

UNITED

FOR HUMAN RIGHTS

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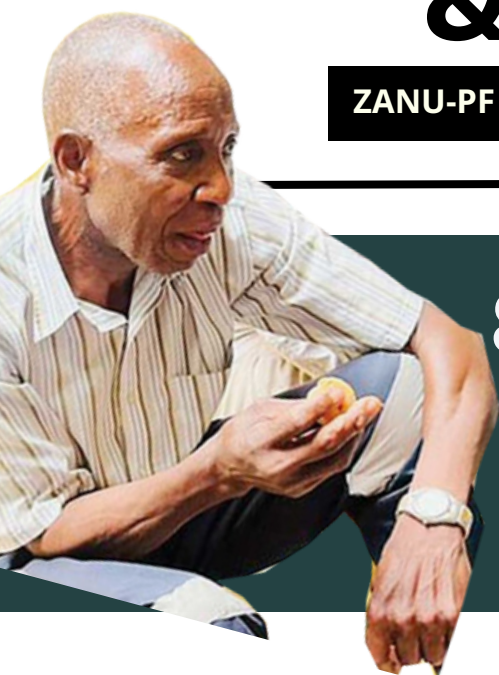


BLOOD & BARBARITY



ZANU-PF intra-party violence victims recount horror

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**Bruised & beaten:
Seremani vows to stay**



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ED under
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Peace, justice & rule of law!

I hope I find you well.

We have just completed the first 3 months of the year. How the year is moving at a relatively fast pace. It is not a long time ago that I was welcoming you into the new year.

As a country, we continue to wait with bated breath for the harmonised elections expected in the next 3 to 4 months. I know most of you are edgy. Past elections have been marred by politically motivated violence and the elections expected this year look no different. ZANU PF recently had its primary elections. The party disqualified some of its candidates after violence reared its ugly head in some of the constituencies. One candidate from Epworth was disqualified following his arrest on allegations of assaulting officials from the Zimbabwe Electoral Commission (ZEC) who were on a 10-day voter registration blitz. The ZEC officials faced the wrath of the ZANU-PF members after they put on yellow bibs inscribed "ZEC".

They were accused of using the opposition Citizens Coalitions for Change (CCC) colours. We condemn in no uncertain terms the perpetration of violence. We commend ZANU PF for taking swift action to disqualify such a candidate and urge the party to continue to preach peace. However violent scenes in Sanyati on 21 March which resulted in some party youths being stabbed by knives could be a demonstration that the message for peace is also falling on deaf ears. If party members fought among themselves, imagine what will happen when they meet their rivals, the opposition parties. Following the violent cases, the Forum has submitted a dossier to the Zimbabwe Human Rights Commission calling for action to end impunity.

As we enter the crucial campaign stage, I urge you all to respect the sanctity of life. Violence has never healed a society, and neither has it spurred any economic development. Let us respect peace. I call on all those seeking political offices to do in a peaceful manner. You cannot lead graves.

The Private Voluntary Organisations (PVO) Amendment Bill passed through the Senate some time ago. The Bill now waits for the President to sign it into law. Despite an outcry from many different quarters against the retrogressive Bill, the President has insisted that he will sign it into law once it reaches his office. The 21 days mandated by the Constitution for the President to sign it could have lapsed on 26 February.

There is however debate as to when the 21-day period would start to run with some suggesting that it only starts running once the Bill gets to his desk. Maybe he listened to voices of reason and declined to ascent to it. The Forum is participating in a campaign to mobilise people from all walks of life to sign an online petition urging the President to decline to sign the Bill.

FOREWORD



Forum Director Dr Musa Kika

We feel it is a bad law which will have far-reaching negative implications for the country's political, social and economic architecture.

A ray of hope however rose when Former Mozambican President Joaquim Chissano warned President Mnangagwa on the need for the country to shake off its unfavourable reputation on the international stage before it can normalize relations with its creditors. He was speaking at a high-level Zimbabwe Second Structured Dialogue Platform meeting in Harare triggered by President Mnangagwa's pursuit to find a lasting solution with its lenders.

President Chissano told President Mnangagwa to make political and economic reforms. He also invited civic organisations to make their presentations on what they think about the situation obtaining in the country. We are glad we were given an opportunity to express our misgivings on the PVO Bill and we hope the former Mozambican President will prevail over President Mnangagwa. The engagements have culminated in a meeting between the President and the NGOs and we hope this is the beginning of fruitful engagements. NGOs are not enemies of the State, but partners.

This year we celebrate our silver jubilee. Each instalment of this newsletter will take you down memory lane. Sit back and relax as you read some of the amazing work done by the Forum over the last twenty-five years.

I thank you.

I thank you.

Blood and Barbarity

ZANU- PF is often likened to baboons that fight each other but unite against a common enemy.

The just-ended primary elections where party members violently jostled for tickets to represent the party in the forthcoming general elections aptly sums it all up.

One could be tempted to think that the people who were involved in the violence that rocked Sanyati on 21 March between supporters of incumbent MP Polite Kambamura and his biggest rival, Advocate Thembinkosi Magwalliba did not belong to the same party. Sanyati is a farming town about 90km west of Kadoma in Mashonaland Central.

A battle to represent the ruling party in an area that is hardly accessible due to the poor state of the roads made the place popular overnight after intra-party clashes were captured on camera at the Kasirisiri business centre.

The fear of reprisals resulted in youths abandoning their homes the following nights leading to the primary elections scheduled for 24 March being held a day later.

The United for Human Rights reporter caught up with victims of the violence who recounted the gory event.

"We were seated under a tree at the shopping centre when a group of people chanting Magwaliba Tata, Magwaliba Tata [WM1] [A2] [A3] approached us and ordered us to repeat the slogan after them," Thulani Ndlovu said, one of the victims who was stabbed by a knife on the waist socket narrated.

"Trouble started when we refused to chant the slogans. The eight of us, Talent and Trust Mhundu, Odence Zvikonyo, Panashe Bangura, Chakanyuka Mafaro, Comfort Goremusandu, Mike Meki and myself refused to do so."

The group, comprising Melbourne and Courage Hovovo, Esau Kasirisiri, and Charles Mhere then manhandled Talent Mhundu (29).

"We asked them why they were assaulting him and they also turned on us. They called their colleagues who were attending a rally addressed by Magwaliba at Kasirisiri Primary School.

"They came in two separate cars led by John Chitiyahoto, from Village 16 Sachuru Resettlement who appeared on the video with a black T-shirt inscribed Mhofu for reinforcement to attack the eight who refused to chant the slogans.

Chitiyahoto came driving a Toyota Fortuner where a whip produced from the tail of a hippopotamus was produced and used to assault the eight, accusing them of supporting Kambamura, according to Ndlovu.

"Kasirisiri manhandled Trust while Melbourne stabbed him with a knife on the thigh. Esau then turned on me and Melbourne stabbed me here (showing his stitches by the waist). Talent was whipped and we fled.

"We ran away while our assailants pursued. However, we managed to corner Kasirisiri who later got injured on the ankle when he was getting into a house where he sought refuge," Ndlovu said.

He said Esau was then picked up by Magwaliba to Sanyati Baptist Hospital for treatment but before doing so, took him to the police station where a report for public violence was made against Trust.

Initially, Kasirisiri claimed that Trust axed him on the ankle before the charge was turned into public violence.

Trust, who was stabbed by a knife, was arrested upon admission at the same hospital after he was taken by Kambamura for treatment. He is still in remanded prison and the Forum is seeking his release on bail.

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Blood and Barbarity

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The United tried to track the Hovovo brothers to hear their side of the story but were told they had already left the area for fear of arrest. Beauty Bangura, the Zanu PF Kasirisiri district chairlady also narrated her ordeal.

