

A Zimbabwe Human Rights  
NGO Forum Report on Human  
Rights in Zimbabwe

# THE FULL STORY



July to December

# 2022

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# About this Report



COVER PICTURE: POLICE OFFICER ARREST VENDORS AND IMPOUND GOODS AT MBARE MUSIKA IN HARARE.

The Political and Human Rights Violations Report produced by the Zimbabwe Human Rights NGO Forum (the Forum) is a monitoring tool that is used to track and document trends in civil, political, social, economic and cultural rights violations. This edition covers the period July to December 2022 and highlights developments through tabulation of statistics and case examples that unpack the trends in political and human rights violations. Information in this report is derived from multiple sources, namely the Forum's Rapid Response Platform, cases handled by the Forum's Public Interest Litigation Unit, member and partner organisations reports, and verified media reports.

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 is not intended to be and cannot be considered as the main and exhaustive source of all incidents of politically motivated violence in Zimbabwe during the period under review but as a complementary report to those produced by other human rights organisations.
- Every incident reported to the Forum directly or through its membership is meticulously documented and has been included in the report.

The period July to December half of 2022 was, in the context of political and human rights violations, certainly eventful and filled with concerning developments. On 12 July 2022, video footage emerged of Zimbabwe African National Union–Patriotic Front (ZANU-PF) member, Abton ‘Bhito’ Mashayanyika calling for the killing of opposition political party Citizens Coalition for Change (CCC) leader Nelson Chamisa, as well as the killing of his children during a rally in Mberengwa North. Despite the circulation of such damning video footage, the Zimbabwe Republic Police (ZRP) Spokesperson, Assistant Commissioner Paul Nyathi, indicated that the Officer Commanding Midlands Province had been tasked with investigating what transpired. To date, the nation has still not received any update or feedback on the findings of investigations conducted (if any) or any arrests made in connection with the video footage that threatened Nelson Chamisa and his family.

Instead, the State continued with sustained efforts towards closing the civic and political space in the country as seen through an increase in the banning and sanctioning of certain meetings and gatherings by Zimbabwe Republic Police despite COVID-19 regulations having been relaxed.



Dragnet arrests following the violence that engulfed the Chitungwiza suburb of Nyatsime on 14 June 2022 continued in the period under review, which saw the number of arrests growing from 13 to 17. To date, no ZANU-PF supporter, including the Nyatsime Ward Councillor Masimbi Masimbi, who publicly incited the violence, has been arrested in connection with the Nyatsime skirmishes. Sixteen of the Nyatsime 17 were released, with Felix Biri being the first of the 17 Nyatsime detainees to be released after being granted ZWL20 000 bail by Justice Esther Muremba on 17 October 2022. This was followed by the release of CCC legislator Godfrey Sithole on ZWL300,000 (equivalent to USD\$ 470) bail on 10 November 2022. He had, at that point, spent 149 days in detention without trial. The remaining 14 Nyatsime detainees were granted ZWL50 000 bail on 15 November 2022 after spending nearly 150 days in prison without trial. This left CCC legislator and legal representative of the relatives of slain CCC activist Moreblessing Ali, Job Sikhala, as the only detainee still behind bars in connection with the violence that erupted in Nyatsime on 14 June 2022. By 31 December 2022, Job Sikhala had been detained without trial for nearly 200 days and had been denied bail a total of twelve times. His continued detention at the end of the reporting period points to a worrying trend of prolonged pretrial incarceration of political detainees characterised by repeated denial of bail on flimsy grounds.

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This is a highly concerning trend that is being observed just months away from the 2023 elections when the observance of acceptable human rights norms must characterise the political and electoral environment.

Of further concern was the marked increase in politically motivated violence cases during the period under review, as identified and documented in Mbare and Matobo and Insiza districts between 15 September and 30 October 2022. An update report compiled by the Forum documented 60 political violence cases in Mbare, Matobo and Insiza districts. Such findings are clearly indicative of a deepening political crisis in the country as the nation trudges closer to the 2023 poll.

It is against this backdrop that the Forum, which 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, has consolidated the July to December 2022 Political and Human Rights Violations Report, to contribute evidence of value and to the jurisprudence in advocating against the occurrence of (OVT) in a democratic society and, ultimately, to promote the respect for fundamental human rights and freedoms and the rule of law.

## Violations at a glance

	July	August	Sept	Oct	Nov	Dec	Total
<b>Arbitrary arrests or detention</b>	18	12	23	10	6	3	72
<b>Assault and torture</b>	48	52	35	40	41	7	223
<b>Threats/harassment/intimidation</b>	138	133	82	3	9	0	365
<b>Extra judicial killings</b>	0	2	0	1	1	0	4
<b>Abductions</b>	0	3	3	1	3	1	11
<b>Discrimination</b>	0	32	15	0	0	0	47
<b>Hate speech/political intolerance</b>	3	2	0	2	0	0	7
<b>Partisan distribution of food/ aid</b>	31	22	10	0	2	0	65
<b>Selective application of the law</b>	0	2	0	0	0	0	2
<b>Arson/Malicious damage to property</b>	0	6	0	6	3	1	16
<b>Violations against journalists</b>	1	6	2	5	0	0	14
<b>Total</b>	<b>239</b>	<b>269</b>	<b>170</b>	<b>66</b>	<b>64</b>	<b>12</b>	<b>826</b>

# Section 1: Civil & Political Rights

VIOLATIONS RELATING TO FREEDOM, SECURITY AND  
INTEGRITY OF THE PERSON

## Arbitrary Arrests

Article 9 of the Universal Declaration of Human Rights provides that "No one shall be subjected to arbitrary arrest, detention or exile". 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. During the period under review, the Government, through the Zimbabwe Republic Police, continued to use arbitrary arrest and detention as tools of intimidation. Case examples include:

On 5 July 2022, police arrested Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) Secretary General Robson Chere and charged him with murder as defined in section 47 of the Criminal Law (Codification and Reform) Act with police alleging that he had been involved in the 2016 death of Roy Issa. Robson Chere was eventually set free by High Court Judge Justice Anne-Lucy Mungwari on 13 July 2022 after he had been in prison for eight days. He was granted bail of ZWL60 000, ordered to report once a month at a police station, surrender his passport and reside at his given address until the matter is finalised.

