I can't BEAR it anymore, says wife to detained Gwavavava

Child drops from school
Rental arrears mount

Gokwe ZANU-PF terror attack: Journalist recounts horror
Zim needs democratic, not authoritarian consolidation
I hope our August 2022 newsletter finds you well.

Since the 1 August 2018 military shootings of civilians in central Harare in the wake of post-electoral protests triggered by delays in the release of presidential results that claimed seven lives, the month of August has always evoked bad memories of the deteriorating human rights situation in the country.

August, often described as the Heroes month, is often associated with freaky accidents that have left many either dead or maimed. Many Zimbabweans, I have come to realise, dread the month.

But being hopeful, I thought time would heal the bad memories of the 1 August shootings. However, the increase of politically motivated violence across the country during this year’s August only served to demonstrate how wrong I was. The ever-increasing violence happening as the country edges towards the crunch 2023 polls is of major concern. This has given Zimbabweans every reason to be wary of the polls. The country is on the edge.

Since the beginning of August, several cases of violence, mainly by ZANU-PF supporters on opposition Citizen Coalition form Change (CCC) activists have been reported. While Mashonaland Central Province has recorded an increasing number of verified incidences of violence, our teams have recorded violence in almost every province where ZANU-PF is declaring the rural areas a no-go area for the opposition party led by Nelson Chamisa.

In Wedza, ZANU-PF supporters barricaded roads to block Chamisa from entering the district PF thugs. The same happened in Gokwe on 25 August where the ruling party branded vehicles blocked roads leading to Gokwe-Kabuyuni where Chamisa was supposed to address a rally ahead of a by-election.

Chamisa’s motorcade was attacked. Four journalists, Chelsea Mashayamombe, Pellagia Mpurwa, Tongai Mwenje and Toneo Rutsito, were also attacked at Gokwe Centre for filming a convoy of over 20 ZANU-PF branded vehicles going to block Chamisa. Mpurwa temporarily lost consciousness while Rutsito lost a tooth in the attack. Mwenje sustained an injury on his forehead. The scribes also lost their recording equipment and mobile phones. In view of this, we implore political players, especially ZANU-PF to respect the right to individual choice and freedom of assembly and association.

We have continued to note our concern on the Private Voluntary Organisation Amendment Bill, especially the amendments to the amendment. On 22 August, the Forum wrote to the Speaker of Parliament Jacob Mudenda expressing concern that the PVO Amendment Bill had undergone extensive changes without public consultations. On 1 August, we also issued a statement that highlighted that the proposed Bill, as amended, will have dire consequences of restricting civic space and access to humanitarian support services in Zimbabwe. Under the circumstances, we called for the withdrawal of the Bill, and the initiation of a comprehensive process of fresh consultations to be held with the public and the civic society.

The continued incarceration of Zengeza West MP Job Sikhala, Chitungwiza North MP Godfrey Sithole and 14 others accused of the June 14 Nyatsime violence has remained a worrying development. We reiterate that bail is a right of every person.

The road ahead is bumpy and as we approach the 2023 elections, I urge civic organisations to brace for more politically motivated arrests and prosecutions as well as the continued closure of democratic space.

Thank You

Dr Musa Kika
The Zimbabwe Human Rights NGO Forum director Musa Kika has said Zimbabwe urgently needs democratic, not authoritarian consolidation to end the human rights abuses and violence that is rocking the country ahead of the 2023 polls.

In his remarks on this year’s International Day of Democracy commemorated every year on 15 September, Kika said the promise of democracy remains elusive in the country.

“This year, Zimbabwe marked 42 years of self-rule, so as we take stock of democracy in Zimbabwe, we are looking at how far we have gone in the 42 years to better the lives of the people,” Kika said.

“What democracy does is, it should give people a promise, a promise that should manifest in better livelihoods for the people in tangible ways, the social and economic well-being as well as economic freedoms.

“Zimbabwe today, regrettably, 42 years later, we can not stand proudly and proclaim to ourselves and the world that we have done the best that democracy has delivered to the people of Zimbabwe.”

Kika added: “Today as we speak, our people are in economic challenges, today, unemployment is rife, and basic amenities are hard to come by such as electricity, water, livelihoods, social protection, and social welfare.

“As we speak, the State of politics in Zimbabwe is highly polarised and toxic. As we speak, we are encountering use of the law, weaponization of the law, abuse, and misuse of the law to persecute political opponents and activists.”

The Zimbabwean government has been accused of using lawfare, among other strategies to silence dissenting voices. Several opposition supporters and human rights activists arrested on trumped-up charges have been subjected to long pre-trial detention.

Kika said: “As we speak, critics of the government, the status quo, civil society, the media, opposition politics, and individual Zimbabweans in their private capacity, are being persecuted before the court.

“We are seeing the unusual where individuals are being denied the right to bail. Individuals are enjoying lengthy pre-trial incarceration. As we speak, we have two members of the Parliament of Zimbabwe who has been in prison for over 90 days. That is not democracy, that is not the promise of democracy.”

Zengeza West MP Job Sikhala and Chitungwiza North MP Godfrey Sithole have been in remand prison since June 14 and denied bail on four occasions by both the High Court and the Harare Magistrate’s Courts.

“Regrettably, we are witnessing authoritarian consolidation of power in Zimbabwe. So far, Zimbabwe has amended its constitution, and we have tonnes of laws that are coming to claw back what the constitution provides,” Musa said.
He added: “As we speak, we have the Private Voluntary Organisation (PVO) Amendment Bill which is speaking to shrink the space in which the civil society organisations must do their work.

“What is a democratic society without a functioning civic society? What do we year is democratic, not authoritarian consolidation?”

In a statement to mark the International Day of Peace commemorated every 21 September, the National Transitional Justice Working Group (NTJWG) said the country was yet to realise peace as human rights abuses and violence persist ahead of the 2023 polls.

“The fear of a violent 2023 general poll is apparent,” part of the statement read.

