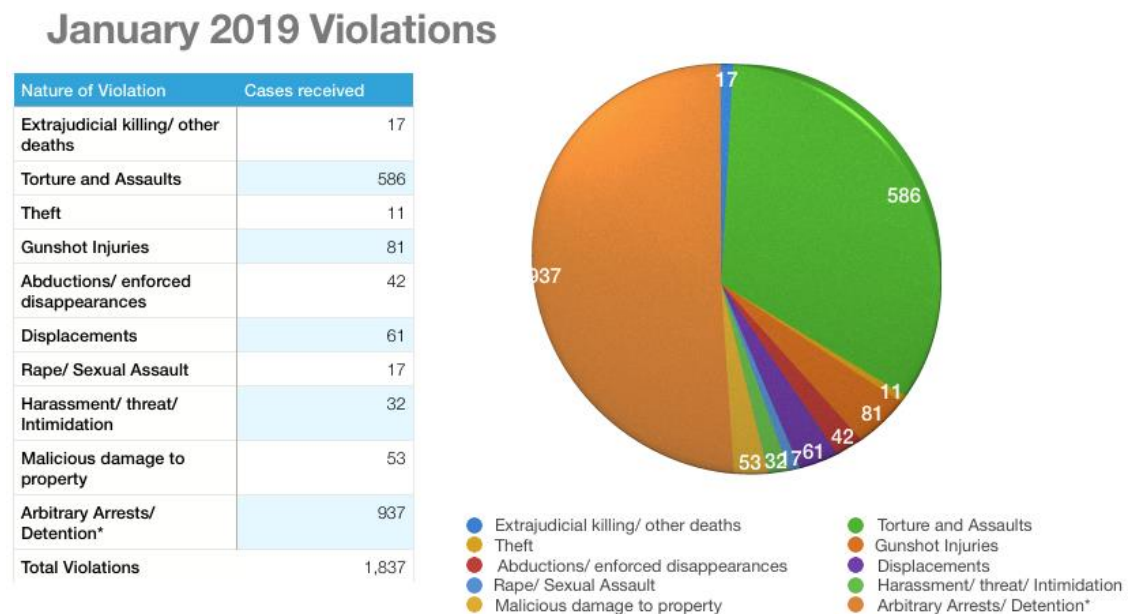


Figure 4: January Violations at a glance.

The Government sought to thwart the efforts of civil society organisations that were committed to assisting the citizens who were in need of assistance after being attacked by the state security agents. The District Administrator in Masvingo suspended the operations of Community Tolerance Reconciliation and Development Trust (CORTRAD) which ban was overturned by the High Court in March 2019¹⁸. The march by lawyers in February was in itself a statement that justice had grounded to a halt. The rule of law had become compromised with the fair trial rights at risk. The presumption of innocence was in real danger as bail was denied to anyone arrested for public violence during the January protests which are the majority of violations in the first quarter.

¹⁸ <https://www.zlhr.org.zw/?p=1692>

The Newsday reported threats by the President Emmerson Mnangagwa on lawyers and doctors who assisted the arbitrarily arrested and the injured¹⁹ in the ZimShutDown protests. In a society with state of the art founding values in the Constitution which speak of rule of law, respect for fundamental human rights and freedoms as well as supremacy of the Constitution, there is need for Government to be consistent with conduct of democratic societies. Such onslaught on fundamental freedoms is a blatant disregard for international best practices and must not recur.

Conclusion

The dark cloud of the first quarter ended with a false sense of peace as people continued to battle with a deteriorating economy. Most service providers were demanding the United States Dollars or the equivalent at the black market rate. For how long could the economic impasse continue? While victims of human rights violations continued to get legal, medical and psychosocial support from organisations like Counselling Services Unit and ZADHR, the entire citizenry was silently hoping for the economic situation to improve. The fuel price was not getting any better which was the catalyst to the eventful first quarter. The interrelatedness of human rights is demonstrable by the simple fact that a violation of socio-economic rights such as the right to food, health and education is a violation of civil and political rights such as the right to human dignity, life and equality. The Forum continued to exercise its mandate in a closing up space for civil society organisations.

¹⁹ <https://www.newsday.co.zw/2019/02/shock-as-ed-targets-rights-lawyers-doctors/>