On 8 July 2022, police re-arrested ARTUZ president Obert Masaraure on charges of defeating the course of justice as defined in Section 184 (1) (c) of the Criminal Code, alternatively incitement to commit public violence as defined in Section 187 (1) (a) of the Criminal Code as read with Section 36 (1) (a) of the Criminal Code. This marked his third arrest in just half a year. Prosecutors alleged that Masaraure authored a statement he published on Twitter and on the ARTUZ website meant to prejudice his pending trial and that of Robson Chere as well as persuade the teacher's union members and the general public to commit public violence. It is worth noting that a 2016 police inquest into circumstances leading to the 11 June 2016 death of Roy Issa had ruled out foul play due to numerous eyewitness accounts that all indicated that youth activist Roy Issa fell from the seventh-floor window of Jameson Hotel in Harare while drinking with friends including Masaraure. Through this repeated persecution of human rights activists, the politically motivated nature of the arrests of both Chere and Masaraure becomes clear.

On 5 September 2022, police arrested two Mthwakazi Republic Party (MRP) members outside the Bulawayo High Court, where they intended to submit a petition protesting the transfer of the MRP9 from Khami to Chikurubi Maximum and Gwanda Prison. The MRP9 comprised of seven males (Tinos Nkomo, Mongameli Mlotshwa, Livson Ncube, Maxwell Nkosi, Nkosilathi Ncube and Ackim Ndebele) were sentenced to 33 months in prison and two women (Sibongile Banda and Busi Moyo) were sentenced to 36 months in prison after being jailed for public violence when they stormed Bulawayo Central Police Station protesting the attempted abduction of their party leader by state security agents in 2021. By the time they were sentenced, the MRP9 had spent more than a year in pretrial incarceration.

On 12 September 2022, sixteen University of Zimbabwe students were arrested for participating in a protest that broke out on the Mt Pleasant campus to urge a tuition cut. The students, led by Student's Representative Council (SRC) President Allan Chipoyi, who confirmed the arrests, protested on campus and threatened to boycott classes until fees were brought back to last semester's levels. Tuition fees had been raised from ZWL\$ 50,000 to between ZWL\$ 300,000 and ZWL\$ 500,000, while some master's students would have to pay ZWL\$ 1 million. The 16 who were arrested are Thelma Nzero, Mufaro Vhutuza, Owen Mashaba, Tinashe Zanu, Tinotenda Ruzinde, Fletcher Katewere, Lenis Manyasa, Harvard Mtetwa, Natsha Dhliwayo, Ropafadzo Mutanganduro, Fatima Anjike, Tsungai Chitota, Beyond Sitema, David Msasa and Godliness Subura.

On 22 December 2022, Zimbabwe Republic Police (ZRP) officers arrested and detained 3 pro-peace advocates, Samkeliso Tshuma, Thamsanqa Ncube and Melusi Nyathi, who were participating in a Gukurahundi commemoration organised by Ibhethu LikaZulu. Ibhethu likaZulu is a nonprofit organisation based in Bulawayo which pursues justice for victims of post-independence genocide and other related human rights abuses. The trio were charged with contravening section 37 (1) (a) (ii) of the Criminal Law (Codification and Reform)[Chapter 9:23] Act: "Participating in a gathering with intent to promote public violence, breaches of the peace or bigotry". They were released on ZWL60 000 bail on 23 December 2022.