"We were at a rally addressed by Magwaliba. We received the news that some youths had been assaulted," Bangura said.

"When everyone was still trying to establish what had happened, one of us, John Jonasi slapped me on the cheek saying I was the one who had caused the violence by recruiting the youths to support Kambamura."

Jonasi was arrested briefly but released after the intervention of Magwaliba, Bangura said. The two will be back in court on 3 May.

"He can't assault me; I am someone's wife. Why? Because we have different preferences in politics? He did that because I am a woman. Justice should prevail," she added.

But Magwaliba denied fueling violence claiming he was the victim. He said in fact, it was four of his supporters who were attacked by Kambamura's backers.

He said he took them to the hospital and reported the matter to the police, which was recorded under case number 5413619. He mentioned Maleborne and Courage Hovovo as examples of victims of a systematic attack by Kambamura's supporters.

"One was cut by an axe, another shot by catapult while the other two were stoned. Kambamura's supporters ambushed my supporters as we tried to attend to one they had axed and caused mayhem.

He said Kambamura's hired backers were visibly drunk.

"Two days before, my supporter was attacked at Nyimo Business Centre for chanting a slogan, Magwaliba Tata, calling for people to support me. He was attacked by Joel Rwambiwa and one Mapawu, who are supporters of Kambamura. I was not even there," he said.

"I have not been retaliating. His supporters have been threatening my supporters. I preach peace at my rallies."

He denied that some party members were stabbed by knives.

"Our innocent supporter, Mr Jonasi was arrested and accused of assaulting Jeremiah. He has been released. All I can say is that Kambamura has been sponsoring violence.

But Jeremiah refuted Magwaliba's claims, labelling him a pathetic liar.

The campaigns were also filled with hate language, with Magwaliba's supporters calling Kambamura the son of a whore who should return to Bindura, where he allegedly hailed from.

Kambamura however won in the primaries.

Meanwhile, the Forum has submitted a dossier of the violence to the Zimbabwe Human Rights Commission, calling for action to end impunity.

"Of particular concern is the victimization and attacks targeted at women in politics, this is more worrying coming at the background of Matopo/Insiza violence where again women in politics became victims of political violence," part of the letter to the ZHRC commission dated 31 March read.

"We implore your good office to intervene and reiterate to all political parties on the need to call their candidates and supporters to order and denounce violence and to the law enforcement agents to end the culture of impunity through effective investigation and prosecution of all cases of human rights violations, without fear and favour.:

The Forum added: "The culture of impunity has resulted in the recurrence of violence and we fear the situation may worsen ahead of the general elections."



Slain CCC activist's relatives beg for justice

It is exactly a year after the murder of Mboneni Ncube at an opposition Citizens Coalition for Change rally in Kwekwe, but the family feels like it happened today.

Memories of the gruesome murder are still very fresh and the pain of seeing the victims walking scot-free and committing other crimes is just too excruciating for them to stomach.

"We are not happy because there's never been any justice," Mboneni's sister, Judith Ncube said.

"The criminals are still being protected by the law.

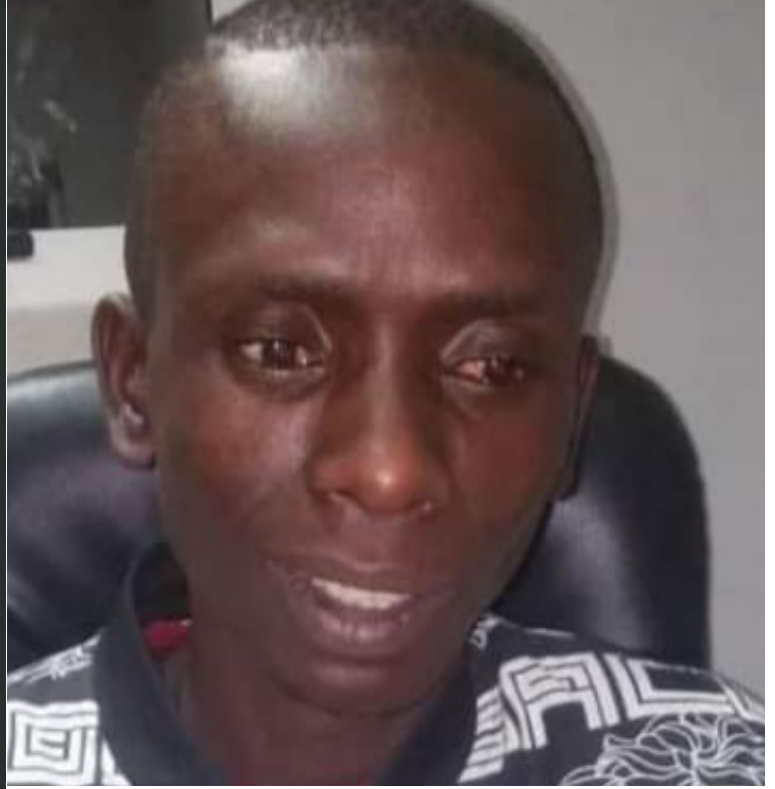
What do you expect us to feel besides the pain that we have not seen any justice and are being threatened by the same killers?

On 27 February last year, Mboneni was gouged to death by suspected ZANU PF supporters at a rally in Mbizo, Kwekwe, that was being addressed by party leader Nelson Chamisa, ahead of by-elections held on 26 March.

Alleged ZANU PF youths armed with machetes, stones, logs and iron bars stormed Chamisa's rally at Mbizo 4 shopping centre, causing a commotion that hurtled the crowd helter-skelter on the open ground, injuring many.

Seventeen suspects were nabbed for the murder of Mboneni, among them, ZANU-PF cardholders, according to a leaked police memo.

The 17 suspects include Edmore Shoshera who was identified as a Zanu PF party card holder together with Percy Mukwaturi, Talent Imbayago, Misheck Mutetwa, Takunda Chivenyengwa, Isaac Tapfumaneyi, James Jere, Musa Matingwende, Shepard Mbewu, Progress Munyuki, Amon Kwachata, Edmore Shoshera, Albert Maketo Tembo, Fraud Munyuki, Blessing Tomu, Sydney Samanyai and Valentine Mandizvidza.



Of the 17 who were arrested at Jessie Lodge which is said to be owned by former State Security minister Owen "Mudha" Ncube, 12 were released before appearing in court. The remaining five who appeared in court were granted bail.

However, the five were allegedly granted bail again for other crimes committed after they were released over the gruesome murder of Mboneni, according to Mbizo MP Settlement Chikwinya.

The suspects, as part of their bail conditions, have been ordered not to interfere with witnesses. They are allegations that they have been threatening the witnesses since their release without being arrested, despite numerous reports.

"I am not safe in this town. I am always being threatened by the gang that killed my brother," Judith said.

The slow progress at the court courts in finalising the case does not inspire public confidence in the country's judicial system, according to Chikwinya.

The suspects are yet to be indicted for trial on the murder charge.

