

MID-ANNUAL REPORT



Political And Human Rights Violations In

ZIMBABWE

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About this report

The Zimbabwe Human Rights NGO Forum (the Forum) consistently monitors the human rights environment in Zimbabwe and analyses national trends, in line with its mandate of coordinating the human rights agenda in Zimbabwe. Through its various members, the Forum collates and verifies human rights violations and designs advocacy strategies to promote and protect all human rights of all persons in Zimbabwe. 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's Public Interest Unit (PIU) and the Forum's Research Unit (RU). While information contained in this Report is not exhaustive of human rights violations that occurred throughout the country during the period under review, it does, however, present a documented picture of the state of human rights in Zimbabwe. The basis of this Report lies in understanding the supremacy of the 2013 Constitution of Zimbabwe (the Constitution) and acknowledging the founding values of Zimbabwe that include respect for fundamental human rights and freedoms and the rule of law.

The following should be considered when reading this Report:

- Instances in which identities of victims are withheld or not published in the Report. This is done to protect victims from further violence and/or intimidation.
- A single incident may contain multiple cases.
- The Report cannot be considered as an exhaustive record of all incidents of violence in Zimbabwe during the period under review.

Table of Contents

About this report	ii
Background	1
Violations at a glance	4
Specific violations spotlighted	5
i. Assault and torture	5
ii. Abductions/Enforced Disappearances	6
iii. Extrajudicial killings	7
iv. Arbitrary Arrests	7
v. Threats/Harrasment/Intimidation.....	10
vi. OVT targeting the professionals	11
Conclusion	12
Recommendations	13

Background

2022 marked the beginning of heightened electoral activity in the country¹. The year began against the backdrop of a more than yearlong suspension on by-elections and related electoral activities² which had left vacancies in both Parliament and Council since the beginning of the COVID-19 pandemic. This placed the democratic ethos of the country in jeopardy and created a constitutional crisis that is clearly occasioned by, and is indicative of, a deepening political crisis in the country. As such, the announcement by the President of the lifted suspension on by-elections on 6 January 2022 was a welcome reprieve. However, there were indications that the March by-elections would be contested by the country's major political formations both for what they meant in the immediate term and in the long run as a dress rehearsal for the 2023 harmonised elections. As a result, the Mid-Annual Political and Human Rights Violations Report documents a total of 1 191 politically motivated human rights violations that occurred in the first half of the year 2022. The figure raises alarm considering how the recently launched 2021 State of Human Rights Report highlights a total of 2 199 human rights violations as having been recorded in the previous year.³ As a matter of fact, in six months alone, the Forum and its members have already recorded violations that are more than half of the total violations documented in the year 2021. Manifestations of various forms of organised violence and torture can only escalate from this point going forward as the nation inches closer towards the 2023 harmonised elections.

The first half of the year 2022 has also been characterized by intensified targeted advocacy efforts on the part of Civil Society Organizations (CSOs) aimed at pushing back the Private Voluntary Organizations Amendment Bill (H.B. 10, 2021) – a legal instrument which seeks to regulate the existence and operations of all private voluntary organizations in Zimbabwe. Towards this end, the Zimbabwe Human Rights NGO Forum (the Forum), Southern Africa Human Rights Defenders Network and Accountability Lab produced a research report titled *Punching holes to a fragile economy: The possible economic impact of the Private Voluntary Organizations Bill gazetted on 5 November 2021*.⁴

The Forum also took the lead in convening a meeting between CSOs and the Financial Intelligence Unit (FIU) of the RBZ on 16 March 2022. The FIU is responsible for overseeing Financial Action Task Force (FATF) compliance, and to deal with money laundering in Zimbabwe. The FIU delegation was led by the Director-General Mr Oliver Chiperesa, and the meeting was also attended by a representative of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), and a representative of the Ministry of Public Service, Labour and Social Welfare. On 17 March 2022, the Forum was hosted by the European Union Heads of Missions at the EU Delegation, for a briefing on the PVO Amendment Bill and on the 2023 harmonised

¹ As seen through the upliftment of the electoral activities suspension and formation of Citizens Coalition for Change (CCC) which was previously known as Movement for Democratic Change Alliance (MDC-A).