## Hate speech/political intolerance

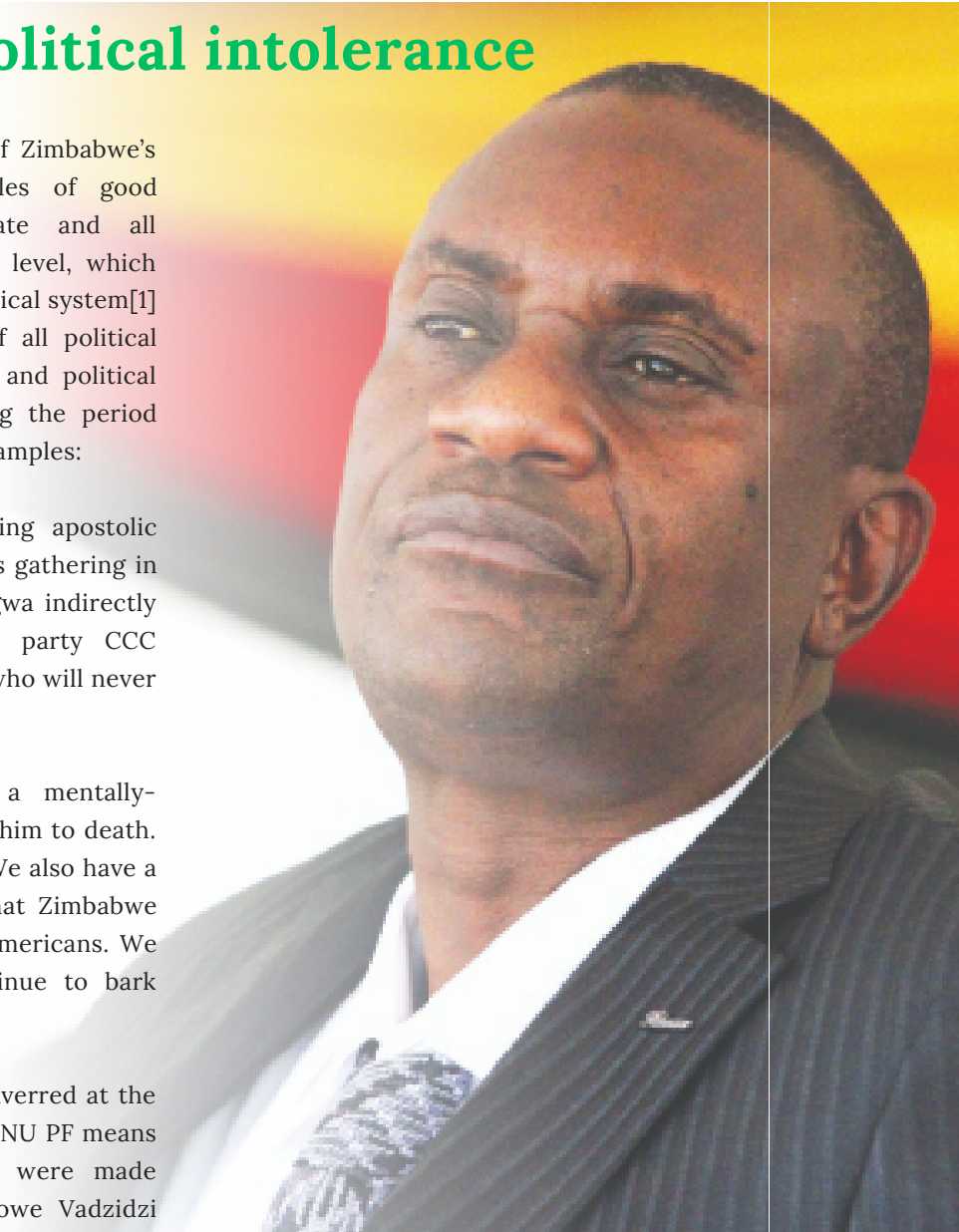
Despite the fact that section 3 (2) of Zimbabwe's Constitution espouses the principles of good governance, which bind the State and all institutions of Government at every level, which include a multi-party democratic political system[1] as well as respect for the rights of all political parties,[2] instances of hate speech and political intolerance were documented during the period under review. Below are some case examples:

On 25 August 2022, while addressing apostolic church congregants during a religious gathering in Shamva, President Emerson Mnangagwa indirectly suggested that opposition political party CCC leader Nelson Chamisa is a madman who will never rule the country. In his words:

“When a mother gives birth to a mentally-challenged child, she does not starve him to death. They will continue to give him food. We also have a madman in our midst who thinks that Zimbabwe will be developed by the British or Americans. We cannot stop him, but he will continue to bark without ruling”.

President Emerson Mnangagwa also averred at the same gathering that voting against ZANU PF means going against God. These remarks were made during his visit to the Johane Masowe Vadzidzi VaJesu Centre in Madziva, Shamva.

On 6 October 2022, an audio recording of Owen “Mudha” Ncube and another ZANU PF official addressing a rally in Mberengwa surfaced on various social media platforms. In the audio, Owen Ncube can be heard promising people in Mberengwa that 2023 will be worse than 2008. The 2008 elections were characterised by unprecedented levels of politically motivated violence in the run-off between erstwhile President of Zimbabwe, Robert Mugabe and the late Morgan Tsvangirai after the Zimbabwe Electoral Commission announced on 2 May 2022 that Tsvangirai had won with 47.9% against Mugabe's 43.2% result. It is this level of violence that Owen “Mudha” Ncube was promising will be even more intense in the upcoming 2023 harmonised elections.

A close-up portrait of Owen "Mudha" Ncube, a man with short dark hair, wearing a dark pinstriped suit jacket, a white shirt, and a patterned tie. He is looking slightly to the left of the camera with a serious expression. The background is a blurred mix of yellow and red.

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## Malicious damage to property

Malicious damage to property (MDP) can be defined as: “unlawful and intentional destruction, defacing, damaging impairment or removal of any part of the premises belonging to another”. In the context of political and human rights violations, it is used as retribution for supporting opposing views but more often as a means of intimidation and/or harassment. Some of the incidents that occurred during the time under review include the following:

On 1 October 2022, Sybeth Musengezi’s house ([pictured above](#)) was petrol bombed in the evening around 9pm. Sybeth Musengezi is a ZANU PF activist who in 2020 challenged President Emerson Mnangagwa’s ascension to the party presidency and filed a High Court application seeking an order for the removal of President Mnangagwa from the post of ZANU-PF first secretary. This was after a 2017 ZANU PF central committee meeting resulted in the late President Robert Mugabe stepping down and Mnangagwa taking over. Allegations are that a total of six men – four of whom had their faces covered, arrived at Sybeth Musengezi’s home and began smashing windows and throwing petrol bombs inside while he was indoors with his family. The other two men were armed and simply stood shouting instructions as all this was going on. His car was also petrol bombed.

On 18 August 2022, a CCC member was displaced from her home after her home and property were burnt forcing her to flee for safety. She was accused of mobilising youths to register and vote in 2023.

On 24 August 2022, ZANU PF activists led by the District Coordinating Committee Youth Chairperson, McNorman Chitongo, barricaded the road to Harare from Sadza (Chikomba Constituency) at Chogwedere Shopping Centre. This was done to block the way for CCC officials from conducting a meeting at Garaba Township in Ward 6, Wedza. The meeting still took place but was then disrupted by ZANU PF activists. A house belonging to Freddy Mukungurutse Chadoka, a prominent CCC activist in Wedza was stoned, leaving windows and doors broken.

Heal Zimbabwe Trust verified an arson incident which occurred on 8 November 2022 around 1 am in Mudzi West Ward 8. The arson victim, Rodrick Inasho, is a CCC Branch chairperson in Mudzi West. According to the verified report, Youth Officer Tiwai Chizoro attempted to eject Rodrick Inasho from a ward meeting that was being chaired by the local councillor on 6 November 2022 at Musarakufa Ward centre. When Inasho resisted, Tiwai Chizoro threatened Rodrick Inasho with death and told him to “watch his back”. A day after this threat was issued, Inasho’s house was burnt.