“A few months ahead of the plebiscite, the country has recorded many violent cases where political parties and State agents have been identified as the main perpetrators,”

The NTJWG implored political leaders to encourage their supporters to remain peaceful ahead of the elections.

ZIYAMBI ZIYAMBI FACES CONTEMPT OF COURT CHARGES

The Zimbabwe Human Rights NGO Forum has filed an application for contempt of court against Justice minister Ziyambi Ziyambi and Attorney-General Prince Machaya for failing to comply with a court ruling ordering them to craft a code of conduct for vice presidents and ministers within 45 days.

The Forum has made the application on behalf of Ezekiel Gutu University Nyasha Chiramba who wants Ziyambi and Machaya to be detained for 30 days for failing to comply with the order made by the High Court in June or until they purge their contempt.

The duo is still to respond.

Ziyambi and Machaya defied a court order directing them to submit a draft Bill governing the code of conduct of senior government officials to the Cabinet for consideration.

In a court order issued by the High Court under case number HC1342/21 the minister and AG were given 45 days from June 8, 2022, to do so, but failed to.

Upon noticing that the court order was ignored, the Forum, representing Chiramba, filed an urgent chamber application seeking to have the two jailed for contempt of court.

“The applicant was granted an order by this court on case number HC 1342/21 compelling the two to submit to the Cabinet for consideration the Bill envisaged by section 106 (3) of the Constitution of Zimbabwe within 45 days from June 8, 2022. “

“The said respondents were aware of that order. Despite knowledge of the existence of the said court order, 45 days have since lapsed and the respondents have wilfully neglected to comply with that order,” the Forum submitted.
Hypocrisy by politicians from across the political divide is stoking a rise in politically motivated violence in the country ahead of the 2023 general elections, police spokesperson Assistant Paul Nyathi said.

Nyathi made the remarks during a reflective meeting on peace and elections in Zimbabwe organised by the Zimbabwe Council of Churches in collaboration with the National Transitional Justice Working Group (NTJWG) in Harare on 23 September.

The indaba aimed to affirm the church’s commitment to multi-party democracy in Zimbabwe, drive an agenda for peace and build a conducive environment for peaceful 2023 elections.

The meeting also aimed to set foundations for political parties to abide by the Electoral Code of Conduct for Political Parties, candidates and other stakeholders and commit to the peace pledge.

Nyathi was responding to concerns by participants over partisan policing, the breakdown of relationships between the police and the public and unprofessional conduct by the police, among others, as part of the reasons why the country was experiencing a rise in human rights violations.

Advocate Wilbert Mandinde, the NTJWG programmes coordinator said he has a feeling that people no longer reported violations to the police because they were afraid of being turned into accused persons.

Nyathi told lies from political leaders that were causing acrimonious relationships between the police and the people. He said people are always angry when they meet police officers.

“Some politicians lie, for example, a politician wanted to hold a rally in a building in Bulawayo,” Nyathi said.

“His gathering was cleared by the police, but the property owner did not want it. The politician later addressed the gathering and claimed he had been denied by the police.”

There has been an unprecedented rise in politically motivated cases since the by-elections of 26 March 2022. The Zimbabwe Peace Project, a member of the Zimbabwe Human Rights NGO Forum, has singled out ZANU-PF as the major perpetrator, but the least arrested.

Nyathi said police will now seek confirmation from property owners before clearing gatherings.

The police have always been accused of blocking gatherings by opposition political parties and pro-democracy groups. Ahead of the March 26 by-elections, four gatherings by the Citizens Coalition for Change (CCC) were banned by the police. Police also refused to sanction protests by the Crisis in Zimbabwe Coalition in July.

He said they also have challenges where groups rush to the same venue and in such circumstances, one who registers first will be given the green light.

“We want the church to assist, politicians say different things, preach peace during but during the night sending people to fight rivals and use hate language. Our politicians lie” Nyathi said.

“Politicians, please unite people so that you make the work of the police easier. You use hate speech, when you are made to account for your work, you play the victim.

“Is it that when you address people you always must be confrontational? We want mature politics, talk about peace and what you want to do to the people, not incite violence. I want to challenge the churches. There is also violence in churches, fighting for positions. We are no longer doing our work as police because we will be presiding over disputes by churches. Even lawyers who know the law, also fight for positions in churches."

He said it was difficult to talk of peaceful elections in 2023 when people were inciting violence over social media. Even in Parliament, he said, MPs use hate language against each other and that triggers violence. He maintained that the police force was for the people and the law.

ZCC secretary-general Reverent Kenneth Mtata said it was possible to achieve a non-violent 2023 election if stakeholders worked together. He said Zimbabwe has a history of violence which needs to be addressed for the country to depart from the culture of violence.

Continued on next page
Ian Makone, the CCC head of elections challenged the police to be non-partisan. He said his party will next month release a document with its proposed electoral reforms.

“CCC will issue its document on election reforms. Among the seven key points that we mention in that document are the security of the voter and the security of the vote, all of which are undermined by violence on our land.”

Participants also called on churches to desist from composing songs denigrating some political leaders as that could be a cause of violence.

MDC-Alliance secretary for Defence, Solomon Sox Chikowere said his party was advocating for an inclusive dialogue aimed to end the violence.

ZANU-PF, ZEC and the National Peace and Reconciliation Commission were among those invited but did not turn up for the meeting. The Zimbabwe Media Commission, the Human Rights Commission, and the Gender Commission attended the meeting where only two political parties, CCC and MDC-A showed up.

I CAN’T BEAR IT ANYMORE, SAYS WIFE TO DETAINED GWAVAVA

...child drops from school
...rental arrears mount

Losing a child a month before the arrest of her husband and breadwinner, Ephrage Gwavava has just been too much for Prudence Marwodzi (29).

To make things worse, the father of five has been sick in remand prison and has been unable to see for a couple of days to diabetic-related complications.

Consecutive stressing events have forced Marwodzi into taking hypertension drugs at the tender age of 29.

“This is just too much, I can take it anymore,” said the distraught Marwodzi.