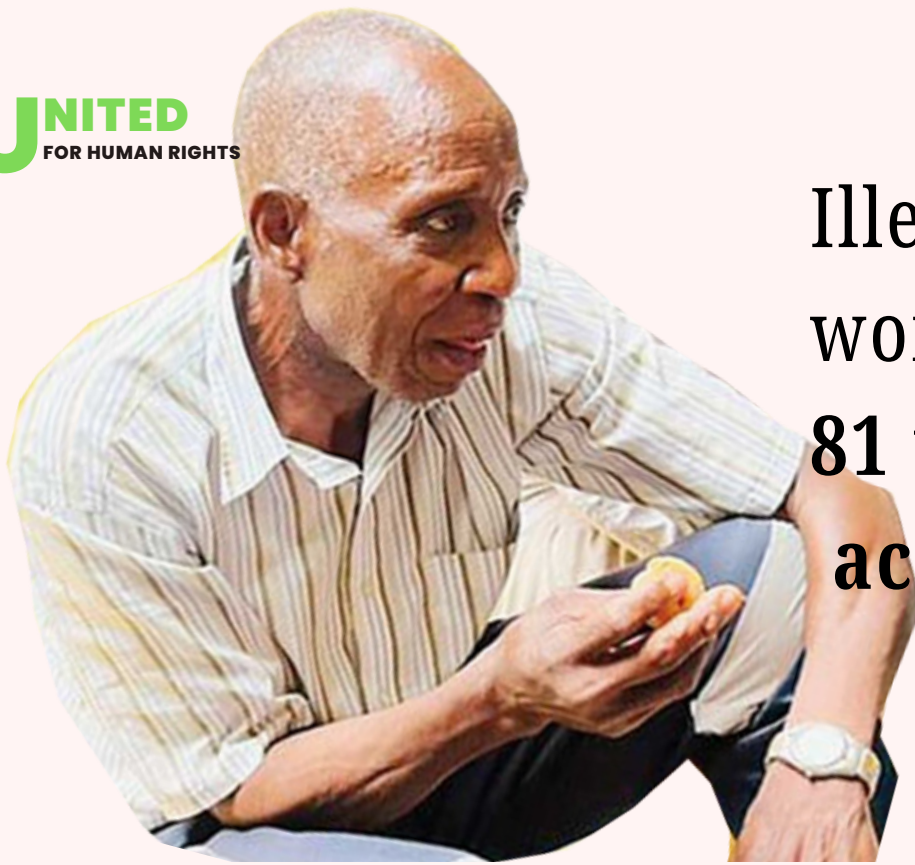
"Witnesses are now suffering from fatigue. They have been attending court cases but no justice is being delivered. The case is always being postponed," Chikwinya said.

"Two of our witnesses have been intimidated and harassed by some of the suspects, police reports have been made but the suspects have not been arrested despite being positively identified."

One of the witnesses, Brighton Nyirenda was assaulted by the suspects in August 2022 for reporting to court to witness against them and no arrest was made.

"A year has passed since Mboneni was murdered. Surely, there could have been a conviction on the case of public violence which has many witnesses with compelling evidence," Chikwinya said.

"It is worrying that the suspects have all been granted bail and have continued to commit crimes, but they are not arrested. They are habitual offenders who should be denied bail. By now, trial on the murder case should also have started."



Illegal arrest won't deter me: 81 year old activist

Siros Rusambo (81) is a former liberation war fighter whose picture went viral when he was arrested among 25 other Citizen Coalition for Change (CCC) activists, including two legislators in Budiriro, Harare in January 2023.

The picture of him that was taken in court while he was wearing torn prison garb became fodder for both local and international media.

For a man of his age, many could have envisaged him frail and a subject of pity. But the radiant smile on his face, notwithstanding the tough prison conditions, told a story of a man whose determination outweighed his pain.

"They (the police) can arrest me a million times. I will not be deterred. It is time for a change and it is my right to be associated with any party of my choice. I should not be arrested for that," Rutsambo said soon after being granted bail two weeks after his arrest, courtesy of the Zimbabwe Human Rights NGO Forum.

"My liberation war name was Makemore Plan. During the war of independence, we agreed that we were fighting against injustices by Ian Smith's regime. We agreed that we will respect the rights of black people."

He added: "But this is what is prevailing.

"What is happening in the country is not surely what we fought for.

"I left my family and joined the liberation struggle with a determination to end injustices against black people. I came back home after independence and 43 years on, and it is paining me that what is happening is not what we agreed during the liberation struggle."

On 15 January, police fired teargas at a CCC gathering in Budiriro and arrested 25 opposition supporters, including Mkoba MP Amos Chibaya and a minor girl. Another MP, Costa Machingauta handed himself to the police after the chief investigating officer, George Garauzive told the court that he was on the run. T

his was despite that Machingauta was in the court following the proceedings.

The State insisted on opposing bail for the 25, claiming there was overwhelming evidence against them. The State also claimed that the gathering was not sanctioned, but admitted it was held at a private residence where clearance was not a requirement.

However, the State case collapsed when a second witness, the arresting officer Ignatius Magejo contradicted the evidence given by Garauzive.

Police spokesperson Paul Nyathi also issued a statement further contradicting the evidence given by hit officers in court.

Nyathi said about 500 people attended the meeting at Machingauta's house, but Magejo and Garauzive told the court that the meeting was attended by between 50 to 70 people during cross-examination by Advocate Wilbert Mandinde, from the Forum and Chris Mhike, who was taking instructions from the human rights group.

Magistrate Yeukai Dzuda released them on \$30 000 bail each on 27 January.

"The prison conditions are horrible. Imagine having 150 inmates in one cell. We were packed like sacks. We slept on the floor and right now my body is itching. In Zimbabwe, going to prison is synonymous with being condemned to death. There is no water or food," Rutsambo said.

"I am a liberation war fighter. I cannot be deterred by arrests. I will fight for my rights to the rear end. I will be doing it for my 17 grandchildren. They deserve better."

Bruised & Brutalised

Seremani remains unfazed



By Bianca Mahere

Morris Seremani (69) was assaulted, forced to sleep in the mountain during a heavy downpour and robbed of his dignity because of his political affiliation, but says he remains determined to assert his constitutional right.

Seremani is a CCC supporter who was a victim of the violence by that occurred at his home in Chirowa Village, Murewa North in Mashonaland East on 6 January 2023 alongside fellow party members Nyaradzai Chitauro (48), Beauty Chikoti (59), Chipo Mutizwa (64), Joyce T. Seremani (62), Patrick Dongi (76) and Tsitsi Dongo (68).

He is a branch chairman for Ward 4, Bhunu Village. The opposition supporters were left for dead in an attack by ZANU-PF supporters.

"They broke my phone and held me down while someone was stepping on my head," said Seremani.

"I am a victim because of my political affiliation but I will never desert my home because of politics."

It all started when his fellow opposition supporters visited him for their party meeting at around 11 am. His colleagues also wanted to see him because he was not feeling well and had been in Harare receiving treatment.

"Just when we were about to start our meeting, we saw a certain unidentified young man who was hiding a log behind him," Seremani narrated.

"He started assaulting me and his accomplices who number up to 20 started flocking into the yard. They surrounded us. They ordered us to sit in the middle.

"They started assaulting us with logs, sticks and iron bars for about 30 minutes. They were demanding to know what we were doing the team is doing."

Seremani added: "Some of them were wearing green ZANU PF regalia. They were asking us why we want to topple the government and why we support CCC. They also asked us if we are receiving presidential inputs. A certain guy was taking pictures and the lady who was shouting in that video was also taking pictures.

She was the most vocal. The victims could not identify a single person from the perpetrators, but they can be able to identify them if there is a parade.

After assaulting them, Seremani said, they demanded their mobile phone which they took away, a total of eight. They sprayed an unknown substance at one of the female CCC supporters before profiling them.

"They again assaulted us all over our bodies with sticks, iron bars and logs. Once a stick broke, it was immediately replaced. We suffered injuries on our legs, backs, shoulders, arms, necks, heads, and ears. They even stepped on our heads while we lay on the ground."

The group hurriedly left after the attack.

"We reported the case to the police the following day with the help of some people who had seen the video," he said.