AFTER THE HEAD COUNT, THE PRISON OFFICERS INDICATED THAT THEIR BOSSES WERE COMING. FIVE UNIFORMED PRISON OFFICERS THEN WENT INTO THE CELL AND PROCEEDED TO ASSAULT PRECIOUS JECHÉ WITH OPEN HANDS FOR NO KNOWN REASON.

## Assault and torture

Assault refers to an act of “unlawfully and intentionally applying force to a person of another, or inspiring a belief in that other person that force is immediately to be applied to him”. Section 89 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] defines assault, inter alia as: “any act by a person involving the application of force, directly or indirectly, to the body of another person, whereby bodily harm is caused to that other person”. During the period under review, the Forum and its members recorded a total of 126 cases of assault and torture. Cases of assault and torture were the second highest human rights violation recorded after threats/harassment/intimidation. Case examples include:

**On 19 July 2022**, Precious Jeché, one of the Nyatsime detainees who are incarcerated at Chikurubi Maximum Prison, was assaulted while in prison cells. It is alleged that he was assaulted by prison officers with open hands. Precious Jeché indicated that they were about 37 in their cell, and prison officers had come to count them as usual. After the count, the prison officers indicated that their bosses were coming. Five uniformed prison officers then went into the cell and proceeded to assault Precious Jeché with open hands for no known reason.

**On 23 July 2022**, CCC change champions who had gathered to prepare for the memorial service of Abisha Chituwu, a provincial member who had recently passed away, were ambushed by a mob of suspected ZANU PF thugs who started indiscriminately beating up people without any provocation. Three of the CCC members present during this gathering were left badly injured.

**On 2 August 2022**, CCC shadow MP for Muzarabani was assaulted by suspected ZANU PF members and had to be admitted at St Albert’s Hospital for the treatment of his injuries.

**On 7 September 2022**, 3 women vendors in the Headlands area of Makoni were severely beaten up by alleged ZANU PF activists after they were found selling second-hand clothing that included some that were yellow in colour. They were accused of spreading the CCC party colours to the rural areas.

**On 2 November 2022**, CCC candidate for the Ward 9 by-election in Mutoko, Pondai Konde, was attacked by a group of suspected ZANU PF youths armed with pangas (large knives). Konde is disabled and uses an artificial leg. He was left lacerated (with cuts) all over his body. The attackers accused him of daring to stand as a candidate in the upcoming 3 December 2022 by-election. His friend, Tangisai Chikweto was also assaulted as was Pondai Konde’s wife who was taken away and only returned about an hour later. The group that carried out this assault was comprised of more than 40 suspected ZANU PF youths.





## VIOLATIONS RELATING TO FREEDOM, SECURITY AND INTEGRITY OF THE PERSON

# Threats / Harassment / Intimidation

A threat is: a statement of an intention to inflict pain, injury, damage or other hostile action to cause fear of harm. The intention may be communicated through an electronic, verbal, written, or physical act to cause fear or mental distress...the intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the such threat.

Harassment means any behaviour, whether physical, verbal, written or otherwise, that is unwanted and unwelcome and may offend or humiliate an individual and result in a hostile environment for the victim.

Intimidation, on the other hand, is: a course of conduct or series of acts occurring over a period of time, however short, indicating a continuity of purpose and directed at a specific person that causes substantial emotional and/or mental distress in such person.

As mentioned above, threats/harassment/intimidation constituted the highest number of politically motivated human rights violations under review. With these types of violations, one incident may involve multiple cases (such as an entire community being intimidated, harassed or caused to fear) and usually occur with high frequency. Consolidated statistics from the Forum and its membership recorded a total of 365 cases of threats, harassment and intimidation. Illustrations of documented cases include:

**On 16 July 2022**, 20 female Zimbabwe National Students Union (ZINASU) students were attacked and had their meeting disrupted by a group of around 15 suspected ZANU PF youths in Bulawayo at Continental Hotel. The youths had hats and masks on and had arrived in an unmarked vehicle. The female students were participating at a ZINASUZim Leadership Female Students Summit (FSS).

**On 23 August 2022**, the Forum received an alert indicating that two witnesses to the extrajudicial killing of CCC activist, Mboneni Ncube were in grave danger and now feared for their life. One of them, Brighton Nyirenda, was assaulted twice but did not report this to the police out of fear. The other, Judith Ncube, sister of the late Mboneni Ncube, was being hunted and had received several threats as well.

**On 12 September 2022**, villagers from Zhombe approached the Forum requesting legal assistance. The villagers claimed that members of the Zimbabwe Republic Police had recently been terrorising the village and roughing up old villagers, accusing them of harbouring someone called Tony. The villagers were adamant that there is no one by that name who resides in their village and did not know where to report the matter as it was the police themselves harassing the villagers.

**On 17 October 2022**, the Forum received an alert indicating that in Gutu North Ward 3, ZANU PF chairman, Jeremiah Makumbe had barred Netsai Chinhanda, a teacher at Mbiritira Primary School from conducting lessons. Chinhanda was being harassed and threatened because her husband was a CCC member. She was told to stop reporting to work at the satellite school (ECD) for Mbiritira Primary School by ZANU PF supporters. She reported the matter to the headmaster of the school who advised her to go back as usual but she did not do so out of fear of further victimisation.

**On 4 November 2022**, the Forum responded to a distress call from Mbare citing brutality and harassment from the police. Allegations were that police would throw teargas into the residential flats in the Mbare area and indiscriminately assault residents on a daily basis. A forum verification team visited the area and confirmed these allegations as true. However, the residents declined legal assistance to file an urgent chamber application to interdict police from using excessive force in the area as they feared further victimisation.