“I had just lost a child a month before Ephrage’s arrest. He is the breadwinner and the children have been expelled from school. One who was supposed to write Grade 7 is at home, we failed to raise money for him to register for the examinations and he dropped out.

“We now have two months of rental arrears, and our landlord is threatening to evict us. Life is at a standstill and what is more painful is, he is not guilty of any charge, this is political persecution.”

Marwodzi said Ephrage was self-employed, running a Toyota Wish vehicle that he used as a passenger vehicle to raise money to look after the family.

“Because soon after his arrest, we were tipped that ZANU-PF supporters wanted to destroy the car, a relative has taken it for safekeeping,” she said.

On September 24, he was reported sick and admitted to a hospital in the remand prison.

He had lost sight to diabetics and had been unable to see for three days.

“That was traumatising, for all the years we had been together, we didn’t know that he was diabetic, it emerged while in remand prison and everyone is pained. I am living a very difficult life,” Marwodzi said.

“He can now see but his health is failing. He is still in the hospital.

Gwavava was arrested on 2 August and charged with public violence in connection with the violence that rocked Nyatsime on 14 June 2022 at the memorial of the late Moreblessing Ali, an opposition Citizen for Coalition for Change (CCC) supporter.

Sixteen, including MPs Job Sikhala and Godfrey Sithole, have been arrested and denied bail. Sikhala and Sithole have been in remand prison for over three months.

Gwavava, and the other 13 whose cases were joined into one, have been denied bail. They are represented by Noble Chinhanu, of the Zimbabwe Human Rights lawyers.

On 16 September, there was a flash demonstration at C Junction, Chitungwizab people demanding the immediate release of Sikhala, Sithole and the 14 Nyatsime detainees from prison.
UNITED

“...we thought she had died"

GOKWE ZANU-PF TERROR ATTACK: JOURNALIST RECOUNTS HORROR

“I don’t usually pay particular attention to dreams, but that day, what I dreamt of last night kind of told me that something bad was going to happen,” Tongai Mwenje, a journalist with Technology Magazine narrated.

His head is bandaged to cover the deep cut on his forehead sustained in an attack by ZANU-PF thugs at Chitekete business centre in Gokwe on August 25 while he was on his way to Gokwe-Kabuyuni to cover opposition Citizen Coalition for Change (CCC) president Nelson Chamisa's rally.

He was attacked together with fellow Technology Magazine scribes, Toneo Rutsito and Pellagia Mpurwa. Zimdaily reporter Chelsea Mashayamombe was also among those attacked at the growth point when ZANU-PF supporters unleashed violence, using their high-end twin cab vehicles to block roads leading to the rally.

According to Mwenje, the problem started when we decide to film a convoy of over 20 ZANU-PF branded twin cab trucks patrolling the growth point to instil fear in residents so that they do not attend the rally. “They spotted us,” Mwenje said.

“They left but immediately returned and cordoned our car. They ordered us out of our vehicle and forced us to sprawl on the ground.

“They beat us, ramming our heads on the ground. I thought we would die. They were relentless.”

Blood, Mwenje said, was oozing out of his forehead when relief finally came – a Landcruiser 200 Series with tinted windows arrived.

“We heard one shouting, Shefu (boss) said you can now stop beating them,” one of them shouted.

By this time, Mpurwa was unconscious, but their attackers did not care.

“We poured water to resuscitate her and praise God, she regained consciousness after a few minutes. The convoy had already left. They took away our car keys, iPhone 12 Promax, iPhone X, a Samsung phone, and a high-end canon camera,” he said.

“Rutsito had lost two teeth during the attack, Mashayamombe was nursing painful legs and I sustained a deep cut on my forehead. We reported the matter to the police, but no arrest has been made.”

Medical help only came a day later since they did not have transport to go for treatment.

Mwenje added: “The attack was people we suspect are not ordinary ZANU-PF supporters because they were driving top-of-the-range vehicles.

“This a sad reality not only for our journalism profession but for the citizens of Zimbabwe at large. “We were attacked for merely performing our duties as journalists. Journalists play a very critical role in informing the public so that the informed public can then hold governments accountable for their actions. But when the same institution that is supposed to inform the public is under attack, then it ceases to be a professional attack but rather a constitutional attack.

“If we do not collectively call for press freedom and an end to violence against innocent citizens today, the world order of tomorrow will be biased, one-sided, and detrimental to us all.”

During August, violence against opposition activists
by ZANU-PF supporters has been on the rise, especially in the three Mashonaland provinces. Two days before the attack, ZANU-PF supporters barricaded roads in Wedza to block Chamisa from visiting the province.

Several CCC supporters were assaulted in Mt Darwin, Rushinga, Muzarabani, and Uzumba and some were arrested for flimsy charges of undermining or insulting President Emmerson Mnangagwa. Others were arrested when they visited the police station to report an assault by ZANU-PF members.

Mwenje had no kind words for the government.

“The autocrat’s handbook always begins with shutting down the independent media,” he said.

“As we are approaching the 2023 elections, we call upon all human rights defenders to take concrete steps to better protect journalists and citizens at large.”

NEW LAW ON CIVIL CLAIMS CHALLENGED

Manyellah is a victim of a workplace injury which has left him unable to continue working. He is seeking compensation from his former employer for US$550,000.00 for the permanent disability caused to him.

Without means, Manyellah is unable to approach the courts. He argues that the law impedes on his right to access justice and therefore unconstitutional.

According to the law, the advance payment is not recoverable in the event that the litigant eventually loses his claim in court.

He is represented by Noble Chinhanu of Zimbabwe Human Rights NGO Forum and claims that the conduct of the Minister of Justice, Legal and Parliamentary Affairs, in enacting SI 106 of 2021 has infringed his right to access to justice and fair administrative conduct. The Minister is yet to respond.

However, the Justice, Legal and Parliamentary Affairs minister Ziyambi Ziyambi is vouching on the constitutionality of the law.
The Zimbabwe Human Rights NGO Forum has urged the government to respect the values of the liberation struggle by comprehensively addressing the socio-economic, civil, and political deficits that have negatively impacted ordinary Zimbabweans' standard of life and welfare.