² The Government had, in October 2020, suspended all elections, through Statutory Instrument 225A of 2020 issued by Vice President Constantine Chiwenga, who also doubles as the country's Minister of Health and Child Care, citing the need to combat the COVID-19 pandemic.

³ Zimbabwe Human Rights NGO Forum, State of Human Rights Report 2021 at p. 28; [https://l.facebook.com/l.php?u=https%3A%2F%2Fntjwg.org.zw%2Fwp-content%2Fuploads%2F2022%2F06%2FZIM-NGO-FORUM-STATE-OF-HUMAN-RIGHTS-REPORT-2021-EBOOK-2-2.pdf%](https://l.facebook.com/l.php?u=https%3A%2F%2Fntjwg.org.zw%2Fwp-content%2Fuploads%2F2022%2F06%2FZIM-NGO-FORUM-STATE-OF-HUMAN-RIGHTS-REPORT-2021-EBOOK-2-2.pdf%2F)

⁴ The report was launched on 25 February 2022. For the full report, see: <https://kubatana.net/wp-content/uploads/2022/03/Research-Repoort-Punching-holes-into-a-fragile-economy-Possible-economic-impact-of-PVO-Amendment-Bill.pdf>

elections. Between 23 and 25 March 2022, almost all the law-based members of the Forum and a few other non-law-based members, attended the SADC Lawyers Association Annual Conference and General Meeting in Johannesburg. The Forum organised a side meeting at this event to specifically focus on civic space in Zimbabwe and explore how there can be consolidation of regional pressure to reverse the tide.

Despite numerous efforts at engaging relevant stakeholders, the #StopthePVOBill campaign still did not deter Government's determination to pass the law and on 9 June 2022, the Minister of Public Service, Labour and Social Welfare put forward new amendments to the PVO Amendment Bill. The Forum is of the view that these extensive amendments, which in some instances introduce new clauses, cumulatively amount to a violation of the principles strengthening constitutional democracy in Zimbabwe and of constitutional guarantees freedom of assembly and association.

Amid promulgation of the PVO Bill, the Zimbabwe economy continued to steadily decline during the period under review. The inflation rate jumped to 132% in May 2022 after the country's local currency slumped.⁵ The steep decline in the local economy followed a May 7 2022 decree by President Emerson Mnangagwa that Zimbabwe banks should cease lending indefinitely.⁶ An interbank currency rate was then introduced in a bid to stem a decline in the Zimbabwe dollar but it still weakened to more than ZWL\$400 to USD\$1 on the black market compared with the official rate of about ZWL\$258 to the United States dollar. The ban on bank-lending led to suppliers such as South Africa's Tongaat Hulett, suspending prepayments to Zimbabwe sugar cane farmers, citing that it relied on bank loans to fund the payments. The policy proved to be counter effective to the extent that the central bank, in a statement on 17 May 2022 announced that the ban on bank lending had been reversed.⁷ The reversal of the policy change came just a few days after the President's decree to freeze loans in a move meant to stop speculation against a rapidly devaluing local currency.

In all this, it is the ordinary citizen that continued to suffer. Images emerged online of a leaked invoice dated 4 June 2022 signed by a salesperson from Bakers Inn – one of the country's largest bread manufacturers which showed that the price of a loaf of bread had been hiked to ZWL\$559,60. Basic grocery items remained out of reach for many Zimbabweans as prices of commodities continued to change on a weekly basis over the period under review in response to the depreciating Zimbabwe dollar. However, this dire state of the economy has not stopped the political elite from leading lavish lifestyles with reports emerging of how President Emerson Mnangagwa reportedly hired a private jet worth USD\$ 30 000 per hour to fly to Davos, Switzerland to attend the World Economic Forum.⁸

The price of fuel also went up with the Zimbabwe Energy Regulatory Authority (ZERA) announcing new prices in June 2022 showing that Diesel was now US\$1, 76 per litre from US\$1,

⁵ New Zimbabwe, *Currency Slump, 132% inflation rate no cause for 'panic' – Finance Minister*, 27 May 2022; <https://www.newzimbabwe.com/currency-slump-132-inflation-no-cause-for-panic-finance-minister/> The Zimbabwe National Statistical Agency (ZimStat) had announced that the country's year-on-year inflation had shot up to 131.7% up from 96.4% in April.