**On 26 November 2022**, ZANU PF youths confronted the School Head at the school where Fidel Sikhala, the son of jailed CCC Member of Parliament Job Sikhala had, on the previous day, swept up all the accolades during a prize giving ceremony at the school including the award for Overall Best Student. The ZANU PF activists harassed and threatened authorities at the school for allowing Fidel Sikhala to scoop up the awards.

## Extrajudicial killings

The right to life is safeguarded in section 48 of the Constitution of Zimbabwe, 2013 as well as in Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to which Zimbabwe is a state party. Despite the regional, international and domestic frameworks in place, three extrajudicial killings were recorded during the period under review.

**On 25 August 2022**, Police National spokesperson, Paul Nyathi, confirmed the death of Levy Musendo who was allegedly assaulted to death by guards at the State House. Allegations are that on 19 August 2022, Levy Musendo “a mentally challenged person but stable and on medication”, left the family’s Mufakose home to run some errands and never returned home. The next morning his father, Job Musendo, received a phone call from an unidentified police officer at Harare Central Police Station indicating that his son had been arrested and detained. The family’s lawyers averred further in a letter dated 24 August 2022 addressed to Officer Commanding Harare Central District, Chief Superintendent Moyo, Officer Commanding Harare Metropolitan Province, Police Commissioner-General Godwin Matanga, Justice minister Ziyambi Ziyambi and Defence minister Oppah Muchinguri that the family had, from that point, been taken on a merry go-round with officers being evasive when quizzed for details until they eventually indicated that their son had been injured while “attempting to break into the Zimbabwe State House at No 1 Chancellor Avenue”.

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DESPITE BOTH  
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MEMBERS.

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Forum member, Zimbabwe Peace Project, in its August Monthly Monitoring Report documented how a murder was reported in St Marys Chitungwiza on 17 August 2022. It is alleged that three members of the Zimbabwe Republic Police stormed the home of sungura maestro Aleck Macheso’s bodyguard named Tawanda Zvinowanda and assaulted him in front of his family before taking him to Unit L cemetery to continue the torture. Indications are that they first accused him of robbery but later changed the charges and alleged that he was armed with a machete. Zvawanda was then taken to Makoni police station where he died the next morning.

**Between 8 to 10 October 2022**, CCC and ZANU PF youths allegedly armed themselves with sticks and stones and engaged in fights for control of the Mupedzanhamo vending stalls. It is alleged that one person died as a result of the skirmishes. Despite both ZANU PF and CCC youths being implicated in the violence, police only detained CCC youths who were allegedly apprehended and taken to the police by ZANU PF members. The Forum represented Brian Tongowasha, Marshall Marova, Nellish Watosvorwa, Bramwell Marime, Tendai Musauki, Robert Madira and Tinotenda Gwechekweche who were randomly picked and arrested by ZANU PF members and presented to the police on allegations of murdering a ZANU PF member.

One person was reportedly killed and eight people were seriously injured after a group of war veterans and ZANU PF youths allegedly attacked CCC members in Makoni district. The perpetrators are reported to have arrived at the CCC meeting in a brand-new truck with no number plates. The attack reportedly occurred on Monday 31 October 2022.

## Abductions

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ONE OF THE VICTIMS WAS SO HEAVILY ASSAULTED THAT HE  
COULD NO LONGER WALK AND WAS VOMITING BLOOD.

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*“Enforced disappearance” (also referred to as an abduction or involuntary disappearance) is a practice that is strictly prohibited under international human rights law in all circumstances. The Declaration on the Protection of All Persons from Enforced Disappearance, proclaimed by the United Nations General Assembly on 18 December 1992, defined enforced disappearance as the arrest, detention or abduction of persons against their will or the deprivation of their liberty by officials of different branches or levels of Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law and at the mercy of their captors.*

Enforced disappearance is an abhorrent practice that amounts to a serious violation of several freedoms and rights protected under international human rights law. This includes the right to liberty and security of the person; the right to bodily integrity which entails the right not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment; basic fair trial rights and the fair administration of justice in general where enforced disappearance occurs in the context or under the pretext of effecting an arrest, as well as the right to life where the victim is subsequently killed. Unsurprisingly, both the Rome Statute of the International Criminal Court and the UN International Convention for the Protection of all Persons from Enforced Disappearance qualify enforced disappearances as a crime against humanity.

Zimbabwe has not ratified the Convention Against Torture (CAT) related to enforced disappearances, cases of enforced and/or involuntary disappearances usually associated with elections have become a systemic tool for the exertion of political control. During the period under review, a total of 11 abductions were documented. Case illustrations include:

**On 2 August 2022**, CCC Chitungwiza South District Interim youth chairman Ephrage Gwavava, was picked up by armed men who were carrying AK47 rifles at around 3.45am. The men, who were clad in police uniform, claimed to be from Dema Police Station.

Stewart Pairemanzi, aged 56, survived an abduction attempt following the violence that erupted in Uzumba Maramba-Pfungwe (UMP) when CCC leader, Nelson Chamisa, paid a surprise visit to UMP on **Tuesday 23 August 2022**. Chamisa's convoy was reportedly attacked in UMP which is a traditionally known ZANU PF stronghold. CCC members were reportedly assaulted at Nhakiwa Growth Point for entertaining Chamisa. It was at this point that suspected ZANU PF supporters attempted to abduct Pairemanzi who however managed to flee.

**On 29 September 2022**, CCC activist, Felix Bhire was abducted by suspected ZANU PF members Felix Bhire was chased from the home of a woman only identified as “Mai Zvaita”. He tried to cross the Nyatsime river as he was fleeing as part of his bid to reach the Chitungwiza side but he was caught by his assailants who allegedly forcibly took him to a ZANU PF base at Chibhanguza Complex where they proceeded to assault him and other victims.

