



Zimbabwe
HUMAN RIGHTS
NGO Forum

**Quarterly Political and Human Rights
Violations Report – April to June 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
ZPP	Zimbabwe Peace Project
MISA	Media Institute of Southern Africa
ZLHR	Zimbabwe Lawyers for Human Rights
CSU	Counselling Services Unit
S.I	Statutory Instrument

Executive Summary

While the first quarter of 2019 was characterised by gross human rights violations such as extra-judicial killings, the second quarter of the year had a marked reduction in cases reported or witnessed through the media of human rights violations. The marked shift was because of the January 2019 ZimShutDown protests which were peculiar during the first quarter of the year in the sense of there being no major protests in the second quarter. The peculiarity of the protests in the first quarter is glaring from the nature of organised violence and nature of attacks. In the first quarter most violations were as a result of firearms being discharged on protestors while in the second quarter the guns had returned to the holsters. Arbitrary arrests and malicious prosecutions continued to be a permanent feature.

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. The second quarter was more stable with a subtle sense of peace which was charged with attacks on human rights defenders, political leaders and civil society members. The attacks were in the form of arbitrary arrests, malicious prosecutions and harassments. During the first quarter, civil society played a pivotal role in monitoring the human rights landscape.

*The Forum through its members reported over 1800 cases as reported in **On the Days of Darkness in Zimbabwe**¹ and presented the gruesome nature of violations to the African Union, the African Commission and the United Nations Human Rights Council. It is these reports that sparked a response from the Government and resulted in a shift in violations witnessed in the second quarter to arrest of human rights defenders for their association.*

The economy continued down a bottomless pit against skyrocketing exchange rates between the United States Dollars and the bond note. Service providers continued to demand the United States Dollars amidst the fixed salaries pegged in RTGS dollars. The citizenry did not expect that the Government was going to wake up on the 24th of June 2019 with a new Statutory Instrument that overhauled the monetary policy in the country in a way Zimbabweans felt was retrogressive. The Zimbabwe Dollar was back with immediate effect and no one was left untouched. Private businesses and civil society organisations were plunged into panic over the implications of reverting back to one currency after the multi-currency system in Zimbabwe introduced in 2009 had cushioned many and given a sense of security to the masses.

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, Zimbabwe National Army, CIOs and ZANU PF supporters were the main perpetrators of attacks on human rights.*
- *There was a prevalence of attacks on civil society leaders, human rights defenders and political figures*
- *The violation on media freedoms was on-going*

¹ <http://www.hrforumzim.org/wp-content/uploads/2019/02/Shutdown-Atrocities-Report-6-February-2019.pdf>

Introduction

The Zimbabwe Human Rights NGO Forum consistently monitors the human rights environment in Zimbabwe analysing the trends in order to continue its mandate of coordinating the human rights agenda in Zimbabwe. Through its members, the Forum collates and verifies human rights violations and designs advocacy strategies in order to promote a culture of human rights for all. The information in this report is derived from verified media reports, information from members of the Forum, civil society reports, information reported to the Forum Public Interest Unit (PIU) and the monitoring platform in the Forum Research Unit. This information is not exhaustive of human rights violations but presents a documented picture of the state of human rights in Zimbabwe between April and June 2019.

Forms of Abuse

The reports documented in April 2019 were of assault, torture, abduction, malicious damage to property, partisan distribution of food and arbitrary arrests. The highest number of reported cases was noted under assault with the key perpetrator being the ZNA. The victims of Cyclone Idai continued in need of assistance in the form of food, shelter and psychosocial support. In May, assaults, harassments, intimidation, threats of violence, abduction and displacements were the most violations reported. The highest number of reported cases was noted under harassments and threats of violence with the key perpetrators being the ZANU PF and CIOs. During the month of June 2019, the notorious reports were of assaults, abduction allegations, partisan distribution of food, intra-party violence, threats, torture, intimidation and harassments.

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 personal security

Every person has the right to bodily and psychological integrity which includes freedom from all forms of violence from public or private sources². This means assaults, intimidation,

² Section 52 of the Constitution of Zimbabwe Amendment (N0.20) hereinafter referred to as the Constitution.

threats of violence and abductions amongst other violations are a violation of personal security.