The Forum made the call in a Press Statement on 8 August to mark the country's 42nd independence anniversary.

The commemorations come against the backdrop of the deteriorating human rights and economic situation in the country.

The Forum said it recognises the sacrifices made by the heroes and heroines, living and departed, towards the independence of the country from colonial rule, but was saddened that the repressive environment that existed during colonial rule remains in place in independent Zimbabwe.

The Zimbabwe Human Rights NGO Forum (the Forum) joins the rest of Zimbabwe in honouring the sacrifices made and those that continue to be made by our heroes. The liberation struggle was never without cause, and on this day, we have an opportunity to reflect on our successes and failures in aligning ourselves to the values of the liberation struggle.

"The Forum recognises the sacrifices made by the heroes and heroines of the liberation struggle in fighting to end colonial rule and bring independence to the country," The Forum said in the statement.

"Zimbabweans took up arms in the 1970s against the settler regime after years of peaceful resistance to repressive laws, land appropriation, domination, segregation, exploitation, and inhumane treatment. Given this background, the selfless sacrifices the freedom fighters made can never be underestimated.

"The Forum also recognises efforts by the government in ensuring that the dreams and aspirations of the liberation war fighters are realised. This includes resettlement of the landless citizens and taking deliberate steps toward the improvement of the welfare of citizens, particularly in the areas of education and health.

"The country moved a positive step by adopting a new Constitution in 2013 which gave citizens an array of rights that the majority were denied during colonial rule.

"However, this year's Heroes Commemorations came at a time a lot of disturbing events are taking place in the country. We have noted the deterioration of human rights in the country characterised by the persecution of opposition supporters and human rights defenders."

On 1 August, the country marked four years after the 2018 post-election shootings which resulted in the death of six civilians and injuries to many at the hands of the military.

Recommendations made by the Commission of Inquiry into the Post-Election Violence led by former South African President Kgalema Motlanthe for security sector reform and compensation of victims have not been implemented despite comments to the contrary by the government.

Of late, the government has adopted a protracted and undue pre-trial incarceration method, often characterised by the denial of bail in respect of human rights defenders and opposition political party members.

"As we commemorate this year's Heroes Day, 16 Citizen Coalition for Change (CCC) supporters, including MPs Job Sikhala and Godfrey Sithole are locked up in detention centres and have been denied bail on allegations of inciting violence. Sikhala and Sithole have clocked 50 days in remand prison," the statement further read.

"Reflecting on the 42 years since the first Heroes Day commemoration, the ideals of the war of liberation that countless heroes died for remain unfulfilled.

"The Forum recognises that the sacrifices made by the heroes and heroines will be incomplete unless and until all Zimbabweans freely enjoy their freedoms and rights enshrined in the Constitution."
The Forum added: “This aspiration has long ceased to be a lived reality for most Zimbabweans due to the crippling economic situation, deepening political polarisation and continued violation of fundamental rights and freedoms. The past four decades have witnessed an appalling violation of human rights.”

The government, the Forum said, instead of realigning its actions to the values of the liberation struggle, is coming up with restrictive laws to further choke the already depressed democratic space.

The Private Voluntary Organisations (PVO) Act, a colonial piece of legislation, is being amended in ways that infringe on constitutional rights to association, assembly, and expression.

“We believe this is not what the heroes and heroines of the Second Chimurenga fought for. The proposed Patriotic Bill is synonymous with some of the colonial laws that the freedom fighters fought against.”

The Forum urged the government to stop the enactment of repressive laws to ensure that the freedoms that the heroes and heroines of the liberation struggle fought for are guaranteed and instead, strengthen structural reforms that include ensuring that members of the security services and the Judiciary discharge their mandates without discrimination and in line with constitutional dictates.

A Rushinga man was convicted of allegedly tearing a cap inscribed “ED Phee” during a scuffle with a ZANU-PF supporter over inflation.

Stewart Kamaka paid a ZWL$3000 fine to avoid 30 days imprisonment. His co-accused Benjamin Mangomeke was acquitted of the same charge.

The duo from Rushinga were arrested on 19 May for tearing a cap inscribed “ED Phee” during a scuffle with a ZANU-PF supporter over inflation. A ZANU-PF member had reported them to the police for blaming President Emmerson Mnangagwa’s government for high inflation in the country.

The Rushinga police refused to handle the case, referring it to the province claiming it was beyond their capacity.

The duo was later made to appear in court in Mt Darwin, represented by Nyasha Machirori of the Zimbabwe Human Rights NGO Forum who successfully secured their release on bail. She represented them during trial on 27 July.

Judgment was handed down on August 17 by the Mt Darwin Magistrates' Court.
The Zimbabwe Human Rights NGO Forum (the Forum), a grouping of 22 civic organisations, has written to the Speaker of the National Assembly Jacob Mudenda expressing concern that several amendments have been effected to the Private Voluntary Organisations (PVOs) Amendment Bill without public consultations.

In a letter dated 22 August on behalf of all the civic organisations falling under the Forum, Musa Kika, the Forum's executive director said the extensive amendments to the Bill have reshaped its substance, but the amendments were not subjected to further public hearings and consultations.

"This has been done in violation of section 141 of the Constitution (2013), which mandates Parliament to invoke public participation in its legislative processes through a process of consultation with interested stakeholders," Kika said.

President Emmerson Mnangagwa's government has been pushing for the PVOs Amendment Bill under the guise of curbing terrorism financing. However, observers believe the Bill is intended to monitor and regulate the operations of non-governmental organisations in Zimbabwe often perceived as anti-government.

On several occasions, Mnangagwa and some top ZANU-PF officials have accused the NGOs of pushing a regime change agenda. He has often launched a tirade against the civic organisations which he accuses of siding with opposition parties.

Critics of the Bill have described it as unconstitutional and aimed at outlawing CSOs in the country.

The Bill was fast-tracked during its Committee Reading Stage but has since been halted after opposition legislators from the Citizen Coalition for Change (CCC) and MDC-T parties complained that people were not given the chance to contribute their views to the new amendments.

