

NYATSIME VIOLENCE DETAINEES' STATUS UPDATE

25 JULY 2022

On 14 June 2022, violence rocked Chitungwiza's Nyatsime suburb as members of the opposition party, Citizens Coalition for Change (CCC), and the ruling party, Zimbabwe African National Union-Patriotic Front (ZANU-PF), clashed over the death of a CCC activist, Moreblessing Ali. The violence resulted in the destruction of homes, business premises, vehicles and other household property. Following the events, the police have been carrying out investigations into the events that transpired resulting in the arrests of, so far, up to 15 suspects whose matters remain pending within the justice system. Worryingly, most of those arrested were victims of destruction of property, who were arrested upon attending to police stations to report this property destruction. The flow chart shows the details of each matter and its status. It is particularly notable that, as of the time of writing, none of the arrested suspects have been granted bail by the Courts. The Zimbabwe Human Rights NGO Forum is representing all the accused.



Zimbabwe
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Accused Persons: Precious Jeché, Misheck Guzha and Odius Makoma

Accused Persons: Precious Jeché, Misheck Guzha and Odius Makoma
Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]
Status: Accused in Remand Prison for 36 days. Bail denied in the Magistrates Court.

14 JUNE 2022
Accused persons homes are destroyed.

16 JUNE 2022
Accused persons file a police report at Beatrice Police Station and dockets are opened.

20 JUNE 2022
Accused persons are summoned to Marondera Police Station and willingly surrender themselves and are **arrested** and **detained** on charges of public violence where they spent two nights in police cells.

23 JUNE 2022
Bail is denied for the accused persons. Magistrate Yeukai Dzuda gave reasons that there was a possibility of interference with investigations, there is a propensity to commit similar offences if released and the Accused persons' defence is not plausible. The matter was postponed to 6 July 2022. Lawyers request transcribed record to mount an appeal.

22 JUNE 2022
Accused persons are brought before Magistrate Yeukai Dzuda at the Harare Magistrate Court for initial remand and a bail hearing is done. The ruling for bail was postponed to 23 June 2022.

27 JUNE 2022
Record of proceedings is collected from the Magistrate's Court.

29 JUNE 2022
An appeal against the refusal of bail is filed at the Harare High Court and the matter is set down for 1 July 2022.

01 JULY 2022
The matter is struck off the roll. The legal practitioner who was instructed to appear at the Harare High Court failed to appear in Court owing to personal misfortune on the road.

04 JULY 2022
A chamber application for reinstatement of the matter is filed in the Harare High Court and is not opposed by the State. The matter is still awaiting set down.

22 JULY 2022
The matter was married further with that of Clever Sibanda and remanded further to 2 August 2022 on grounds that investigations are still underway before Harare Magistrate Yeukai Dzuda.

06 JULY 2022
Harare Magistrates, Yeukai Dzuda consolidated the matters of Chauya Shopa, Zecks Makoni, Zephania Chinembiri, Roan Tsoka, Shepherd Bulakisi, Tatenda Pindahama, Enock Tsoka and Emmanuel Muradzikwa and postponed the matter to 22 July 2022 on grounds that investigations are still incomplete.

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Accused Persons: Chauya Shopa, Zephania Chinembiri, Zecks Makoni and Roan Tsoka

Accused Persons: Chauya Shopa, Zephania Chinembiri, Zecks Makoni and Roan Tsoka.

Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]

Status: Accused in Remand Prison for 34 days. Bail denied in the Magistrates Court.

22 JUNE 2022

The accused, who own and run individual transport businesses, are summoned to St Mary's Police Station in Chitungwiza for allegedly ferrying mourners to Moreblessing Ali's funeral. The accused persons willingly surrender themselves and are **arrested** and **detained** for two nights at Harare Central Police Station on charges of public violence.

28 JUNE 2022

Lawyers write to the Clerk requesting record of proceedings for appeal.

27 JUNE 2022

Harare Magistrate Mangosi denied the accused persons bail on the grounds that the State's case is strong and the release of the accused will hamper the proper administration of justice. The matter is postponed to 6 July 2022.

24 JUNE 2022

The Accused are taken to Harare Magistrates Court for initial remand where the State opposes bail. The bail application is heard and the ruling on bail is deferred to 27 June 2022.