**On 19 November 2022**, the Forum received an alert concerning the forced disappearance of three CCC members, Tom Makumbe, Kudakwashe Makumbe and Nhamo Makumbe who were abducted from their place of work at Mpandawana Business Centre by ZANU PF youths and taken to a torture base where they were then heavily assaulted. The three were accused of mobilising votes for CCC at the growth point. One of the victims was so heavily assaulted that he could no longer walk and was vomiting blood. Gutu District Hospital was directed not to attend to the trio despite all three being heavily assaulted and being in need of urgent medical assistance. The Mirror Masvingo in a series of tweets published on 19 November 2022 further indicated that the Gutu Officer in Charge also refused to open dockets on the matter. According to The Mirror Masvingo, two of the abductors are brothers of ZANU PF DCC chairman, Josephat Sarukore.

## Violation of freedom of the media

*Freedom of expression and freedom of the media is protected under section 61 of the 2013 Constitution of Zimbabwe. It is a key component of ensuring the growth or enhancement, efficacy and long-term survival of Zimbabwe's constitutional democracy as it fosters responsiveness, accountability and transparency on the part of Government. It is thus highly concerning to see that journalists were exposed to assaults and arbitrary arrests for simply conducting their work. Case examples include:*

The 7 July 2022 assault of freelance journalist Anyway Yotamu by members of the Zimbabwe Republic Police for taking videos of the police assaulting vendors. He was then taken into custody and held at Harare Central Police Station. After being initially discharged, the police then made a U-turn and charged him with disorderly conduct and undermining the authority of the police. Yotamu also sustained injuries to his knee after being assaulted with a baton stick.

The 3 August 2022 arrests of Alpha Media Holdings editor-in-chief, Wisdom Mudzungairi and senior reporter, Desmond Chingarande on charges of violating the Data Protection Act. They were accused of publishing a story involving disputes between shareholders of Glen Forest Memorial Park. The shareholders alleged that NewsDay wrote a story alleging that they were operating without proper documentation.

The 25 August 2022 assaults of journalists Tongai Mwenje, Toneo Rutsito, Pellagia Mpurwa and Chelsea Mashayamombe. The journalists were heavily assaulted by suspected ZANU PF activists. Toneo Rutsito lost a tooth while Toneo's forehead was cracked open as a result of the brutal assault. One of the female journalists fainted while being assaulted and had to be revived through pouring water on her.

The 11 September 2022 harassment of journalists Ruvimbo Muchenje and Nunurai Jena by opposition political party, CCC security officers at a rally in Chinhoyi. The journalists were harassed and barred from executing their duties by CCC opposition political party security officers as they attempted to gain entry into Gadzema Stadium to cover the CCC rally. It is alleged that Ruvimbo Muchenje was forced to roll on the ground which left her dress tattered while Nunurai Jena endured insults from the CCC security details. Government was quick to respond with Information, Publicity and Broadcasting Services Minister, Monica Mutsvangwa indicating in a statement that:

“as Government we do not condone any acts of violence against journalists...It is the right of the media to cover events and for information to be given to them. Political parties should not muzzle the Press and decide the events they want them to cover”.

## VIOLATIONS RELATING TO FREEDOM, SECURITY AND INTEGRITY OF THE PERSON



### THE ASSAULT WAS METED OUT DESPITE GODWIN MANGUDYA FORMALLY IDENTIFYING HIMSELF AND PRODUCING HIS DULY ACCREDITED PRESS CARD

The 8 October 2022 alleged assault of Voice of America (VOA) Zimbabwean correspondent, Godwin Mangudya who was reportedly assaulted by suspected members of the Central Intelligence Organisation (CIO) and ruling party ZANU PF youth activists while covering ZANU PF central committee elections in Kuwadzana. The assault was meted out despite Godwin Mangudya formally identifying himself and producing his duly constitutionally-accredited Zimbabwe Media Commission (ZMC) press card and despite the fact that ZANU PF had itself invited members of the media to cover its activities country wide during a press briefing at the ZANU PF Headquarters in Harare, addressed by both the party's Spokesperson, Ambassador Christopher Mutsvangwa, and Political Commissar, Mike Bimha. Forum member, Media Institute of Southern Africa (MISA) – Zimbabwe reported that Mangudya had his mobile phones confiscated and reset resulting in the loss of both his personal and work-related information contained in the gadgets. MISA – Zimbabwe denounced the incident as an assault on the supreme law of the land which protects media freedom and emphasised the importance of the role of journalists in covering political parties' activities to allow the public to access reliable information and make informed decisions and choices. A statement released by VOA Public Relations further indicated that Mangudya was detained for over an hour during which time he was repeatedly punched and burned with lit cigarettes on his neck, chin, and other parts of his body.

Cases of politically motivated human rights violations against members of the media became a cause of concern in the month of October with a total of five journalists being assaulted, briefly detained, and prevented from covering events by police, ZANU-PF activists, and suspected government agents from the Central Intelligence Organization (CIO) over a period of just four days between 6 October and 10 October 2022.

On 6 October 2022, NewsDay reporter Moreblessings Nyoni was assaulted by ZRP officers for simply doing his job. He was caught capturing images of Harare City Council officers destroying vending stalls and residential structures. When he produced his press card and handed it over to the police officers, they labelled it as fake and began assaulting him with baton sticks resulting in him sustaining a swollen arm and painful buttocks.

On 9 October 2022, NewsDay reporter Desmond Chingarande was barred from covering ZANU PF central committee elections which were being conducted at Masvingo Teacher's College by suspected ruling party security officers. Further, on 10 October 2022, Alpha Media Holdings' HStv journalists Dunmore Mundai and Gadaffi Wells, were assaulted, with the perpetrators once again, being ZRP officers. The pair was shooting a documentary when they captured an exchange between police and vendors from the ruling party ZANU-PF and opposition Citizens Coalition for Change over vendors' market stands in Mbare. They were briefly detained and were only released after identifying themselves as journalists despite carrying equipment that clearly pointed to their line of work. Government did not issue out any statement in relation to the October attacks against journalists by ZRP officers, ruling party activists and suspected CIO officers.