One of the victims, Chikoti, said the attack was gruesome. She said they were forced to sleep in the mountain, enduring a heavy downpour.

"Very early in the morning, we went back home and proceeded to make a police report," Chikoti said.

"It was a very traumatising experience. More painful, our assailants were the size of our children and grandchildren."

ZANU-PF has denied responsibility for the attacks that were condemned by the Law Society of Zimbabwe and the Zimbabwe Council of Churches (ZCC).

"This recent incident, while seemingly isolated, signals the deepening and intensification of systemic political violence and intimidation as we approach the 2023 elections," ZCC said in a statement.

Two suspects were arrested by the police in connection with the case but have since been released.

Forum turns 25

We are 25 years old now.

Starting off with eight members in February 1998, the Forum has grown along its 25-year-old tortuous journey full of intriguing episodes of human rights defence.

Not an easy journey it was, but still stands, in fact, stronger than it was before. It is now a consortium of 22 civic groups contributing immensely to the development of human rights protection in Zimbabwe.

The Forum was born out of the food riots of 1998. After a century of colonial oppression and over a decade of armed conflict, the Zimbabwean black majority welcomed independence with both hands in 1980.

They had hope for a better future but as time passed, together with it the optimism for political prosperity and economic freedom.

People took to the streets to protest against rising poverty following the introduction of the Economic Structural Adjustment program of 1991 which triggered the collapse of the health and education sectors.

The State responded by deploying armed riot police to restrain the people from looting. There was brutal use of force from 19 to 23 January 1998. Eight deaths were recorded and uncounted injuries during the clampdown that was characterised by dragnet arrests and detentions.

The Forum was formed, not out of choice, but necessity.

The victims of the human rights violations perpetrated by the armed forces needed legal assistance and the Forum stepped in.

Peter Chirinda, a victim of brutality by State agents during the protests, became one of the first beneficiaries of the work by the Forum. The grouping produced a report and presented it to the President, demanding an independent commission of inquiry into the human rights violations during the food riots.

No response was made by the State and the Forum requested the United Nations Human Rights Committee in 1998 to consider the State of compliance by Zimbabwe to the International Covenant on Civil and Political Rights. The committee produced a report that endorsed the Forum's call for an inquiry.

The Forum was not disbanded after the food riots but continued to monitor and document the deteriorating human rights situation in Zimbabwe.

Numerous cases demonstrated the work of the Forum in the preceding years. The Forum and its members documented the human rights infractions perpetrated by State agents. A February 2000 constitutional referendum exposed the government's growing unpopularity and in the same year, the invasion of white-owned commercial farms started.



The Movement for Democratic Change, which had been formed in 1999, participated in the 2000 general elections and the Forum continued to report on violations and support the victims of electoral violence.

The reports alerted the international community of the human rights situation in Zimbabwe. The Forum made a communication to the African Commission on Human and Peoples' Rights (ACHPR) against Zimbabwe for the perpetration of violence against civilians.

The Forum also assisted victims of human rights violations in the 2005 pre-election violence as well as in operation Murambatsvina (Clean up the Filth) which was imposed on 'illegal' urban settlements. Approximately 700,000 families were displaced in this operation.

In 2005, the Forum managed to get a resolution on Zimbabwe passed by the ACHPR at the 38th Session.

In 2006, the Forum reported a total of 5 792 incidents of human rights violations and a total of 368 torture cases were recorded.

The Forum also recorded 1 566 violations against freedom of expression and association, 1 460 violations of unlawful arrests, 1 457 unlawful detentions, 55 displacements as well as 296 incidents of political discrimination, victimization and intimidation.

In 2009 the Forum reported on the human rights perpetrations that occurred during the Government of National Unity 2008. The Forum remains up to this day a credible source for statistics in terms of human rights perpetrations.

We are 25!

The Forum, in 2012, managed to get a positive communication from the ACHPR imploring Zimbabwe to take undertake law reform to bring domestic laws on compensation in case of wrongful killings into conformity with the African Charter for Human and Peoples' Rights and other international standards, especially in respect to effective and satisfactory compensation.

The human rights lobby group has been part of the development of jurisprudence in Zimbabwe and has made positive contributions to achieving safeguards for upholding human rights in the nation.

The Forum can be credited for having the ordinary citizen gain the confidence to approach the courts in seeking protections against some practical and lived perpetrations that may be difficult as the chief perpetrator is usually the state or its agents. Its members have stepped in over the years to ensure that the citizens of Zimbabwe get protections from state-perpetrated injustices.

After the results of the 2018 elections in Zimbabwe were announced there was some disgruntlement among the citizens and there were some demonstrations. The state responded by deploying the Zimbabwe National Army (ZNA) which used open fire on unarmed civilians killing 6 citizens during the 1 August 2018 demonstrations.

The Forum documented these shootings. In January 2019 there was a nationwide stay-away and protests sparked by high fuel increases and the state responded by using excessive force. The Forum documented the reports of rape, assault, torture, abductions, etc made against members of the ZNA and the Zimbabwe Republic Police (ZRP). The Forum recorded 17 deaths, 743 assaults, torture, and inhuman and degrading treatment during the January 2019 protests.

On 7 May 2021 Constitution of Zimbabwe Amendment (No.2) Act, 2021, became law after being assented to by the President. The amendment introduced a dynamic to section 186 of the Constitution which affected the extension of the retirement age of the chief judges and judges in the apex courts. It has been postulated that judicial independence is less at risk at the front end of the process if there is a strong system of judicial tenure at the back end.

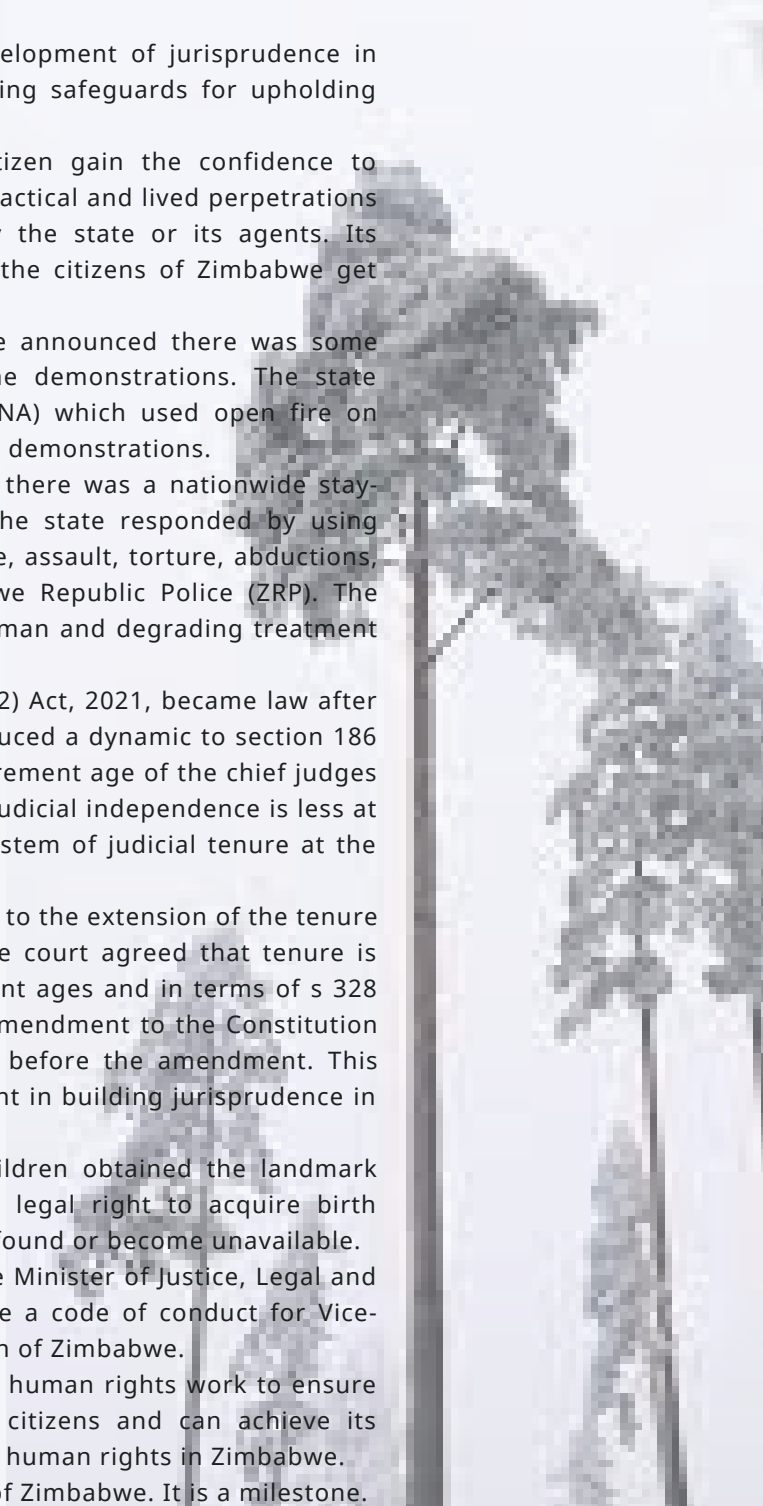
The Forum challenged the amendment in as far as it related to the extension of the tenure of the chief justice and judges of the superior courts. The court agreed that tenure is defined by both the fixed time and the stipulated retirement ages and in terms of s 328 (7) of the constitution, such an extension of tenure is an amendment to the Constitution which cannot benefit the persons who occupy the office before the amendment. This judgment was later overturned, but the Forum's involvement in building jurisprudence in Zimbabwe is undeniable.