⁶ The Economist, *Zimbabwe's President orders banks to stop lending*, 14 May 2022; <https://www.economist.com/middle-east-and-africa/2022/05/14/zimbabwes-president-orders-banks-to-stop-lending>

⁷ Al Jazeera, *Zimbabwe unfreezes bank lending only days after policy change*, 17 May 2022; <https://www.aljazeera.com/news/2022/5/17/zimbabwe-unfreezes-bank-lending-only-days-after-policy-change>

⁸ Pindula, *President Mnangagwa hires US\$30 000 per flying hour plane to Davos*, 26 May 2022; <https://www.zimbabwesituation.com/news/president-mnangagwa-hires-us30-000-per-flying-hour-plane-to-davos/>

74 per litre in May 2022 while Petrol was now US\$1, 73 per litre from US\$1, 68 per litre also in May 2022. By that point, both Diesel and Petrol had gone up by 38 and 32 cents respectively since the start of the year.

Of even greater concern, Government hiked user fees at public hospitals by a whopping 1 748% prompting analysts to warn of an upsurge in home deaths.⁹ New adult and children consultation fees were pegged at US\$12 and US\$6 respectively which at the time were an equivalent of ZWL\$3 696 and ZWL\$1 848 in the local currency using the official exchange rate of US\$1: ZWL\$308 – figures which Zimbabwe Nurses Association President Enock Dongo asserted were too exorbitant for civil servants and other ordinary Zimbabweans.¹⁰



1 The Zimbabwe dollar continues to lose value against the US dollar

This has all proven to be too much to bear for citizens and social media has now emerged as a hugely popular platform upon which to express disgruntlement with the Government and its unpopular policies and mismanagement of the economy. Social media posts by journalist Hopewell Chin'ono continued to generate interest during the period under review. Chin'ono, in a series of articles posted to his Facebook and Twitter accounts, pinpoints endemic corruption and looting of public resources by ruling party elites as the cause of many of the country's major socio-economic woes including the fact that Parirenyatwa Group of Hospitals – the country's

⁹ The Health Times, *Govt hikes user fees*, 9 June 2022; <https://healthtimes.co.zw/2022/06/09/govt-hikes-hospital-user-fees/>

¹⁰ Ibid.

biggest hospital, only has two maternity theatres built in 1977 during the Ian Smith regime, of which only one of them is working.¹¹

The Government, instead of adopting viable social security measures to mitigate against the impact of a steadily declining economy on the quality of life of ordinary citizens has instead continued to resort to the use of excessive force and arbitrary arrests to quell any form of dissent. As a result, the Forum recorded a total of **164** cases of assault and torture, **114** cases of arbitrary arrests and **620** cases of harassment/threats/intimidation during the period under review. These have mostly been at the instigation of members of the Zimbabwe Republic Police and state security agents thereby confirming the systemic nature in which law enforcement agents have become the biggest threat to the enjoyment of human rights by citizens in Zimbabwe.

It is against this backdrop that this report will seek to further understand the causes, drivers and trends associated with institutionalized political violence and the resultant human rights violations that occur within the highly polarised society that is characteristic of Zimbabwe today. The Report will also serve as an advocacy tool against politically violent activities through presenting recommendations for policies that foster a culture of adherence to, and respect for, constitutionalism, democracy and the rule of law.

Violations at a glance

	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>Total</i>
<i>Unlawful arrest</i>	9	36	2	4	9	54	114
<i>Assault & Torture</i>	2	48	23	16	27	48	164
<i>Threats/harassment/Intimidation</i>	98	117	115	80	104	106	620
<i>Extrajudicial Killings</i>	1	2	2		4	3	12
<i>Abduction</i>	1	0	3		1	1	6
<i>Discrimination</i>	23	29	27	18	31	29	157
<i>Partisan distribution of food/inputs</i>	3	5	3				11
<i>Selective application of the law</i>		1	3	4			8
<i>Malicious damage to property</i>	18	21	16	8	13	23	99
<i>Total</i>	137	238	178	130	189	264	1 191

¹¹ Hopewell Chin'ono tweet, available at: <https://twitter.com/daddyhope/status/1499871149081124883>. Chin'ono also attributes inadequate infrastructure and Government's failure to invest in the country's healthcare system and health workers as a major contributory factor as to why 2500 women die giving birth in Zimbabwe annually.