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 alone received a total of over 53 reports of assault through its members like Zimbabwe Peace Project. Some of the reports are as follows;

- On 16 May, ZANU PF Councillor, and 2 ZANU PF supporters assaulted a ZRP Officer in Chinhoyi ward 10.
- An unidentified motorist was assaulted by a police officer for allegedly obstructing the presidential motorcade. Video evidence shows the officer smashing the driver's side of the victim's vehicle before assaulting him.

Enforced or Involuntary Disappearances

The second quarter of 2019 was characterised by enforced or involuntary disappearances of human rights defenders. *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*.³

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 Second Quarter of the year, over 5 cases of abductions were recorded. Some of the cases were as follows;

- On 5 April, at around 1800hrs, the victim was forcefully picked up from his place of residence in Guruve by CIO officers. The victim was taken to CIO headquarters in Guruve where he was assaulted and questioned about his participation in the protests and the ARTUZ demonstration. The victim was assaulted with open hands and booted feet.
- On Saturday 27 April 2019 about ten suspected state security agents in plain clothes illegally forced their way into a private property without a search warrant and forced four teachers into two unmarked vehicles and gathered up all workshop materials which were placed in a third vehicle (white Toyota Rav 4 reg number ADL 7066).

³ Adopted by General Assembly resolution 47/133 of 18 December 1992

The abductors are suspected to be from the Central Intelligence Organisation or the Military Intelligence.

- On 23 June, the victim and two other members of MDC Alliance were abducted by suspected government secret agents at Chachacha business centre in Shurugwi. The suspected state agents refused to identify themselves. The 3 were dumped after questioning about the newly elected MDC structures. The three are well known party activists in the area.
- On the 6th of June 2019 the President for Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), Obert Masaraure was abducted from his home, taken into some bush by suspected State Security agents and beaten up. The perpetrators were armed with guns.
- On Saturday 27 April 2019 about ten suspected state security agents in plain clothes illegally forced their way into a private property without a search warrant and forced four teachers into two unmarked vehicles and gathered up all workshop materials which were placed in a third vehicle (white Toyota Rav 4 reg number ADL 7066). The abductors are suspected to be from the Central Intelligence Organisation or the Military Intelligence.

Harassment and intimidation

Harassment is unwanted annoying behaviour that manifests in the form of demand or threats. Incidents of harassment were high in the second quarter. According to consolidated statistics from the Forum, ZimRights and ZPP, there were 360 incidents of harassment and intimidation. The following are illustrations of documented cases and its member and partner organisations during the period. Some notable examples include:

- On 19 April, ZRP Officers visited the victim's homestead in Chivi South ward 26 where they threatened to burn his house if he did not avail himself. The Police officers forced their way into the victim's house and confiscated money amounting to R7000 and took photos of the victim. They also threatened the victim's wife with assault.
- On 19 January, the victim received threats from well-known ZANU PF supporters and CIO operatives in Guruve. The victim was accused of mobilising protestors on behalf of the MDC. The victim was threatened with death and destruction of his house. The victim has since left the country and is in hiding.
- On 15 May Chief Ndiweni was harassed and threatened by 6 men who identified themselves as ZANU PF youths in Bulawayo CBD. It is alleged that the 6 men accused the victim of supporting MDC Alliance and that he should surrender his government issued Isuzu truck to them. It is further alleged that the victim was accused of being a sell out and he was threatened with assault.
- On 21 May 2019, the victim was harassed and intimidated by 3 men suspected to be CIO operatives in Gwanda. The victim who is a Teacher and affiliated with ARTUZ

was questioned about his participation in a demonstration organised by ARTUZ in January. He was threatened and cautioned not to participate in future demonstrations

Torture and other cruel, inhuman or degrading treatment or punishment

The *Convention against Torture (CAT)*⁴ 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”.