In the letter to Mudenda, Kika attached a detailed legal analysis of the Bill produced by CSOs to prove that the proposed law in its current form violates the Constitution.

He cited a letter by four United Nations Special Rapporteurs to Mnangagwa in December last year warning Mnangagwa of the dangers of the Bill. They said the Bill falls short of the international human rights benchmarks, especially freedom of expression.

"The PVOs Bill also seeks to amend other Acts relating to money laundering, which are the Criminal Matters (Mutual Assistance) Act, and the Money Laundering and Proceeds of Crime Act, notably on proof of financing," the letter read.

"The amendments are consequential and create offences with hefty penalties and have no specific relevance to the PVOs Act.

"Mr Speaker Sir, your office is mandated to ensure that due process is followed in the process of law-making. In this case, your office has an important bearing in ensuring that the processes leading to the passage of laws abide by the letter and spirit of the Constitution."

The CSOs said they want the Bill to be withdrawn from Parliament for public hearings.

"While we note the reading in the National Assembly of the non-adverse report on the constitutionality of the Bill by the Parliamentary Legal Committee, the unconstitutionality of most provisions of this Bill is self-evident. We propose that the Bill be withdrawn and that a comprehensive process of fresh consultations is held with the public and CSOs," the letter further read.

Mudenda has not yet responded to the letter.

On 1 August, the Forum issued a statement calling for the withdrawal of the Bill to initiate a comprehensive process of fresh consultations to be held with the public and CSOs.
The gains made towards the democratisation of Africa are reversing, with many countries sliding into autocracy.

Notwithstanding the pledge by many African leaders to good governance, democracy, human rights and the rule of law, the continent has been struggling with democratisation.

Many unconstitutional changes of government have been witnessed in the past three decades and the Africa Union has been struggling to address the situation. Years of investment in building a viable African civil society as an important democratic lever are under threat due to the rise in authoritarianism in Africa and beyond.

In view of the deteriorating situation in Africa, a new project, the Africa Drive for Democracy has been formed to serve as a forum to fight against authoritarianism and the decline of democracy in Africa.

In a statement released after the inaugural Africa Drive for Democracy conference held in Tanzania, from 20 to 21 July 2022, the grouping said it was committed to collaboration and solidarity towards the struggle for renewed and increase democratization in Africa.

“Against this backdrop, the conference resolved to commit to claiming and occupying our institutions of democracy, nationally, regionally and continentally,” part of the statement read.

“Recognise and celebrate those who have led the struggle within and beyond their boundaries.”

Research has established the death of democracy in Africa. Freedom House, a US non-profit research organisation specialising in research and advocacy on democracy, has reported that only seven countries in sub-Saharan Africa are currently rated ‘free’, the lowest figure since 1991.

Another international research organisation, AfroBarometer says only 9% of people in Sub-Sahara Africa lived in ‘free’ countries in 2020, compared to 11% the previous year, showing a decline in democracy. However, African people support democracy, AfroBarometer said.

“The maiden Africa Drive for Democracy Conference (D4DC) convened members of the African democratic community to renew commitment to the promotion of democratic ideals nationally, regionally, and continentally. Under this name and direction, it is the first of its kind on the continent,” the statement further read.

“The conference noted the declining state of democracy on the continent as exemplified by state-sanctioned violence, military coups and unconstitutional change of government, stalled constitutional processes, suppression of alternative and dissenting opinion, attacks on electronic and print media, the subversion of the electoral processes, the failure of African governments to adhere to regional and international norms, and the ineffectiveness of the regional institutions including the African Union.

“Notwithstanding the weak supply of democracy by African governments, participants were inspired and encouraged by the fact that African citizens remain deeply and consistently committed to democracy and accountable governance.”

The conference was co-hosted by the Centre for Strategic Litigation, MS Training Centre for Development Cooperation and the Institute for Security Studies, with support from the Embassy of Sweden in Tanzania and the Friedrich Naumann Foundation for Freedom.

The Zimbabwe Human Rights NGO Forum executive director, Musa Kika also attended the conference among other participants, including the academia, researchers, jurists, student leaders, journalists, trade unionists, political parties and active citizens.
UNITED

ED'S 2023 STRATEGY: OPPOSITION POLITICIANS IMPRISONED, CRITICS HARASSED, AND PUBLIC MEETINGS BANNED

President Emmerson Mnangagwa's government is responding with force to opposition to his rule, stoked by worsening economic conditions including inflation at more than 250% and the emergence of a popular new party.

Among those suffering from the government's dragnet is an opposition member of parliament Job Sikhala, who has been detained in the harsh Chikurubi prison near the capital, Harare, for close to three months on accusations of inciting violence.

The fiery 50-year-old Sikhala has been arrested more than 65 times in his two-decade political career but has never been convicted of any crime, say his lawyers.

Most recently Sikhala was arrested in June with more than two dozen other activists of the opposition Citizens Coalition for Change, known as the CCC, and accused of fanning violence after skirmishes with ruling party supporters. Repeated attempts to get bail for him and the others have failed.

"The reason they have not been given bail is that they (prosecutors) know they will not get convicted. The idea is to make them serve," said lawyer Beatrice Mtetwa.

"They know they don't have the evidence to prove the cases," said Mtetwa, who alleged that the government's legal tactics are "lawfare" to weaken political opponents.

Criticism of Mnangagwa's government has been stoked by Zimbabwe's inflation, currently estimated to be one of the world's highest and rising numbers of people pushed into informal trade such as street vending. More than two-thirds of Zimbabweans eke out a living in the informal sector, one of the highest rates in the world, according to the IMF.

Few of Zimbabwe's poor believe the recent introduction of gold coins as legal tender will improve their day-to-day hardships.

The CCC party, launched in January and led by Nelson Chamisa, 44, has attracted considerable attention and followers. In response, police in Harare and other cities have been banning the party's meetings, as well as gatherings of civic organizations and church groups perceived as government critics.

Dozens of people — including opposition supporters, political activists, journalists, church leaders, trade union members and student leaders — have been arrested and appear in court on various charges that legal experts say are harassment.