06 JULY 2022

Accused persons' matter is consolidated to the matters of Precious Jechu, Misheck Guzha, Odius Makoma, Shepherd Bulakisi, Tatenda Pindahama, Enock Tsoka and Emmanuel Muradzikwa by Harare Magistrate Yeukai Dzuda and postponed to 22 July 2022 on grounds that investigations are still incomplete. The transcribed record is ready for collection.

07 JULY 2022

Appeal against refusal of bail is filed in the Harare High Court and set down for 8 July 2022.

22 JULY 2022

The matter was married further with that of Clever Sibanda and remanded further to 2 August 2022 on grounds that investigations are still underway before Harare Magistrate Yeukai Dzuda.

08 JULY 2022

The State applies that the matter be consolidated with the other matter that was struck off the roll and another matter yet to be filed since they are on the same facts, charge and allegations and the Court agrees. The matter is removed from the roll to allow the matter to be consolidated with the other matters when they are ready.

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Accused Persons: Shepherd Bulakisi, Tatenda Pindahama, Enock Tsoka and Emmanuel Muradzikwa

Accused Persons: Shepherd Bulakisi, Tatenda Pindahama, Enock Tsoka and Emmanuel Muradzikwa
Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]
Status: Accused in Remand Prison for 33 days. Bail denied in the Magistrates Court.

23 JUNE 2022

Accused persons are summoned to St Mary's Police Station in Chitungwiza and willingly surrender themselves. Accused persons are **arrested** and **detained** for two nights on allegations of having ferried mourners to Moreblessing Ali's funeral and charged.

28 JUNE 2022

Harare Magistrate Ruth Moyo denied the accused persons bail on the basis that they are facing a serious offence which is likely to attract a heavy sentence and therefore that there is risk they will abscond. The matter is postponed to 6 July 2022.

27 JUNE 2022

Bail consideration is heard at the Harare Magistrate's Court and the ruling is deferred to 28 June 2022 by Magistrate Moyo.

25 JUNE 2022

The accused appear at the Harare Magistrate Court for remand and the bail application is postponed to Monday 27 June 2022. It was a Saturday and the Magistrate stated that the Court was overwhelmed to hear applications.

06 JULY 2022

Accused persons' matter is married to the matters of Precious Jeche, Misheck Guzha, Odius Makoma, Chauya Shopa, Zecks Makoni, Zephaniah Chinembiri and Roan Tsoka by Harare Magistrate Yeukai Dzuda and postponed to 22 July 2022 on grounds that investigations are still incomplete.

11 JULY 2022

Transcribed record is ready.

13 JULY 2022

An appeal is filed in the Harare High Court and awaiting a consolidated set down date.

22 JULY 2022

The matter was married further with that of Clever Sibanda and remanded further to 2 August 2022 on grounds that investigations are still underway before Harare Magistrate Yeukai Dzuda.

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Accused Person: Robert Madzokere

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Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]

Status: Accused in Remand Prison for 13 days. Bail denied in the Magistrates Court.

13 JULY 2022

The accused, a youth development social worker and a former CCC member, is **arrested** at his house in Nyatsime by implication of his neighbours and taken to Harare Central Police Station where he is charged with public violence and is **detained** for two nights.

18 JULY 2022

Bail is denied by Magistrate Yeukai Dzuda on grounds that the accused is facing a serious offence. Matter remanded to 2 August 2022.

15 JULY 2022

Accused is brought at the Harare Magistrate Court before Magistrate Yeukai Dzuda for initial remand on a charge of public violence and bail consideration is heard. The State opposes bail and the Court hears submissions on bail. The ruling is postponed to 18 July 2022.

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Accused Person: Job Sikhala

Accused Person: Job Sikhala

Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]. Defeating or obstructing the course of justice in terms of section 184 (1)(e) of the Criminal (Codification and Reform) Act [Chapter 9:23]

Status: Accused in remand prison for 42 days. Bail denied in the Magistrates Court & the High Court.

14 JUNE 2022

The accused, who is the CCC vice national chairperson is **arrested** at his home in St Mary's Chitungwiza on charges of incitement to commit public violence. The accused is **detained** at Harare Central Police Station for two days.

27 JUNE 2022

Accused appeals to the Harare High Court.