Specific violations spotlighted

The violations documented by the Forum and its members in the period January to June 2022 range from arbitrary arrests, assaults, torture, abductions, malicious damage to property as seen recently through the violence that erupted in Nyatsime in Chitungwiza and a total of ten extra judicial killings. This is hardly surprising as violence in Zimbabwe (whether physical, structural and/or cultural) usually escalates in the lead up to, during and shortly after major political events in the country. A perpetrator's affiliation matrix developed by Forum member, ZPP has shown how, for instance, in the month of March alone, which is when by-elections were held, 73% of all recorded human rights violations were contributed to by the State.¹² In all this, 82% of ordinary Zimbabweans were caught up as victims with 15% of the victims being opposition political party members.¹³ These findings serve to illuminate the dangers of the inculcation of values based on the use of political violence as a means of gaining electoral advantage or of accumulating or sustaining political control. Examples are highlighted below:

(i) Assault and Torture

On 18 February 2022, 13 CCC members (12 men and 1 woman) who had been arrested at around 3pm for wearing yellow t-shirts during a car rally, were brutally tortured by the police at the Harare Central Police Station. A video that quickly circulated via social media showed the police heavily assaulting suspected CCC members in a dark alley. Additional leaked video footage subsequently emerged in which the high-pitched screams of the arrested CCC members could be heard while they were being beaten with sjamboks and kicked with booted feet as they lay helplessly on the floor. Forum lawyers responded rapidly to provide legal assistance to the victims. When they arrived at the scene, they found a few with clotted blood on their fingers and ears while the rest all exhibited obvious signs of physical discomfort and swellings. The CCC members were denied food and water as well as medical treatment while in custody by police officers who disclosed that they were under instruction to do so.

The 27 February 2022 orgy of violence unleashed by ZANU PF supporters at the CCC opposition political party rally at Mbizo 4 Shopping Centre in Kwekwe is one for the books. The ZANU-PF supporters allegedly used spears and machetes to attack CCC supporters who had gathered to be addressed by their leader. In the aftermath of this brutal attack, scores of CCC supporters were seriously injured and required urgent medical attention while two including Mboneni Ncube succumbed to their injuries.

On 28 February 2022, Agatha Mujati was stabbed on the head in Chitungwiza by alleged ZANU PF activists.

On 3 March 2022, the home of Tendai Biti – Vice President of the country's main opposition political party, the Citizens Coalition for Change (CCC), was attacked at around midnight by four men with machetes and a gun. The security guard at the homestead was viciously attacked and sustained severe injuries to the head and limbs.

¹² ZPP, *Four weeks in March: Monthly Monitoring Report*, March 2022;

<https://reliefweb.int/report/zimbabwe/zpp-monthly-monitoring-report-march-2022>

¹³ Ibid.



2. CCC leader Nelson Chamisa visits Madzibaba Veshanduko in hospital

On 17 March 2022, Godfrey Karembera popularly known as “Madzibaba ve Shanduko” was tortured by police officers in Zimbabwe’s capital, Harare for wearing yellow regalia associated with Nelson Chamisa’s CCC opposition political party and telling people in Harare’s central business district to vote for Nelson Chamisa. CCC spokesperson, Fadzayi Mahere, released a video in a tweet showing Karembera with deep cuts on his back and breathing heavily following the assault. He also sustained injuries to his legs and had to be hospitalized.

i. Abductions/Enforced disappearances

Despite Zimbabwe being party to regional treaties that speak specifically against to enforced disappearances, including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, abductions and attempted abductions remained rife during the period under review. By way of example:

On 18 April 2022, on a day meant for the celebration of the country’s forty-two years of independence, suspected state agents attempted to abduct human rights activist Makomborero Haruzivishe. Parts of the harrowing ordeal were captured on Makomborero’s Facebook account via Facebook Live. The video showed unidentified men in plainclothes attempting to abduct Haruzivishe under the guise of effecting an arrest. In the video Makomborero could be heard demanding that the men, who had attempted to handcuff him, identify themselves. His left hand was left swollen and numb after this attempt to place him in handcuffs. Haruzivishe survived this attempted abduction largely due to the members of the public who witnessed this ordeal and remained resolute in preventing the abduction from being successfully carried out.