Mnangagwa's strategy to stay in power appears to be to use the police, military, and security forces to keep the opposition in turmoil until elections are held next year, say analysts.

"The current environment has worrying indicators of the possibility of yet another violent and contested electoral period," noted the Zimbabwe Human Rights NGO Forum in a statement in August.

Zimbabwe is facing "a breakdown in the rule of law and constitutionalism; overt militarization of government, security sector brutality, political polarization, exclusion and violence, shrinking civic space and widespread human rights violations," said the group.

In recent weeks Mnangagwa has called for peace while at the same time lambasting the opposition and accusing it of being sponsored by Western powers.

It's similar to the ways of Mugabe, who in his 37 years in power used harsh repression against all opposition. Although Mugabe was forced to resign in 2017, the same party remains in power.

ZANU-PF fought a bitter and bloody war throughout the 1970s, with backing from China, Cuba, Ethiopia, Mozambique, North Korea, Tanzania, Romania, and Yugoslavia against the white-minority regime of Rhodesia. The 'guerrilla' movement won elections in 1980 and has ruled the country ever since, with a strong distrust of the West and multiparty politics.

"The complexities of Zimbabwe politics remain one where there was never a genuine transformation of the liberation movement of ZANU-PF into a political party suiting democratic dictates of the 21st century," said Alexander Rusero, a Harare-based academic and political commentator.

"Liberation politics is informed by skepticism and binary characterization of citizens as either friends or enemies," he said. "ZANU-PF continues to classify opposition parties and civil society activists as stooges of the West. It will continue to use its power to crush them, just like what happened during Mugabe's time."

By Farai Mutsaka, Associated Press
The Zimbabwe Human Rights Association (ZimRights) has launched a report to tackle human rights, politics and traditional leadership in the country.

The report, titled: "Rights and Traditions: Traditional Leadership, Politics and Human Rights in Zimbabwe", was launched in Zaka, Masvingo, on 31 August at a community dialogue session that was attended by local traditional leaders.

The report follows one of the recommendations of ZimRights's 2021 State of Peace Report that was launched on 23 June 2022 in Bulawayo and Harare.

"In launching the report, we show profound respect for the role that traditional leaders play in preserving our cultural values," Dzikamai Bere, ZimRights executive director said.

"The greatest of these values is respect for human dignity, that is why we are bringing this special resource to our traditional leaders as well as to our policymakers.

"This report triggers a conversation that is long overdue on the positive role that traditional leaders can play as partners in creating a culture of human rights."

In the 2021 State of Peace Report, communities expressed their concerns on how traditional leaders are being used by politicians to advance a partisan political agenda.

"The political agenda that raises concern is not only partisan, but many times leads to gross violation of human rights in contradiction to our cultural values as well as our laws," Bere said.

According to a recent Afrobarometer survey, 60% of Zimbabweans still trust traditional leaders even in the face of serious violations of human rights in which the traditional leaders are implicated,

They believe there are still many traditional leaders who command the respect of their communities.

The same Afrobarometer survey shows that 72% of Zimbabweans believe traditional leaders must stay out of partisan politics.
Following a series of publications and literature from the 10th Edition of the Global Corruption Barometer (GCB) of 2019, public sector institutions are the face of systematic corruption. GCB asserts that 1 in 4 people pay bribes to access public services.

The recently published Transparency International Zimbabwe (TIZ) National Bribery Payers Index 2021 (NBPI) notes that the Zimbabwe Republic Police, Vehicle Inspection Department, and the Registrar General’s office are the top three government departments susceptible to bribe-taking.

This practice has been dressed in countless fancy names in a pursuit to cleanse the act. Many call it “money for cold drinks” while others call it an “Appreciation fee”.

Citizens are losing an average of 10% of their monthly income to corruption with 54.4% of the total number of respondents having been asked to pay bribes in the last 12 months (NBPI 2022).

As it appears to be a herculean task to combat corruption in Zimbabwe, it is equally devastating uprooting it since managers are also implicated in these corrupt activities.

Tafadzwa Chikumbu, TIZ executive director, during the NBPI launch, averred that it has proved difficult to fight corruption due to a shift and transfer of corrupt activities to the private entity.

As such, interventions to address corruption must be aimed at building and strengthening institutional capacity in dealing with bribery and improving access to quality service delivery.

This can be done through prescribing remedies that are aligned to the country’s key policy documents that were developed to combat corruption and boost sustainable development. These stretch from the likes of the completed Transitional Stabilization Program and Vision 2030 to the recently minted National Development Strategy.

Ostensibly, these policies seek to improve public sector transparency and accountability, reduce corruption, and strengthen institutions of accountability. Against this backdrop, it is noted that these mentioned government policies intersect with NBPI and the objectives of TIZ as they envisage implementing anti-corruption mechanisms of prevention, reporting, and prosecuting across the spectrum.

There is a need for comprehensive resource mobilization and allocation of resources to have a robust anti-corruption strategy that will usher in transparency, foster integrity, and instil accountability.

CSOs must intensify civic education and capacitate citizens not only to report corruption but to demand the timely provision of quality public goods. Also, civil servants must be well renumerated since NBPI findings state that some of the reasons why government officials take bribes are due to low compensation on salaries.

Finally, there is a need for sincerity and political will from the government in dealing with corruption. Whereas policies and laws can be adopted and legislated, political will cannot, and it remains an integral part of fighting corruption. All exercise will be futile without it.
The Zimbabwe Peace Project has expressed concern that the ZANU-PF government has continued to use the distasteful practice of enforced disappearances as a way of punishing dissenting voices.

In a statement to commemorate the International Day of Victims of Enforced Disappearances which is commemorated every year on 30 August, ZPP said Zimbabwe has recorded over 1101 cases of abduction since 2001, with five recorded during 2022.

Government has denied that they were abducted and the two are now facing charges of faking their own abductions.