22 JUNE 2022

Accused is denied bail by Harare Magistrate Nduna on the grounds that he has a propensity to commit further crimes and is a danger to society. The matter is remanded to 6 July 2022.

16 JUNE 2022

Accused is brought before the Harare Magistrates Court (Criminal) and State opposes bail. Bail consideration is done and the matter is postponed to 22 June 2022 for ruling.

06 JULY 2022

Matter is further remanded by the Magistrates Court to 2 August 2022 pending police investigations.

07 JULY 2022

Accused denied bail at the Harare High Court by Judge Justice Mungwari.

12 JULY 2022

Accused is re-arrested whilst in custody on fresh charges of defeating or obstructing the course of justice for misleading the police on the identity of the murder of Moreblessing Ali.

14 JULY 2022

Accused appears at the Harare Magistrate Court and makes an application for recusal of Magistrate Nduna and ruling is postponed to 18 July 2022.

22 JULY 2022

Application for bail is concluded and ruling is postponed by Harare Magistrate Mambanje, to 26 July 2022.

21 JULY 2022

Application is dismissed by Harare Magistrate Stanford Mambanje on the ground that remand only deals with reasonable suspicion and not merit. Lawyers commence bail application and the matter is rolled over to 22 July for bail application continuation.

19 JULY 2022

Application for refusal of further remand is made at the Harare Magistrates Court. Ruling postponed to 21 July 2022.

18 JULY 2022

The Harare Magistrate Nduna admits that he might exercise bias since he had previously denied the accused person bail.

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Accused Person: Godfrey Sithole

Accused Persons: Godfrey Sithole

Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]

Status: Accused in remand prison for 42 days. Bail denied in the Magistrates Court and the High Court.

14 JUNE 2022

The accused person who is the Citizens Coalition for Change Member of Parliament for Chitungwiza North is **arrested** on the charge of incitement to commit public violence and is **detained** at Harare Central Police Station.

22 JUNE 2022

Accused is denied bail by Magistrate Mambanje on the grounds that he is a danger to society. The matter is remanded to 6 July 2022.

20 JUNE 2022

The matter is postponed to 22 June 2022 since the ruling is not yet ready.

16 JUNE 2022

Accused is brought before the Harare Magistrates Court (Criminal) and State opposes bail. Bail consideration is done and the matter is postponed to 20 June 2022 for ruling.

27 JUNE 2022

Accused appeals to the Harare High Court.

29 JUNE 2022

The Harare High Court removes matter from roll to await transcribed record from the Magistrates Court.

05 JULY 2022

Bail hearing postponed to 7 July 2022 awaiting the transcribed record from the Magistrates Court.

06 JULY 2022

Matter is remanded further by the Harare Magistrates Court to 2 August 2022 pending investigations.

07 JULY 2022

Accused denied bail by the Harare High Court Justice Mungwari on the ground that the accused was likely to disturb peace or undermine public order or security.

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Accused Person: Clever Sibanda

Accused Persons: Clever Sibanda

Charge: Public violence as defined in section 36 (1) of the Criminal Law (Codification and Reform) Act [Chapter 9:23]

Status: Bail was denied, accused in remand prison for 8 days.

18 JULY 2022

Accused is a Citizens Coalition for Change youth member and is **arrested** at his home in Nyatsime and is taken to Harare Central Police Station.

21 JULY 2022

Bail application heard in full before Harare Magistrate Mushavakure. Bail denied on the grounds that the offence is serious, accused is likely to abscond, the accused is a danger to society by staying where the witnesses are and that his defence is weak. Matter remanded to 22 August 2022.

20 JULY 2022

Accused appears at Harare Magistrates Court for initial remand before Magistrate Mushavakure. Bail application not completed, and matter is rolled over to 21 July 2022.

22 JULY 2022

The accused appeared before Harare Magistrate Yeukai Dzuda who married his case to that of Precious Jeché, Misheck Guzha, Odius Makoma, Shepherd Bulakisi, Tatenda Pindahama, Enock Tsoka, Emmanuel Muradzikwa, Zephaniah Chinembiri, Zecks Makoni, Chauya Shopa and Roan Tsoka. The matters were remanded to 2 August 2022 since investigations are still incomplete and underway.