The Constitution in section 53 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. The Forum commemorated International Day in Solidarity with Victims of Torture on 29 June in Entumbane and called on Government to ratify CAT. The Forum with Media Monitors, ZimRights and ZPP jointly stood in solidarity with the victims of torture. Some of the cases reported were as follows;

- On 17 January, the victim was abducted by suspected state agents in Guruve. The Victim was accused of participating and organising the protests since he is an MDC Alliance member. It is alleged that the victim was assaulted with blunt objects that he could not identify before being dumped at Guruve hotel.
- On 6 June 2019 Obert Masaraure, President of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ), was abducted at midnight by unknown assailants believed to be state security agents.⁵

Arbitrary arrest or detention

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. The following cases were reported;

- On 27 April, ARTUZ Board member, Doug Coltart, was called to report to Harare Central and charged.
- On 20 May 2019, the victim and 4 other human rights defenders were arbitrarily arrested at Robert Mugabe Airport. They were accused of plotting to overthrow the government through training they received in a workshop attended in Maldives.
- On 30 March, the victim was harassed and threatened by suspected state security agents for organising a demonstration against low wages. The victim who is the leader of

⁴ Article 1 of the Convention against Torture and other cruel, inhuman and degrading treatment or punishment.

⁵ <http://kubatana.net/2019/06/06/rtuz-president-abducted-and-tortured-over-teachers-strike/>

ARTUZ alleged that he is receiving phone calls from unidentified people threatening him to stop organising demonstrations against the Government.

- On 11 May a male vendor was shot by police during vendor raids in Harare Central Business District around Robert Mugabe Way and 4th Street. Police details were reportedly clearing the area of vendors retaliated by throwing stones and police then fired live bullets at the mob. A vendor was shot on the back and sustained serious injuries⁶.

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 assembly, expression and association

Freedom of assembly and association is safeguarded in section 58 (1) of the Constitution and 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. Some of the cases reported by MISA were as follows.

DATE	NAME OF JOURNALIST	OF MEDIA HOUSE	VIOLATION	PERPRTRATOR
5 April 2019	Lovejoy Mtongwiza	263 Chat	Teargas Assault	ZRP and Municipal Police
11 April 2019	Sydney Saize	Voice of America (VOA)	Unlawful Detention	The Military and the Police
4 June 2019	Harugumi Mutasa	Al Jazeera	Censored from Filming	Unknown
6 June 2019	Nunurai Jena	Voice of America (VOA)	Unlawful Detention	ZRP

Civil Society members have the right to associate with others. George Makoni aged 38, an Advocacy Officer for Centre for Community Development in Zimbabwe -Tatenda Mombeyarara aged 37, Co-ordinator for lobby group Citizens Manifesto - Gamuchirai Mukura aged 31, Executive Director of Community Tolerance Reconciliation and Development (COTRAD) - Nyasha Mpahlo aged 35, Farirai Gumbonzvanda a girls' rights activist and community volunteer with the Rozaria Memorial Trust, Stabile Dewa of Women's Academy for Leadership and Political Excellence and Director of the Female Prisoners Support Trust Dr Rita Nyamupinga were picked up at the airport between May 20

⁶ Reported in the ZPP Monthly Monitoring Report for May 2019.

to 27 on returning from a workshop in the Maldives. The workshop was hosted by the Centre for Applied Nonviolent Action and Strategies⁷.

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

a. 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. Furthermore, the traditional leaders ought to be apolitical⁸. Below are some of the cases recorded;

- On 24 June 2019, at Avila Mission ward 2 Nyanga North, village head for Chibvura Village, Alois Chibvura ordered that social welfare maize be given to those whom he had handpicked only. He indicated that the maize was a donation from ZANU PF Structures in Harare and should therefore only benefit ZANU PF supporters. Welfare.
- In Mutasa North Ward 10, Chief Nyamande demanded that food aid beneficiaries must pay RTGS\$0.50 in addition to transport costs that they have already been paying. Villagers were told that paying this fee would ensure they receive the aid.