ZPP said it recorded a case in June where some ZANU-PF activists tried to abduct Godfrey Karemera’s minor child in Guruve. The unknown activists, clad in ruling party colours, almost whisked the minor away in an unmarked vehicle but the victim narrowly escaped.

The Zimbabwean government has a long record of stifling dissent by targeting activists through unlawful arrests, abductions, and torture in the same way the colonial government used to behave.

ZPP said abductions remain an issue of critical concern in Zimbabwe, urging the government to sign international protocols that guarantee freedom from enforced disappearances.

Sadc, ZPP said, should adopt peer accountability measures among member states to curb the vice that should include the creation of conventions responsible for implementing mechanisms of preventing, detecting, punishing, and eradicating enforced disappearances in Southern Africa."

This extremely disturbing trend has no place in a constitutional democracy and the state should stop dismissing cases of enforced disappearances as fake abductions,” ZPP said.

Citizen Coalition for Change MP Joana Mamombe and party activist Cecelia Chimbiri were allegedly abducted in May 2020 by State agents.

Citizen Coalition for Change MP Joana Mamombe

Harare West MP Joanah Mamombe

ZPP youth assembly member Makomborero Haruzivishe was nearly abducted by suspected state security agents on Independence Day at Kuwadzana 2 shopping centre.

It has been more than seven years since Itai Dzamara, a journalist and pro-democracy activist, was abducted on 9 March 2015 from a barber shop in Glen View, Harare. It took a High Court order to get the police to act but still failed to regularly inform Dzamara’s lawyers and family about the investigations they were conducting. He is still unaccounted for.

The Zimbabwean government has a long record of stifling dissent by targeting activists through unlawful arrests, abductions, and torture in the same way the colonial government used to behave.

Cecelia Chimbiri
UNITED

$3 MILLION FOR ARMY SHOOTING VICTIM

HARARE Magistrate Lazini Ncube has ordered two ministers and the Zimbabwe Republic Police (ZRP) to pay ZWL3 million to Zakeo Mutimutema, a victim of brutal army shootings compensation for damages caused to his eyes when soldiers fired bullets to suppress anti-government protests in August 2018.

Mutimutema was represented by Obey Shava of Zimbabwe Lawyers for Human Rights.

In 2018, he was working for the Zimbabwe Congress of Trade Unions when some glass particles got into his eyes after armed soldiers shot at a building housing his offices on 1 August 2018 while dispersing protesting citizens.

This forced him to sue Defence and War Veterans Minister Oppah Muchinguri, Home Affairs and Cultural Heritage Minister Kazembe Kazembe and ZRP Commissioner-General Godwin Matanga for damages.

Mutimutema had initially been awarded $295 000 as damages in November 2020, which Muchinguri, Kazembe and Matanga had reneged on paying.

This compelled Shava in 2021 to file an application seeking to amend Mutimutema’s summons arguing that the compensation award had been significantly eroded by inflation.

However, on August 2, Magistrate Ncube ordered Muchinguri, Kazembe and Matanga to pay $3 million to Mutimutema. Of the $3 million, $2 million will cover current and future medical expenses to be incurred by Mutimutema, $500 000 is for pain and suffering while $500 000 will cater for general damages.

President Emmerson Mnangagwa’s government has over the years reneged on compensating victims of army brutality such as Mutimutema, Lovejoy Munesi, Tapiwa Tshuma and Rossie Munetsi, the wife of Peter Munetsi, who was murdered during the November 2017 coup, which ushered him to power.

A Commission of Inquiry appointed by President Mnangagwa and chaired by former South African President Kgalema Motlanthe to probe the post-July 2018 election violence that left at least six people dead after they were shot by soldiers, recommended that government should compensate all the victims of the shootings and prosecute all perpetrators.

But four years on, no known victims or families have been compensated and there has been no prosecution of the perpetrators.

CCC SUPPORTER ARRESTED FOR “ASSAULTING HIS ZANU-PF ASSAILANTS”

Stephen Ndundu, a CCC member from Uzumba Maramba Pfungwe was arrested and detained by the police on 25 August 2022 after he went to report a politically motivated assault by ZANU-PF supporters.

On Tuesday, 23 August 2022, Ndundu was one of many CCC activists who were accosted and attacked by a group of ZANU-PF members who accused them of “selling the country to the West.”

Ndundu was severely assaulted and only just managed to escape.

He went to Nhakiwa Police Station and filed a report but was immediately arrested, with the police claiming they had received a phone call from someone making a report of an assault and of brandishing a firearm.

He was then detained and taken to Mutawatawa Magistrates’ Court on Saturday, 27 August 2022, represented by Noble Chinhanu, of the Zimbabwe Human Rights NGO Forum.

He was denied bail on grounds that he is likely to flee justice.

According to the State, Ndundu is accused of slapping three ZANU-PF members once each on the cheek.

He is also accused of grabbing them by their belts while in the company of other unknown accomplices.

Ndundu is denying the charges and asserts that this was a false counter-report by members of ZANU-PF.

Ndundu claims he was the one assaulted and placed a police report first but was arrested because the police claimed someone had called them reporting him for assault.
The ruling party ZANU-PF which boasts of liberating Zimbabwe from the chains of colonial bondage in 1980, has become the biggest violator of human rights in the country, according to an August human rights monitoring report by the Zimbabwe Peace Project (ZPP).

In its monthly report for August titled: Politics Leading the Law in Zimbabwe, 51% of recorded human rights violations in August were perpetrated by ZANU-PF and its activists.

The Zimbabwe Republic Police were responsible for 28% of the violations against general citizens and opposition Citizens Coalition for Change supporters. "In August, ZPP monitored and documented 257 human rights violations, with 3,321 victims identified (2,334 males and 987 females, including 31 (14 male and 17 female) persons with disabilities," reads the report in part.

"The majority of human rights cases were perpetrated by the ZANU-PF party, responsible for 51% of the violations, followed by the Zimbabwe Republic Police (ZRP) at 28%.

The figures show the county is recording an increase in human rights violations less than a year before the 2023 general elections.