Forum, in 2021, together with its member Justice for children obtained the landmark ruling giving fathers of children born out of wedlock a legal right to acquire birth certificates for their children where the mothers cannot be found or become unavailable.

In 2022 the Forum managed to get an order compelling the Minister of Justice, Legal and Parliamentary Affairs and the Attorney General to produce a code of conduct for Vice-Presidents and ministers in compliance with the Constitution of Zimbabwe.

The Forum and its members have done and continue to do human rights work to ensure that the State of Zimbabwe remains accountable to its citizens and can achieve its maximum potential in promoting, protecting, and enforcing human rights in Zimbabwe.

This. The Forum celebrates 25 years of serving the citizens of Zimbabwe. It is a milestone.



Prisoner drags Mudenda to court over the Prisons Bill

An inmate, Given Mushore who is serving a long sentence at Chikurubi Maximum Prison, has approached the High Court to compel the Parliament of Zimbabwe to consult prisoners on the Prisons and Correctional Services Bill.

A Portfolio Committee on Justice, Legal and Parliamentary Affairs conducted public hearings on the Bill from 20 to 24 February, soliciting input from members of the public, but excluding the prisoners in the process.

This is despite a Constitutional requirement that obliges the Parliament to consult all interested parties law-making making process.

In an application that was filed on 2 March 2023, Mushore, argued that he is an interested person, including all the prisoners.

He argues that his voice should be heard in the law-making process of the Prisons Bill and is seeking to compel the Speaker of Parliament, Jacob Mudenda and the Parliament of Zimbabwe to conduct public hearings in prisons.

The matter is yet to be heard. Mushore is represented by lawyers from the Zimbabwe Human Rights NGO Forum led by Advocate Wilbert Mandinde who is being assisted by Darlington Marange and Isheanesu Chirisa.

On 23 February, Mushore, through the Forum's executive director, Dr Musa Kika wrote to Jacob Mudenda requesting that inmates be allowed to give their input during public hearings for the Prisons and Correctional Services Bill.

Dr Kika said Mushore wants to exercise his constitutional rights to be consulted.

"Our client understands that the Bill, when passed into law, will become the governing law on the establishment of all prisons in Zimbabwe, providing and introducing new standards, for the management and control of all prisons," Dr Kika submitted.

He added: "As an inmate serving a long custodial sentence, he is directly interested in the legislative process of this Bill and would like to exercise his right to be consulted and input in the formation of this law in terms of Section 141 (b) of the Constitution,"

"We, therefore, have been instructed to request that as the Bill is taken for public hearings, you facilitate his involvement and all such incarcerated persons who may be interested in the legislative processes of this particular Bill. We have instructions to seek legal recourse should we not hear from you regarding this request within seven days."

The Bill will provide for the establishment, functions and administration of the Prisons and Correctional Service, the Prisons and Correctional Service Commission and the establishment of prisons and correctional facilities.

It provides for the functions, rights, obligations and discipline of prison officers, the safe custody of all offenders under humane conditions that respect human dignity as well as the rights of offenders who are yet to be convicted, among others.

The Bill also seeks to repeal the Prisons Act and substitute an Act titled the Prisons and Correctional Service Act.

Arbitrary demolitions: ZLHR seeks lasting solution

HUMAN rights lawyers have filed an application seeking an order of declaration of constitutional invalidity of some offensive by-laws, which permit local authorities to demolish houses without obtaining a court order as is required by the Constitution.

On Wednesday 8 February 2023, High Court Judge Justice Never Katiyo presided over the hearing of the constitutional challenge in which Chitungwiza Residents Trust (CHITREST) is seeking to invalidate some offensive provisions of the Regional, Town and Country Planning Act and declare them as unconstitutional.

CHITREST's application follows a demolition order issued by Chitungwiza Municipality in the state-run Herald newspaper on 8 October 2020, wherein the local authority indicated that some residents with houses situated in specific areas of St Mary's, Zengeza, Seke and Nyatsime suburbs in Chitungwiza had to demolish their houses for the reason that the stands on which the houses were built on and the houses, were constructed without the local authority's approval.

In issuing the demolition order, Chitungwiza Municipality said it was acting in terms of provisions on sections 32 and 37 of the Regional, Town and Country Planning Act.

Now, on behalf of CHITREST, Tinashe Chinopfukutwa and Paidamoyo Saurombe of Zimbabwe Lawyers for Human Rights, want the High Court to issue an order impugning section 32(2) (c) and (d) of the Regional, Town and Country Planning Act as well as section 37(1)(a)(i) of the Regional, Town and Country Planning Act.

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Zimbabwe fares poorly on corruption index

The 2022 Transparency International Corruption Perception Index (CPI) has ranked Zimbabwe at number 157 out of 180 countries surveyed, the same as the previous year. The worst performer is Somalia ranked at 180, followed by Syria (179), South Sudan and Venezuela tied at 177, according to the report launched on 31 January.

Zimbabwe's South African neighbours had respectable ranks of 130, 166, 110, 72 and 35 for Eswatini, Zambia, Malawi, South Africa and Botswana, respectively.

Countries that performed well include Denmark (1), Finland (2), New Zealand (2), Norway (4) and Singapore (5). Civil society organisations (CSOs) immediately warned of potential unrest likely to be triggered by President Emmerson Mnangagwa's failure to eradicate corruption.

The civic groups said the ZANU-PF leadership's lackadaisical approach to corruption was the "collapsing centre". They said despite Zimbabwe having progressive laws and anti-corruption institutions, the failure by the government to curb graft was worrying. Giving several examples of corruption in public institutions, they cited impunity as the reason why graft was thriving.