VIOLATIONS RELATING TO FREEDOM, SECURITY AND  
INTEGRITY OF THE PERSON



**Violation of the right to freedom of association and assembly**

The right to freedom of assembly and association is guaranteed in terms of section 58 of the 2013 Constitution of Zimbabwe. 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. By way of example:

The Zimbabwe Republic Police, in a letter dated 10 August 2022, refused to sanction a Crisis in Zimbabwe Coalition prayer rally that was scheduled for 12 August 2022 in the Africa Unity Square. The ZRP, in citing their reason for banning the prayer rally, indicated that it violated the Maintenance of Peace and Order Act. The prayer rally was meant to raise awareness on the upsurge of political violence and criminalisation of civil society work.

# Section 2: Socio-Economic Rights

VIOLATIONS RELATING TO SOCIAL PROTECTION AND  
ECONOMIC WELL BEING OF THE PERSON



The socio-economic front remained bleak with citizens having to bear the brunt of acute load shedding, water shortages as well as dilapidated health infrastructure that generally points to a health sector saddled with several challenges that affect access to quality health care. Fuel prices continued to increase on a near-monthly basis, putting further pressure on production and transportation costs and the prices of most goods and services. The cost of living also remained high for citizens with a World Food Programme report indicating how the cost of the basic food basket in ZWL terms increased by 5% in September 2022 while on a year-on-year basis, the cost had increased by 493% in ZWL terms. The Food Security and Markets Monitoring Report also pointed to a high headline inflation rate of 280% and to how most people were likely to face crisis and would need assistance as household stocks deplete and reliance on markets increases. The worsening economic situation in Zimbabwe not only serves as an indicator for serious social unrest from a highly disgruntled citizenry but also has an adverse effect on the realisation of various socio-economic rights as emerges below.



## The right to water

Section 77 of the Constitution guarantees the right to safe, clean and potable water. However, the country remained plagued by perennial water shortages all amidst facing extreme climate episodes that include droughts. Zimbabwe was ranked second in a Global Climate Risk Index and it is this impact of climate change that has further compounded complex and multidimensional challenges to secure water service delivery. The country's capital, Harare and indeed the most populous city in the country, has not been spared the effects of climate change with its natural water supply, Lake Chivero, registering a general decline in the available stored water and increased variability of inflows due to changing rainfall patterns.

In Bulawayo, the country's second largest city, water woes continued to worsen in the city which resulted in the surge of diarrhea cases with more than 1200 cases being recorded. The Bulawayo City Council decommissioned Umzingwane dam as of 9 September 2022 due to low water levels sitting at 6.67% full. Such levels of water scarcity force residents to be either reliant on unsafe water sources or to queue for long hours to fetch water from safer or more reliable sources such as community boreholes or wells.

Those residing in the city fare better than those in rural areas during extremely dry spells due to the length of distances to be traversed in search of the precious liquid. While Government is to be commended for partnering with relevant stakeholders such as the African Development Bank and UNICEF to improve access to climate-resilient water services, large scale resources are required to provide communities in fragile settings with access to safe water. By way of example:

**On 1 November 2022**, the Forum's National Transitional Justice Working Group (NTJWG) conducted a community dialogue in ARDA Transau – a relocation area. Members of this community are victims of forced evictions, having been forcibly relocated from the Chiadzwa diamond mining fields in Marange in 2009 to the Agricultural Rural Development Authority (ARDA) Transau to pave way for massive diamond mining by the Government and some Chinese companies. By the time the NTJWG visited the community with the Forum's Research and Documentation Unit, the situation was now critically severe. Community members indicated that they had gone for one year without water in an area with no boreholes or wells to speak of. This left villagers to collect water from River Odzi, a highly unsafe water source as it is heavily contaminated by diamond mining waste and chemicals (mercury and cyanide) that are deposited into the river. Two cases of child loss of life were recorded (with the 2015 death of a grade 5 pupil and the 2016 death of a grade 6 pupil) who had gone to the river to fetch water thereby highlighting the dangers that community members sometimes face when fetching water from a precarious water source.





## Right to shelter/property rights

The internal displacement and denial of the right to shelter remains one of the challenges inherited from the Mugabe administration. The destruction of shelter and properties of citizens has continued with the New Dispensation. Case examples are given below:

More than 20 families in Budiro 4 extension were left homeless after the Harare City Council (the HCC) demolished their homes on 18 August 2022. The HCC demolished the structures on the basis of a court order to remove the residents who had allegedly illegally settled on council land. The affected residents however insisted that they had purchased the stands legally from a Housing Cooperative and had the receipts to prove so. The residents further bemoaned the fact that council had not given them any warning prior to conducting the demolitions. One of the residents asserted that the demolitions could have been politically motivated and that the affected residents were targeted for supporting ZANU PF.

**On 11 November 2022**, the Harare Metropolitan province embarked on a 45-day demolition blitz codenamed Operation Zero Tolerance to Environmental Crimes to demolish illegal structures on wetlands in and around the country. Provincial secretary Tafadzwa Muguti claimed the operation would target ‘institutions, shop owners, companies, vendors, public transporters, the actual passengers and the general citizenry who violate statutory requirements’ as a response to ‘concerns raised by the Presidium over an increase in environmental crimes’. Chitungwiza acting town clerk, Evangelista Machona, listed the material and human resources that each local authority would be required to contribute towards the operation with Chitungwiza being asked to provide 80 municipal police, 10 tipper trucks, 3 front-end loaders, 5 compactors, fuel, lunch, and refreshments for all personnel participating in the operation. It was with this in mind that residents in the identified areas condemned the demolitions as a waste of resources. Former Chitungwiza mayor, Lovemore Maiko questioned why the Harare metropolitan service would want to demolish people’s houses in the rainy season while Harare Residents Trust Director, Precious Shumba labelled the demolitions as unfruitful interventions aimed at targeting the informal sector. In Shumba’s words: “Using force to enforce the law will never produce sustainable results”.