ii. Extra judicial killings

As enshrined under Section 48 of the Constitution, the right to life is the most basic of all human rights and legal and ethical entitlement. Article 3 of the Universal Declaration of Human Rights (UDHR) states that "Everyone has the right to life, liberty and security of person." Further, Article 6 of the International Covenant on Civil and Political Rights (ICCPR) provides that "every human being has the inherent right to life, and no one shall be arbitrarily deprived of his life". With the national, regional and international principles in place, it is a shame to note the continuous violation of this basic right. Specific examples include:

As previously mentioned, on 27 February 2022, an orgy of brutal violence was meted out against CCC supporters by alleged ZANU PF thugs at a rally in Kwekwe. ZANU PF thugs used spears and machetes to attack scores of Chamisa supporters who had gathered to hear their leader. CCC member, Mboneni Ncube was one of the two who was fatally wounded during the melee. Ncube died after succumbing to injuries sustained after being attacked with a spear three times in his back during the orgy of violence.

On 26 March 2022, CCC member, Shelton Zongoro was killed by a motor vehicle owned by an alleged ZANU-PF activist in an apparent hit-and-run incident. The incident occurred just after Shelton Zongoro had cast his vote during the 26 March 2022 by-elections in Chaona, Mashonaland Central Province.

On 4 May 2022, in an incident which exhibited total disregard for property and, human life, four people died after a police officer threw a spike at a moving commuter omnibus that was ferrying passengers, among them school children, as it was plying the Mutare-Chigodora route causing it to veer off the road and crash into a Durawall. While a statement was issued on 13 May 2022 in which Assistant Commissioner Paul Nyathi advised that the Commissioner General of Police Godwin Matanga had banned the use of handheld spikes, there have been:

- i. no reported arrests of the perpetrator and/or perpetrators of the tragic 4 May 2022 incident that resulted in multiple injuries and loss of lives;*
- ii. No reports of compensation for the affected people and families of this incident and past incidents of a similar nature such as the 14 July 2021 use of handheld spikes along Simon-Mazorodze that resulted in 6 injuries; and*
- iii. more worriedly, the use of handheld spikes has been observed even after the issuance of this statement.*

On 24 May 2022, Citizens for Coalitions Change activist, Moreblessing Ali went missing. She had last been seen at Chibhanguza Shopping Centre in Nyatsime. A police statement released by the Zimbabwe Republic Police on 31 May 2022 following huge social media outcry at Moreblessing Ali's disappearance averred that the abduction had been the result of a love affair gone sour and that Moreblessing Ali had been abducted by a former boyfriend Pius Jamba. The statement averred further that a police enquiry had shown that Pius Jamba had been accusing Moreblessing Ali of dumping him prior to the abduction taking place. Moreblessing's dismembered remains were eventually found in a shallow well in Nyatsime by the suspect's mother. Her body was found mutilated with the top and bottom parts of her body in separate parts while her intestines had been packed into a plastic bag.¹⁴

¹⁴ Zimbabwe Human Rights NGO Forum, *Statement on increase in politically motivated violence*, 15 June 2021; <https://www.facebook.com/ZimHRNGOForum/photos/pcb.4989777024452757/4989772084453251>

iii. Arbitrary arrests

Article 9 of the Universal Declaration of Human Rights provides that:

"No one shall be subjected to arbitrary arrest, detention or exile."¹⁵

Arbitrary arrest or detention is the arrest or detention of an individual when there is no likelihood or evidence that they have committed a crime or when due process of law has not been followed in effecting the arrest or detention. Through the Zimbabwe Republic Police, the State has been at the forefront in some cases in arresting citizens before investigating, leaving multitudes of citizens at the mercy of the correctional service merely for choosing a political party to support and follow. For example:

On 27 January 2022, the Forum Secretariat responded to 6 members of Nelson Chamisa's Citizens Coalition for Change (CCC) who had been arrested for putting on yellow t-shirts and helmets in the Harare CBD. The 6 had also been heavily assaulted by plain clothes police officers during their arrest. Emmanuel Zellers Gumbo, Erasmus Nyandoro who suffered a fracture on his right arm, Admire Simaiti, Blessing Buzuzi, Prince Mutebuka and Tatenda Chigwada. They were held overnight at Harare Central Police facing charges of disorderly conduct. The initial charge of disorderly conduct was however subsequently downgraded to obstruction of traffic after the successful intervention of Forum lawyers.