Zimbabwe Human Rights NGO Forum board member Wellington Mbofana, who is also the Zimbabwe Civic Education Network Trust (Zimcet) executive director said the politically-connected elite were thriving on corruption. "Corruption drives government into dysfunctionality, failure of oversight, incapacitation or capture of independence of the judiciary, and the civil society," Mbofana said.

"There is a need for every citizen to be involved in the fight against corruption because corruption affects everyone. We need to implement the law. We need a clean government. As William Butler said, when the centre fails to hold, things fall apart."

Transparency International-Zimbabwe (TIZ) executive director Tafadzwa Chikumbu said people were angry due to the government's failure to deal with corruption.

"People are angry. They are agitated. They are boiling with anger. You can see even on social media where there are developmental posts by government officials, people start talking about corruption," Chikumbu said.

"If corruption is not addressed, it can turn into violence because people are burning, they are erupting but they do have the space to do so. So we need to holistically look at corruption, not in the social and economic implications but from the perspective of conflict and security.

TIZ board chairperson Isheanesu Chirisa said weighed in: "Reports from the Auditor-General have revealed loss of public funds through corruption. There is the zero tolerance to corruption mantra but there is a need to turn words into action. There is also a need to stop using corruption to settle factionalism among political parties."

When he rose to power in 2017, Mnangagwa promised to deal with corruption, He established an anti-graft body in his office to prove his determination, the Special Anti-Corruption Unit, but this did not translate to a decrease in corruption.

He also established the National Anti-Corruption Steering Committee (NACS) in 2021.

But the Zimbabwe Anti-Corruption Commission (ZACC) chairperson Justice Loyce Matanda-Moyo disputed the TI findings saying they had shortcomings.

"There is a need to bring certainty in the conduct of CPI. So far no one is certain how it is done. In our efforts to understand it, we found a number of areas that appear as weaknesses and require improvements."

ZLHR seeks lasting solution

CONTINUED FROM PREVIOUS PAGE

Chinopfukutwa and Saurombe argued that the Constitution is the supreme law of the land and any law which is inconsistent with it is invalid to the extent of the inconsistency hence section 32(2)(c) and (d) and section 37(1)(a)(i) of the Regional, Town and Country Planning Act, are inconsistent with the provisions of section 74 of the Constitution.

The human rights lawyers want the High Court to issue an order declaring the said offending provisions constitutionally invalid because section 32(2)(c) and (d) as well as section 37(1)(a)(i) of the Regional, Town and Country Planning Act, infringe section 74 of the Constitution, which confers a right on people against arbitrary eviction from their homes.

They also want the demolition order issued by Chitungwiza Municipality on 8 October 2020 to be declared invalid.

Apart from Chitungwiza Municipality, CHITREST also cited Local Government and Public Works Minister Hon. July Moyo, Justice, Legal and Parliamentary Affairs Minister Hon. Ziyambi Ziyambi and Attorney-General Advocate Prince Machaya, as respondents in their application.

On Wednesday 8 February 2023, Justice Katiyo removed the matter from the court roll and indicated that it would be reinstated once lawyers furnish the court with a register of CHITREST members.

'ZEC Delimitation report a nullity'

Legal think-tank, Veritas has poked holes in the delimitation report by the Zimbabwe Electoral Commission (ZEC) that was gazetted by President Emmerson Mnangagwa on 20 February 2023.

Veritas described the gazetted report as a legal nullity, noting that it does not declare the names and boundaries of the wards and constituencies as required by the Constitution.

The legal think tank, a member of the Zimbabwe Human rights NGO Forum also noted ZEC could have used the wrong formula to come up with the boundaries, a move which compromised the delimitation process.

"Note that the President is not expected to publish the delimitation report itself; he is supposed to declare the names and boundaries of the wards and constituencies," Veritas said in its Election Watch dated 22 February.

"In fact, the President did publish the report, but he left out the most important part, the one that sets out electoral boundaries. It seems that the delimitation report he received from ZEC was in the same format as that adopted in previous delimitations."

Veritas added: "First, there is the main report, in which ZEC explains the factors it considered when dividing the country into wards and constituencies and the formulae it used in doing so. Then there is Annexure A, setting out total population figures, then Annexure B, giving detailed descriptions of ward and constituency boundaries, and finally Annexure C, containing maps of the wards and constituencies. The proclamation published only the main report and left out Annexures A, B and C."

Veritas said the law demanded that the President publish only Annexure B which describes ward and constituency boundaries.

ZEC, Veritas said, also used the wrong formula to come up with the report, throwing the process into chaos.

According to Section 161(11) of the Constitution, the President should publish a proclamation in the Government Gazette declaring the names and boundaries of the wards and constituencies as finally determined by the Commission within 14 days after receiving the delimitation report from ZEC.

But Mnangagwa's gazetted report did not include an annexure of the new ward and constituency boundaries and Veritas noted it was in violation of Section 161(11) of the Constitution.

"The first error we have noted - non-publication of electoral boundaries - can be corrected quickly if the President issues a new proclamation setting out Annexure B of ZEC's final report," Veritas added.

"The second error, the use of the wrong formula to calculate voter variations, cannot be corrected quickly and, in fact, probably cannot be corrected at all in the short time available. Unless it is corrected, the delimitation is invalid, so if it cannot be corrected, then according to the Constitution, the next election will have to be held under the old 2008 delimitation."

There have been concerns about the lack of transparency in the manner in which the delimitation report was produced by ZEC. Seven commissioners of the electoral body distanced themselves from the report.

ZimRights intervenes, man recovers cattle

For Jacob Chiwome, the joy of reuniting with his livestock was a perfect gift for the New Year.

Jacob is one of the 18 villagers assisted by ZimRights in Gokwe. The villagers were victims of Chief Nemangwe's abuse of traditional authority.

Community human rights monitors reported that the Chief had forcibly taken away the villagers' livestock after passing default judgments based on various trumped-up charges against the villagers.

He went on to sell the livestock for his own benefit.

This was in violation of property rights as provided in Section 71 of the Constitution.

"We could not just watch and pretend nothing wrong was happening," said a local human rights monitor.

"We saw a human rights violation and decided to act by reporting, first to the police, who were taking their time and to ZimRights, who took up the matter."

ZimRights documented the cases of the 18 villagers who had been victimised by the Chief and worked with the Zimbabwe Lawyers for Human Rights (ZLHR) to institute civil legal proceedings.

The matter was dealt with at the Gokwe Magistrates' Court. Jacob Chiwome was the first to be granted a spoliation order by the court, which instructed the Chief to return his livestock or the messenger of the court to enter the premises of the traditional leader and return the applicant's property.

Chiwome's livestock consisted of three cows worth US\$1200. The other cases are still before the courts.

Expressing his joy, Chiwome said: "I thought my life had ended. These cows were my investment, but now I believe that justice is for everyone."

ZimRights produces voter registration jingle



ZimRights has produced a jingle to encourage people to go and register to vote ahead of the 2023 general elections. The voter mobilisation jingle seeks to increase the participation of women, men, youth, and persons with disabilities in key electoral processes. Under the campaign, ZimRights produced a jingle mobilising people to participate in the upcoming 2023 elections by registering to vote and by voting. ZimRights Director Dzikamai Bere said: "Elections and democratic participation are everyone's business. "Zimbabwe is geared towards harmonised elections in 2023. The song is urging everyone to play their part, stand up and be counted. The jingle encourages civic participation." He urged the people, to share the song as widely as possible in order to have many people register for the 2023 general elections, which will be held in August this year.

WLSA chants ways to increase women's participation in politics

Women and Law in Southern Africa - Zimbabwe (WLSA) participated in the two-day regional meeting on the validation of the study on the challenges women face in political participation.