Other than the destruction of shelter and property, there were also reports of forced evictions during the period under review. As a case example:

**On 12 December 2022**, Jacob Ngarivhume posted a social media alert on his personal Facebook account in which he indicated that he had just received a call from certain people who indicated that they were from Mafusire farm in Headlands where they alleged they had been forcibly evicted by a top ZANU PF official by the name of Matonga. The callers indicated that they had been living on the farm for 45 years and that things had turned sour when Matonga purchased the farm and then proceeded to use a court order to evict them with assistance from riot police. Ngarivhume’s post indicated that over 500 families had been evicted and dumped along Mutare road at a time when the country was experiencing heavy rains.



## Business and human rights

The International Covenant on Economic, Social and Cultural Rights guarantees the right of everyone to the opportunity to gain a living by work under Article 6. The Government of Zimbabwe ratified the convention on 30 May 1986. Its provisions were domesticated as seen through their incorporation in Zimbabwe's 2013 Constitution under section 24 of the Constitution. However, the Government seems to be ignorant of this right despite having ratified the Convention. Of concern is the impasse between health professionals and educators with the Government in relation to wages and salaries. The low salaries and the apparent inability to address this issue has resulted in the incapacitation of these essential service providers. The far-reaching effects being unnecessary deaths in health institutions and the violation of the right to education for children. A worrisome trend relating to confiscating goods and products belonging to informal traders and vendors has also been noted. This confiscation of vendors and informal trader's goods further impoverishes the already vulnerable group. Indeed the informal vendor has become an object of abuse and constant attack as shown by the violent clashes that erupted between suspected ZANU PF and Citizens' Coalition for Change (CCC) activists over control of vending spaces in Mbare. Ongoing tensions between the two parties over control of vending spaces in Mbare where tenants rent tables at a cost of USD\$5 per day are by now well documented. This points to a glaring need by the city's council's informal sector committee to regularise informal or unofficial markets as a long lasting solution that would also benefit the local authority.

# Conclusion

A TOTAL OF 826 CASES OF POLITICALLY MOTIVATED VIOLENCE WERE DOCUMENTED IN THE PERIOD UNDER REVIEW, A WORRYING FIGURE CONSIDERING THAT THESE OCCURRED OVER JUST HALF A YEAR. THE POSSIBILITY OF INCREASING SOCIAL UNREST, FURTHER COMPOUNDED BY THE HARSH ECONOMIC CLIMATE AND PREPARATIONS FOR THE 2023 HARMONISED ELECTIONS OF THE COUNTRY, IS THEREFORE A LIVED REALITY. CONSEQUENTLY, THE POSSIBILITY OF INCREASED HEAVY-HANDEDNESS ON THE PART OF THE STATE IN QUELLING PROTEST ACTION AND GATHERINGS OF CIVIL SOCIETY ORGANISATIONS OR POLITICAL PARTIES AHEAD OF THE 2023 HARMONISED ELECTIONS IS JUST AS EQUALLY TO BE ANTICIPATED.

It is worth noting that as the constituent parts of the state are its citizens, a state's responsibility lies, first and foremost in securing the wellbeing of its people. Reference is made to the ancient Greek philosopher Aristotle who in his book 'The Politics' as he defines the role of the state towards its citizens. This role captures a state that is 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.

In the *Association of the Preservation of Peace v Kenya, Rwanda, Tanzania, Uganda, Zaire and Zambia* case, the ACHPR, contended, in response to an alleged violation of Article 22 of the African Charter that it is difficult to conceive the possibility of enjoying economic and socio-cultural rights without the State creating a conducive political environment for such freedoms to thrive. The perennial failure on the part of the Zimbabwe Government to ensure an acceptable standard of living for Zimbabwean citizens thus amounts to blatant violation of Article 20 of the African Charter on Human and People's Rights (the Banjul Charter) which enshrines the unquestionable and inalienable right to self-determination; Article 22 of the Banjul Charter which guarantees the right of all people to their economic, social and cultural development and places a duty on the State to ensure the exercise of the right to such development and as Zimbabwe is also a signatory to both the ICCPR and the ICESCR, its failure in this regard also amounts to a violation of Articles 1(1) and 1(3) of the ICCPR and the ICESCR respectively.

Upon attaining independence from colonial rule in 1980, Zimbabwe signed and ratified several regional and international human rights conventions and instruments as part of the country's fulfilment of the 'responsibility to protect citizens' which is a general rule in international law. In essence, as a full member of the international community, Zimbabwe accepted the responsibility to act in compliance with international human rights law. While acting in compliance with rules and principles of international human rights law is voluntary not mandatory, what cannot be ignored is that international human rights law is designed to protect life, prohibit torture or cruel treatment, prescribe basic rights for all individuals and prohibit discrimination. These international human rights norms, principles and standards have been incorporated into Zimbabwe's 2013 Constitution under Chapter Four which couches the Bill of Rights. This report's findings are, however, indicative of how Zimbabwe has failed to meet its legal obligations to respond to human rights violations under the country's national legal framework and in terms of its regional and international obligations

# Recommendations

In light of the above, the Forum urgently calls upon the Government of Zimbabwe to urgently take steps to fulfil 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;
- paying due cognisance to the provisions of the Universal Declaration of Human Rights Defenders, which provides specific protections to human rights defenders by ending the harassment, ill-treatment and intimidation of activists, opposition political party supporters and/or members and human rights defenders; and
- launching immediate, thorough, and effective investigations into the allegations of human rights violations being perpetrated by members of the police and to take appropriate action where it is necessary. Findings of such investigations must be shared timeously.