On 18 February 2022, at around 3pm, 13 CCC members were arrested by the ZRP during a car rally in the Harare central business district. The arrested persons were taken to Harare Central Police Station and detained overnight. Their vehicles were impounded.

On 10 June 2022, members of the Zimbabwe Republic Police disrupted a peaceful prayer meeting and proceeded to summarily arrest 35 church congregants of the Zimbabwe Divine Destiny including cleric Bishop Ancelimo Magaya, accusing them of disturbing public order. Armed riot police allegedly assaulted congregants with sjamboks and baton sticks before taking them to Harare central police station.

*On 14 June 2022, opposition Citizens Coalition for Change MP and deputy chairperson Job Sikhala who is also the legal representative of family members of Moreblessing Ali was arrested and charged with inciting public arrest following the violence that erupted in Nyatsime after the discovery of Moreblessing Ali's mutilated remains. On the same day, Godfrey Sithole CCC Member of Parliament for Chitungwiza North was also arrested on the same charges. Armed police blocked the entrance at the remand hearing for the two MPs. The same heavy deployment of police was not seen when Moreblessing Ali was reported missing. They appeared for their bail ruling yesterday the 22nd of June after spending a **total of 8 days** in police custody since their arrest. Worth noting is how our legal system requires that an accused or detained person must be brought before a court as soon as possible or in any event not later than 48hrs after the arrest or detention was effected. Their application for bail was denied by deputy chief magistrate Gibson Mandaza with the court taking the view that the two MPs may disrupt national peace and security if released. They have ben remanded in custody until July 6.*

¹⁵ Universal Declaration for human rights available at http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.



3Police were deployed to Nyatsime following the violence that occurred after the discovery of Moreblessing Ali's mutilated remains

Also on 14 June 2022, police arrested ARTUZ president and CiCZ spokesperson Obert Masaraure and charged him with murder in relation to a case dating to 2016 in which foul play was ruled out after an inquest inquiry. Masaraure has been detained in Chikurubi Maximum Prison while awaiting hearing on his bail application. The arrests of Job Sikhala, Godfrey Sithole and Obert Masaraure highlight an ongoing crackdown on human rights defenders in the country through advance punitive measures or trial by pretrial incarceration. The manipulation of the criminal justice system by state personnel to intimidate and punish perceived voices of political dissent is a growing and disturbing trend. The adoption of protracted and undue pre-trial incarceration processes, which is often characterised by the denial of bail has been observed in the selected targeting of opposition figures and human rights defenders. This pattern has become increasingly evident with the notable arrests of numerous opposition political figures, civil society activists and human rights defenders documented in the period under review.

In a tragic twist of circumstances, victims turned into accused persons with victims of the malicious destruction of property that occurred in Nyatsime. They were requested to report at Marondera Police Station which is about 130km away from Beatrice where they had first reported having their property destroyed. Police at Marondera Police station summoned Precious Jeche, Odious Makoma, Misheck Guzha - residents of Nyatsime and members of CCC opposition political party and surprisingly charged them with public violence. The trio lost everything just to get charged and arrested. They appeared in court on 22 June 2022 represented by Forum lawyer, Noble Chinhahu. Bail was denied when they appeared in court on 23 June 2022. Although Forum lawyers argued that no evidence had been advanced to the effect that the accused persons would interfere with investigations or commit similar offences if released, their defense was still labelled as not plausible enough by the presiding officer.

More dragnet arrests followed as state personnel proceeded to frantically attempt to sanitize the violence that followed Moreblessing Ali's death. As a result, on 23 June 2022, four more CCC opposition political party members were arrested at St Mary's in Chitungwiza. The four are owners

of lorries allegedly used to ferry mourners to Moreblessing Ali's funeral. The four are Enock Tsoka, Emmanuel Maradzikwa, Tatenda Pindahama and Shepherd Bulakasi. The charge leveled against them was public violence. Also arrested on the same day was Chauya Shopa whose Mazda Familia vehicle was positively identified in Nyatsime when violence erupted in the area on 14 June 2022 and was thus implicated as having also participated in the violence. They appeared in court on 23 June 2022 and were all denied bail on the grounds that public violence is a serious offence that warranted their continued detention in custody.