b. The right to safe and clean water

The right to clean portable water is entrenched in section 77 of the Constitution. Water shortages were a common feature in the second quarter much more than in the first quarter owing to the electricity challenges that hit the country, worsening the access to water supplies. This was because in some areas electricity is required to pump water and channel it to households. Other causes of water challenges are a continuation of unaddressed service delivery issues in Harare. There were reports in June of cases of typhoid in Harare. As if the water woes in Harare were not enough, the Bulawayo City Council announced that it was going to shut down water supplies for about a week which was a terrible end to the first quarter. On 18 June there was a report in the Newsday on cases of Typhoid being possible. This was after some people fell ill and were being kept in isolation pending diagnosis.⁹

c. Freedom from arbitrary eviction

The In terms of the Constitution¹⁰, 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. On 16 May 2019, members of the John Marange Apostolic Church were left homeless after their homes were set ablaze during an eviction by the Sheriff of the High

⁷ Reported in the ZPP Monthly Monitoring Report for May 2019.

⁸ Section 281 of the Constitution of Zimbabwe Amendment (No.20)

⁹ <https://www.newsday.co.zw/2018/06/typhoid-scare-hits-harare-2/>

¹⁰ Section 74 of the Constitution.

Court. The evicted villagers, including children, spent the night in the open at a dumpsite, some 2km from Chivhu town.

Section 3: Analysis of the Second Quarter of 2019

At least 612 cases of were reported by the Forum through some of its members. May 2019 started off on a high rate of violence as intra party-violence was rampant. There was a high increase in violations in May 2019. This was the month when the MDC supporters elected Nelson Chamisa as the President of the MDC¹¹. Intra-party violence was prevalent within the MDC with some of the reported cases as below;

- On 19 May Febbie Zisengwe assaulted Amos Chibaya with an open hand during the MDC Alliance Chiredzi district congress at Chiredzi Town House. It is alleged that the victim was accused of plotting to rig the congress when Febbie Zisengwe assaulted him on the face.
- On 16 April 2019, Dennis Juni who was a nominee for the position of the Nation al Youth Chairperson position in the upcoming MDC Congress was assaulted by rival youth supporters opposed to his candidature.



Figure 1: Statistics of collated violations of human rights.

The second quarter had its landmark bombshell dropped by the Finance Minister who put an end to the multi-currency system on the 24th of June 2019. This meant that Zimbabwe was now pushing the agenda of its own currency despite not actually having the Zimbabwean dollar in tangible existence. To the common man, the question remained unanswered. What is money if it is not seen or felt with the sense of touch? This is what the masses wish for. Real money with buying power.

Sadly, the pronouncement saw the RTGS bond losing value against the United States Dollar. Prices of goods and commodities were on a sharp and swift increase like bread and sugar. The bread became scarce while the fuel now at over \$5 from the rounded figure of \$3 per litre

¹¹<https://www.newsday.co.zw/2019/05/latest-mdc-congress-results/>

charged in the first quarter continued to be accessible through queuing for hours on end. The salaries of ordinary citizens remained stagnant from back when bread was a \$1 and now at over \$4. With salaries in RTGS Dollar, now the intangible Zimbabwean Dollar, how will the masses survive the economic and political climate? The situation is dire and in need of a solution.

The MDC Alliance gave a press conference giving Government an ultimatum to improve the economic situation in Zimbabwe. Labour unions promised to withdraw their labour and the thread of patience was stretched to near snapping levels. The human rights forecast in the quarter is described as overcast with despondency and panic in the citizenry. Fears of 2008 reincarnation of shops being empty and local currency tumbling in a bottomless pit of inflation are real. Political tensions were increasingly brewing as the quarter ended with the return of the Zimbabwean Dollar.

Conclusion

The second quarter of the year was a mix of human rights violations and amplified the growing challenge in socio-economic rights. There is need for accountability from Government on service delivery to ensure citizens have water and access to health. The economic despondency ushered in by S.I 142 of 2019 did not ease the challenges of the citizenry. Food continued to be increasingly hard to put on the table for the masses which is an issue for Government to solve with expediency. Civil Society Organisations continued to discharge their mandate amidst the deliberate attacks meant to stifle meaningful service. The call remained for Government to open up civic space for civil society organisations to operate in full enjoyment of fundamental rights and freedoms.