The workshop was convened by SADC Parliamentary Forum (SADC PF) with the objective of developing strategies for promoting gender equality and women's political participation in the SADC region.

SADC PF secretary-general, Boemo Sekgoma, in her opening remarks said there is an illusion of gender inclusion in public political office through the women's quotas seats, these seats have not yielded gender parity in parliaments across the cross SADC region.

"Let us sensitize men so that they become drivers of gender inclusion in politics and appreciate women as equal leaders", Sekgoma said.


The report findings on the study on challenges women face in political participation showed that the Southern African region has experienced increased women's political representation over time, shifting from a regional average of 18 to 28%. However, the representation pattern is skewed across the member states that make up the region.

Speaking at the same event WLSA director Fadzai Traquiono said the electoral system in SADC region the has a bearing on who ends up in power and position. Proportional representation has proved to be better than first-past-the-post when it comes to achieving inclusion in the political space.

"The barriers to women's participation are not disparate but intricately intertwined. Therefore, an attempt to address only one set of factors without a more systemic approach is unlikely to yield the desired result of greater women's political representation", she added.

SADC PF committed to lobbying member states to review their national electoral laws and policies in line with SADC protocol on gender and development and develop a peer review mechanism for member states to report on its implementation of gender-sensitive out-capacity building training for women and member states to enhance their skills and confidence to participate in electoral processes.

SADC PF also committed to strengthening the SADC Women's Parliamentary Caucus capacity through learning and sharing of best practices.



OPINION: The nexus between corruption, conflict, peace & security

Transparency International Zimbabwe joins the global movement against corruption in launching the 2022 Transparency International Corruption Perception Index (CPI).

The CPI scores 180 countries or territories through their perceived levels of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean), according to experts and businesspeople. Zimbabwe is among 124 countries that have stagnant corruption levels, maintaining a score of 23/100, against the regional sub-Saharan Africa average of 32/100.

The level of corruption in Zimbabwe remains high despite the introduction of anti-corruption initiatives and approaches under the National Anti-Corruption Strategy (Nacs). This is due to impunity, limited political will and lack of coordination on among the anti-corruption agencies.

The years' #CPI 2022 focuses on corruption, conflict, peace and security in line with Sustainable Development Goal 16 on the promotion of peaceful and inclusive societies for sustainable development and providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Corruption undermines trust in governments and their ability to protect the public, leading to increased security threats that are difficult to control.

On the other hand, conflict creates opportunities for corruption and makes governments less able to address it. Broadly, corruption fuels social grievances by diverting funds from public goods towards private interests and giving disproportionate influence over policy to specific sectors of society. It shapes opportunities for conflict by preventing security and law enforcement institutions to detect and contain threats.

History has it that corruption provided incentives for alternative voices including political formations to challenge the government over the rampant corruption experienced in the country since the turn of the millennium. People have lost trust in the State's capacity and or willingness to enforce policies. In the long run, failure to address corruption contributes to increased political instability and social uprisings.

Furthermore, political instability increases pressure on resources and weakens oversight bodies, thereby creating opportunities for crime such as bribery and embezzlement to fester. Therefore, Zimbabwe is at risk of experiencing organised crime and increased security threats which are common among most of the low-ranking countries experiencing conflict.

The report presents an opportunity for various stakeholders to engage critically on the impact of corruption in the country and proffer solutions to effectively deal with corruption. The 2022 CPI score is indeed a reflection of endemic corruption in the public sector in Zimbabwe as enunciated in the successive Auditor-General's reports. Various forms of corruption have been evident across local authorities, central government and State-owned enterprises.

TIZ, therefore, recommends the government of Zimbabwe and anti-corruption actors to prioritise the following issues in order to deal with corruption:

Enactment of whistle-blower protection laws: The government of Zimbabwe should expedite the enactment of the whistle-blower protection legislation to ensure the protection of those who make reports in line with Article 33 of the United Nations Convention Against Corruption on the protection of reporting persons.

"Strengthen and support the implementation of the National Anti-Corruption Strategy: The strategy remains a viable option for Zimbabwe as it promotes coordination and strategic interventions in the fight against corruption. The government of Zimbabwe through the Finance and Economic Development ministry should set aside a budget to support the strategic implementation of the Nacs. Invest in building the capacity of anti-corruption actors and institutions: Concerted efforts should be directed at adequately building the capacity of anti-corruption actors through skills strengthening and adequately resourcing them to respond to complex anti-corruption cases. This will partly address challenges associated with ineffective investigation and prosecution of grand corruption cases. Share information and uphold the right to access it: Ensure the public receives accessible, timely and meaningful information, including on public spending and resource distribution. There must be rigorous and clear guidelines for withholding sensitive information, including in the defence sector. Broaden political will: The fight against corruption should not be limited to political rhetoric, but the emphasis should be towards the sustainable building of blocks in the fight against corruption.

Transparency International is a global civil society organization leading the fight against corruption

Push for Constitutional Rights, Sadc urged

The Southern Africa Development Community has been implored to rally its member states to ensure respect and enjoyment of citizens' constitutional rights.

The call was made in a joint communiqué by the Southern African Human Rights Defenders Network and the Zimbabwe Human Rights NGO Forum (Forum) following an increase in cases of harassment of rights defenders in Sadc countries.

There has also been an increase in intolerance of dissenting voices in the region.

The rights groups said Sadc nations, particularly Eswatini, Zimbabwe, Mozambique, South Africa, Angola and Malawi have exhibited higher levels of deterioration in the protection of human rights defenders throughout last year.

"Southern Africa is witnessing an alarming increase in the judicial and physical harassment of human rights defenders (HRDs), with the recent case being that of the late human rights lawyer and activist from Eswatini, Thulani Rudolf Maseko, who was shot and killed in his home in front of his wife and children in January 2023," the joint statement partly read.

"In the last several years, the Sadc region has recorded a collective decline in the respect for fundamental freedoms, rule of law and constitutionalism. Human rights defenders including journalists, trade unionists, lawyers, political activists and opposition political actors, are subjected to judicial harassment in the form of arbitrary arrests, and prolonged pre-trial detentions ... "

In addition, several countries in the region have and continue to enact restrictive pieces of legislation meant to shrink the operating environment for human rights defenders)."

The Forum said it recorded 2 683 cases of violations which include assaults, abductions, verbal threats, arbitrary arrests, detentions and prosecutions against HRDs in 2022 alone.

The Forum also raised concerns over the weaponisation of the judiciary.

"The State has particularly weaponised its criminal justice system to target human rights defenders by subjecting them to prolonged pre-trial detention without access to bail, and malicious and lengthy prosecutions," the statement read.

The cases against HRDs are expected to escalate as Zimbabwe heads towards general elections set for later this year.

Zimbabwe and Eswatini, the rights groups urged, should immediately end the prolonged pre-trial incarceration of HRDs.