On 24 June 2022, the Zimbabwe Republic Police (ZRP) proceeded to arrest Zephaniah Chinembiri, Zecks Makoni and Roan Tsoka who are truck drivers who also ferried people to Moreblessing Ali's funeral. They were also arrested on similar public violence charge. They appeared in court on 25 June 2022 and were also denied bail on the basis that inciting public violence is a serious offence that disqualified one from accessing bail.

The arrests of Zengeza MP Job Sikhala and Chitungwiza North legislator Godfrey Sithole on 14 June 2022 brings the total number of CCC members arrested by the police for the violence that erupted in Nyatsime to 13. Of importance, no ZANU-PF supporter, including Nyatsime ward Councillor, Masimbi Masimbi, who publicly incited the violence, has been arrested in connection with the Nyatsime skirmishes.

iv. Threats/Harassment/Intimidation

The right to freedom of assembly and association is guaranteed in terms of section 58 of the 2013 Constitution of Zimbabwe. It is also every citizen's right to make exercise their civil and political rights freely; to join and participate in the activities of a political party of their choice and to participate in peaceful political activity as encapsulated under section 67 of the Constitution. However, under the new dispensation, there is evidence that these rights continue to be violated with impunity in what amounts to disregard of international human rights obligations as expressed in International Human Rights Instruments such as the Universal Declaration for Human Rights (UDHR) and the International Covenant of Civil and Political Rights (ICCPR) which stand ratified by the Government of Zimbabwe. Examples of threats/harassment/intimidation include:

On 11 March 2022, the Forum's Research and Documentation Unit together with the Public Interest Litigation Unit conducted a mobile human rights clinic with the Zimbabwe human rights Association in Mutoko Village 13 ward 26. The mobile clinic was conducted after the realization of the increase in human rights violations towards the 26 March by- elections. Specific violations being observed in Mutoko included forced evictions and environmental degradation due to the prevalence of Chinese mining companies who had swarmed the district in search of the much-pursued Mutoko granite. However, a report was later made to the Forum's Research Unit on 4 April 2022 of how attendants of the mobile clinic in particular community members of ZimRights Mutoko South Ward 26 who also happened to be ruling party card holders were now being harassed and now lived in fear after being threatened for attending the clinic.

A more recent example is that of the harassment of journalist and social justice rights lobby activist Hopewell Chin'ono as seen by the bizarre attempts to seize Hopewell Chin'ono's goats instigated by tweets made by ZANU PF Youth league member Taurai Kandishaya. In one of the tweets Kandishaya claimed Hopewell had been given the goats which are being reared at a farm in his ancestral home in Murehwa by Government as a pass-on project and that Hopewell had not then proceeded to pass on the project to others. The attempt to mobilise ruling party supporters to seize Chin'ono's goats on allegations that he had unduly benefitted through

government's command agriculture were however thwarted when Murehwa villagers and CCC activists descended on Murehwa's Mukarakate village - Chin'ono's rural homestead, and formed a human shield to prevent the unlawful seizure of his property.



4. CCC youths travelled to Murehwa to prevent the seizure of Hopewell Chin'ono's goats

v. OVT targeting the professionals

Government has continued to show insincerity towards addressing the plight of teachers and civil servants at a time corruption and looting by political elites is rampant. This all came to the fore with the review of Level 2 national lockdown measures on 28 January 2022 which was then followed by the resumption of the normal school calendar. When schools reopened on 7 February 2022, several teachers did not show up for duty citing genuine incapacitation. The Secretary for Primary and Secondary Education, T Thabela, issued a directive on 8 February 2022, to all Provincial Education Directors; District Schools Inspectors and heads of Primary and Secondary Schools directing them to take urgent disciplinary action against any of their members who failed to report for duty and to charge and suspend such members. A Ministry of Primary and Secondary Education statement was issued on 10 February 2022 purporting to suspend forthwith from service all officials within the Ministry who absented themselves from duty since the official opening of schools without pay for a period of three months pending investigations into what Primary and Secondary Education Minister, Dr Evelyn Ndllovu, described as "alleged misconduct".¹⁶ The Forum challenged this summary suspension on the basis that teachers cannot be suspended from work by a Government Minister as they are employed by the Public Service Commission which renders the purported mass suspension *void*. The matter, which was set for hearing on 16 February 2022 resulted in vindication for the affected teachers.