"The general citizens populated the highest percentage of victims, 89%, and Citizens Coalition for Change (CCC) supporters followed with 11%. Law enforcement agents and the ruling party have collectively subjected the citizens of Zimbabwe to gross human rights violations."

ZANU led the guerrilla 1970s war of independence against the white settlers to dismantle the repressive colonial system but after independence, the same ZANU-PF government employed the same repressive system against citizens as a way of consolidating to remain in power.

ZPP also noted systematic intimidation of opposition members by ZANU-PF activists. Traditional leaders were also accused of harvesting fear in favour of the ruling party, forcing villagers to attend rallies addressed by the ruling party.

"The threat of harassment, discrimination, and intimidation of opposition supporters demonstrates how traditional leaders are continually being coaxed to harvest fear. The ground is already being set for the 2023 elections," the report reads.

Traditional leaders are supposed to be apolitical, according to the Constitution.

Section 281 of the Constitution sets out the conduct of traditional leaders, which among others, are not to be members of political parties. Traditional leaders are also not supposed to act in a partisan manner when dealing with citizens under their jurisdiction.

Opposition supporters were also denied food aid.

"The ZANU-PF government continues to manipulate the judiciary to repress and violate the rights of opposition party supporters," the report further read.

"The case of two ZANU-PF legislators Justice Mayor Wadyajena from Gokwe-Nembudziya and Dexter Nduna, Chegutu West, who are documented as perpetrators of many human rights violations, were easily granted bail, while members and supporters of the CCC party Job Sikhala, Godfrey Sithole, and 14 others, are still incarcerated and being denied bail for more than two months.

"The selective application of the law by the ZANU-PF government poses a serious threat to democracy.

"Section 164 of the Constitution, states that the independence, impartiality, and effectiveness of the courts are central to the rule of law and democratic governance and specifies that neither the State nor any institution or agency of the government at any level, and no other person, may interfere with the functioning of the courts."
SIKHALA, SITHOLE REMAIN CAGED

Zengeza West MP Job Sikhala

...Zengeza west MP berates Magistrate for bias

The High Court and Harare Magistrate Court have continued to deny bail to opposition Citizens Coalition for Change MP Job Sikhala and Godfrey Sithole who clocked 100 days in remand prison at the end of September.

Sikhala and Sithole were arrested on 14 June and charged with incitement of the violence that took place during the memorial service of the slain Moreblessing Ali in Nyatsime on the same day.

Fourteen others were arrested between June and August and none of them has secured bail at the courts, a development that has irked civic groups and the opposition party who now suspect a political hand in the judicial system.

In July, Sikhala, who was Ali's family's legal representative by the time of his arrest on 14 June, was slapped with another charge of obstructing the course of justice on 12 July and has been battling to secure bail on both charges, without success.

The State alleges that he posted a video that was intended at misleading the police who were investigating the death of Moreblessing Ali.

The Zengeza MP is represented by human rights lawyers, Beatrice Mtetwa and Jeremiah Bhamu, who are instructed by the Zimbabwe Human Rights Ngo Forum and the Zimbabwe Lawyers for Human Rights.

They were denied bail under changed circumstances on August 22.

On August 18, Magistrate Feresi Chakanyuka ordered the prosecution to furnish the defence with State papers to allow Mtetwa and Bhamu to prepare for trial, but the order was ignored by deputy Prosecutor General Michael Reza and his junior, Lancelot Mutsokoti.

Reza asked about the section of the law Chakanyuka used to order him to avail the State papers. He told Mtetwa and Bhamu that he would only give them when they were ready, this despite Mutsokoti telling the court that the State papers were ready for trial.

On August 26 and 30, Mtetwa wrote letters to Reza, Mutsokoti, Prosecutor General Nelson Mutsonziwa and Attorney general Prince Machaya demanding the State papers but received no response.

Consolidation of files of the other detainees was done but the bail application was dismissed by Justice Fatima Maxwell. Justice Maxwell said she was not convinced that there was a misdirection by the Magistrates' Court that denied bail for 11 of the detainees. She did not give reasons for her position.

All the 16 arrested in connection with the 14 June violence are still in remand prison.

On 14 September, Sikhala exploded in court after Magistrate Taurai Manuwere dismissed his application for the court to set timelines for the prosecution to furnish his defence team with State papers to prepare for his trial set for 16 November. Sikhala described Manuwere as biased, threatening to apply for his recusal from his case.

He accused Manuwere of reviewing a ruling by another Chakanyuka, who had ordered the prosecution to furnish the defence with papers by close of business on 18 August.

But Manuwere refused to set timelines, saying his ruling was guided by Chakanyuka's order which he said was open-ended. Mtetwa protested the ruling, forcing the Zengeza MP into an outburst.

On 9 September, Manuwere dismissed an application by Mtetwa who wanted Reza and Mutsokoti arrested for contempt of court for disobeying Chakanyuka's order.
IN PICTURES, THE FORUM REFLECTIVE MEETING, 28 SEPTEMBER 2022, AND THE AWARDS CEREMONY DINNER WHERE FORMER FORUM BOARD MEMBERS WERE PRESENTED WITH SHIELDS OF HONOUR FOR THEIR STERLING WORK AS BOARD MEMBERS
The Zimbabwe Human Rights NGO Forum is a coalition of 22 human rights organisations that was formed in 1998 as a mechanism to react to the many human rights violations that arose from the food riots. The coalition over the years has become a strong network with organisations working in different human rights fields all to promote the human rights agenda in Zimbabwe. It liaises closely with its colleagues and peers such as the National Association of Non-Governmental Organisation (NANGO), the Crisis in Zimbabwe Coalition, the National Constitutional Assembly (NCA) and the Zimbabwe Congress of Trade Unions (ZCTU). Membership of the Forum is open to any organisation which is based in Zimbabwe, and which is bona fide concerned with human rights, with the elimination of organised violence and torture. After realising that Zimbabwe's legacy of violence goes beyond the daily violations and goes to the roots that hold the pillars of social trust, the Forum, in 2008, launched the transitional justice advocacy programme to motivate more comprehensive redress of the root causes of violence.

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