PVO Bill: Pressure mounts on Mnangagwa

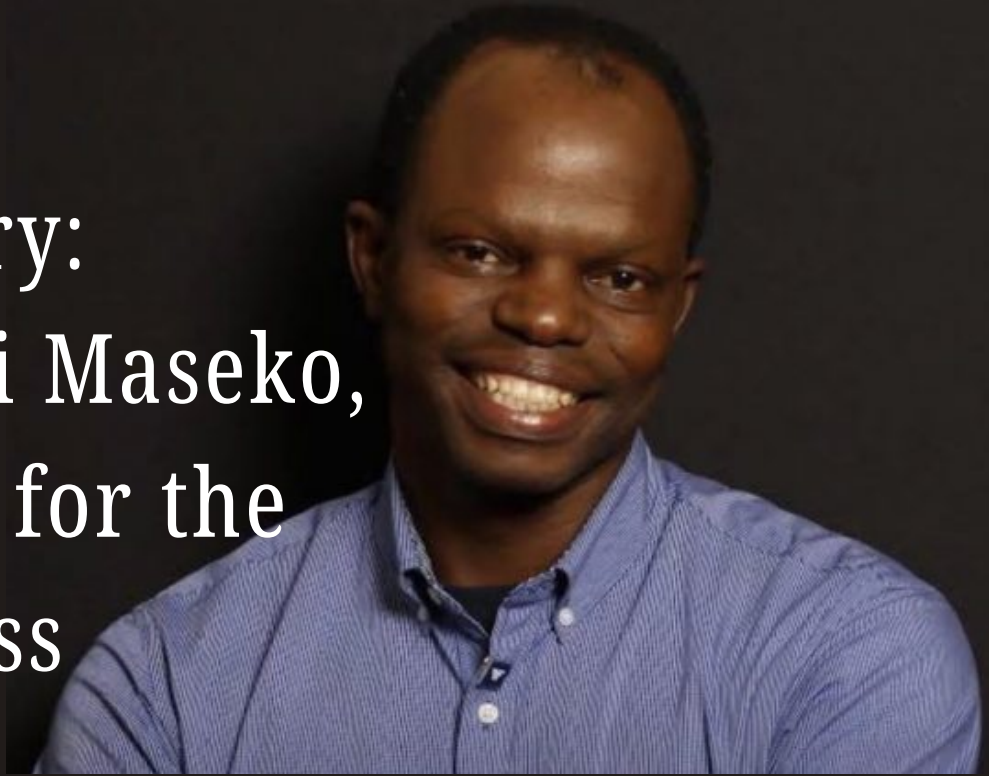
Pressure continues to mount on President Emmerson Mnangagwa to decline to assent to the draconian Private Voluntary Organisations (PVO) Amendment Bill, with UN experts voicing their concerns over the closure of civic space in the country.

Civic organisations are also running an online petition to force Mnangagwa to ignore the Bill that is now before him after sailing through Senate on 1 February 2023. The Bill awaits Mnangagwa's assent. The UN and civic organisations feel Zimbabwe's civic space will further shrink if the Bill is passed into law.

In a statement, the UN experts said the PVO Bill provides for disproportionate and discretionary powers to the newly established Office of the Registrar of PVOs, without independence from the executive branch.

The UN experts also expressed concern over the power given to the government to cancel operational licenses of PVOs already operating and constituting the board of PVOs.

Obituary: Thulani Maseko, a voice for the voiceless



The Zimbabwe Human Rights NGO Forum (the Forum) has learnt, with a deep sense of loss, of the assassination of Eswatini pro-democracy activist and human rights lawyer Thulani Maseko. Maseko was shot in the head in his lounge on the evening of 21 January 2023.

We join the entire human rights community in mourning the loss of one of our generation's most fierce defenders of human rights and steadfast champions of the voiceless.

Maseko was a friend of the Forum, sharing with the Forum a strong belief in social responsibility and consciousness in defending the rights, dignity, and equality of all. He supported the Forum in advancing the human rights discourse in Africa in several civic space engagements and initiatives. He fought tirelessly to promote respect for fundamental human rights on the continent as recently seen by his participation at the Southern Africa Human Rights Defenders Summit convened in Lusaka, Zambia from 28-29 November 2022.

Maseko was persecuted repeatedly for his unwavering defence of human rights. He was arrested on 17 March 2014 and charged with contempt of court for writing articles denouncing the lack of judicial independence in Africa's last absolute monarchy, the then Swaziland. His arrest, charges and pretrial detention were set aside by the Swaziland Supreme Court which ordered his release on 6 April 2014 just for him to be rearrested again two days later on 8 April 2014. He was subsequently convicted of "contempt of court" on 17 July 2014 by the Swaziland High Court which sentenced him to two years in prison. He endured solitary confinement during this period, criminalized for daring to speak out against an oppressive royalist regime.

Despite the persecution, he remained at the forefront of defending the rights of others following his release on 30 June 2015. His deep-rooted conviction in assisting his fellow man was one for which he paid the ultimate price – that of his life. It is in this spirit that the Forum mourns the devastating loss of an unwavering champion of democracy and human rights. The Forum strongly condemns this callous and cold-blooded killing that has robbed the region of a selfless human rights stalwart. We demand justice and accountability for Thulani.

Thulani leaves behind a void that will be extremely difficult to fill. In his honour, we commit to continue to boldly defend the ongoing struggle for the realisation of all human rights for all persons.

The Forum extends heartfelt condolences to the Maseko family, his close friends, co-workers in the legal fraternity and the entire human rights community who interacted with and shared his commitment to the struggle for human rights. The struggle for the rights and dignity of all continues, and Thulani's assassination strengthens our resolve.

Pressure mounts on Mnangagwa

“The Bill’s requirements would also immediately render existing organisations, operating lawfully as trusts and associations, illegal,” The experts said while pleading with Mnangagwa to decline to sign the Bill.

“The Office of the Registrar will also have extensive powers to intervene in and monitor the activities of PVOs.”

The UN experts also raised concern over the prohibition of any “political affiliation” and unjustified restrictions on PVOs’ ability to obtain funding, including foreign funds.

They said many provisions in the Bill were vague and subject to political manipulation.

“While one of the stated aims of the Bill is to counter terrorism and money laundering in Zimbabwe, the restrictions contained therein will have a chilling effect on civil society organisations – particularly dissenting voices. By enacting this legislation, authorities would effectively be closing an already shrinking civic space,” the UN experts said.

They implored the President to turn down the Bill.

“It is not too late for the President to change course,” the experts said.

“We stand ready to assist the Government to revise the Amendment Bill to ensure compliance with international human rights norms and standards.”

The UN urged Mnangagwa to consider submissions by the civic groups who have opposed the Bill.

The Zimbabwe Human Rights NGO Forum has been consistent in alleging that the Bill will shrink civic space and through a well-researched report, *Punching Holes into a Fragile Economy*, highlighted the economic prejudice of the Bill to the country should it be enacted into law.

To add pressure on Mnangagwa, Change Organization, led by a Zimbabwean citizen, Simba Tembo, has set up a petition online urging the President not to sign into law the draconian PVO Bill.

The petition, titled ‘President Mnangagwa #Reject the PVO Bill’, seeks to raise at least 500 signatures to be recognised by the government. The petition has already amassed over 5000 signatures.

The petition pleads with Mnangagwa to evaluate the negative implications realised by the country if the Bill is signed into law.

ABOUT US



The Zimbabwe Human Rights NGO Forum is a coalition of 22 human rights organisations that was formed in 1998 as a mechanism to react to the many human rights violations that arose from the food riots. The coalition over the years has become a strong network with organisations working in different humanrights fields all to promote the human rights agenda in Zimbabwe. It liaises closelywith its colleagues and peers such as the National Association of Non-Governmental Organisation (NANGO), the Crisis in Zimbabwe Coalition, the National Constitutional Assembly (NCA) and the Zimbabwe Congress of Trade Unions (ZCTU). Membership of the Forum is open to any organisation which is based in Zimbabwe, and which is bona fide concerned with human rights, with the elimination of organised violence and torture. After realising that Zimbabwe’s legacy of violence goes beyond the daily violations and goes to the roots that hold the pillars of social trust, the Forum, in 2008, launched the transitional justice advocacy programme to motivate more comprehensive redress of the root causes of violence.

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