The incapacitation of the country's health workers also became an issue of concern with a recent protest over wages and poor working conditions by health professionals at Parirenyatwa Group of Hospitals in Harare on 20 June 2022. Distressing scenes were observed during the strike in

¹⁶ The Herald, *Zimbabwe: Striking teachers suspended without pay*; 11 February 2022; <https://allafrica.com/stories/202202110165.html>

which nurses could be seen striking next to a critically ill patient while scores of patients went unattended. Armed anti-riot police were stationed at the referral hospital amid fears that massive demonstrations would erupt. Riot police were also deployed to Bindura General Hospital on 22 June 2022 as health workers also protested against their deplorable working conditions and meagre salaries. Riot police reportedly indiscriminately beat up nurses at Bindura General Hospital for joining a nationwide strike by health workers.¹⁷

Conclusion

Based on what has been highlighted in the 2021 State of Human Rights Report and what emerges from the Forum Mid-Annual (January to June 2022) PVR report, there are indications that the situation can deteriorate further if the socio-economic and the civil and political deficiencies faced by the country are not approached comprehensively.

It is worth noting that as the constituent parts of the state are its citizens, a state's responsibility lays, first and foremost in caring for its people. Reference is made to the ancient Greek philosopher Aristotle who in his book 'The Politics' defines the obligation of the state towards its citizens as being all-providing in that it provides all men's need and offers them the fulfilment, not only of living, but of living well in accordance with those virtues that are peculiarly human.

Recommendations

Considering the above, the Forum makes the following recommendations:

1. To the Government of Zimbabwe

To urgently take steps towards fulfilling its obligations arising out of the Constitution of Zimbabwe to respect, promote and protect fundamental human rights and show this commitment to fulfil these obligations by:

- ratifying the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol;
- ratifying the International Convention for the Protection of All Persons from Enforced Disappearance;
- launching immediate investigations into the allegations of human rights violations being perpetrated by members of the police and to take appropriate action where it is necessary;
- ensuring the protection and promotion of and respect for fundamental human rights and freedoms in accordance with the Universal Declaration of Human Rights with particular attention being accorded to the UN Declaration on Human Rights Defenders (the UDHRD) which accords specific protections to human rights defenders;
- paying due regard to international best practice; consequently, that the government of Zimbabwe must, in all circumstances abide by the duties and responsibilities of states in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which place obligations on States:

¹⁷ Newsday, *Police beat up striking nurses*, 24 June 2022; <https://www.newsday.co.zw/2022/06/police-beat-up-striking-nurses/>

- (i) To protect, promote and implement all human rights;
- (ii) To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- (iii) To provide an effective remedy for persons who claim to have been victims of a human rights violation and
- (iv) To conduct prompt and impartial investigations of alleged violations of human rights.

2. To the Zimbabwe Republic Police

- Abide by the precepts of the Constitution, particularly, with section 219 (3) of the Constitution which calls upon the Police Service to be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority as established by this Constitution by:
- ensuring that the Zimbabwe Republic Police develops a code of conduct for the police which aligns with the minimum standards of conduct in the Luanda Guidelines. This should be based on the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) Code of Conduct and addresses issues of implementation of the law through a review and revision of current training, and a strengthening of internal disciplinary systems; and
- creating a professional, impartial, and accountable police force in Zimbabwe by investigating and prosecuting members of the police force for active involvement in perpetrating human rights violations including but not limited to beatings, excessive use of force, torture and abductions and the intimidation of civilians.

3. To Political Parties

- Give equal operating space to all parties without discrimination as well as to practice political tolerance even from amidst their membership considering increases in cases of inter and intra-party-political violence;
- Have an intra-party Code of Conduct wherein political party members are sanctioned for inappropriate utterances and/or conduct those results in politically motivated violence; and
- Desist from making divisive utterances that do not engender a culture of political tolerance which involves acceptance and respect for the basic rights and liberties of others.

4. To the Citizens of Zimbabwe

- To maintain mutual regard and tolerance for the rights of others including of persons and groups whose opinions differ from one's own.