



Observer status Number 303

Statement to the African Commission on Human and Peoples' Rights at the: 75th Ordinary (-) Session of the African Commission on Human and Peoples' Rights under Agenda Item 4e Statement on the Overall Human Rights Situation in Zimbabwe

Honourable Chairperson, Commissioners; Government Delegations, civil society representatives; ladies and gentlemen. The Zimbabwe Human Rights NGO Forum (the Forum) welcomes the opportunity to address you on the human rights situation in Zimbabwe.

1. Political Violence

Zimbabwe is due to hold its harmonised elections in the next three to four months. The President has called for a violence-free election. Notwithstanding, the country has already witnessed politically linked violence. The escalation in incidents of politically motivated human rights violations in Mbare, Matobo and Insiza districts after the last intersession points to a deepening political crisis in the country as the nation trudges closer to the 2023 general elections.

Mbare - It has for years been a constant battleground between the ruling party ZANU-PF and the opposition with fierce clashes between space barons from both ZANU PF and Citizens Coalition for Change parties over the collection of revenue from vending stalls. The clashes over the control of vending stalls at Mupedzanhamo resulted in one fatality, arson, and malicious damage to property. Despite both ZANU-PF and CCC youths being implicated in the violence, police only detained CCC youths (Brian Tongowasha, Marshall Marova, Nellish Watosvorwa, Bramwell Marime, Tendai Musauki, Robert Madira and Tinotenda Gwechekweche) who were allegedly apprehended by ZANU-PF members. We express our concern that the police seem to turn a blind eye when the alleged perpetrators are from the ruling party.

Matobo Ward 2 - politically motivated violence erupted in Matobo Ward 2. CCC members were also assaulted while mobilising for support for the by-elections. Victims of violence received a report that several vehicles had blocked the road at a bridge leading to the Mlotswa family and people were being harassed. Member of Parliament from Nkulumane Constituency in Bulawayo was present. They were met with violence and assaulted, including the MP. A gun was pointed at the MP before he was

assaulted. The victims, including the MP, claimed over 15 vehicles were blocking the road, led by one vehicle branded ZANU-PF Mashonaland Central. A mobile phone belonging to one of the victims was smashed to the ground while she was thrown under the bridge and assaulted. The group proceeded to one of the victims' homesteads where they destroyed the windows of houses. About nine elderly women who were mobilising for support for CCC were stripped of their blouses and left with bras, or bare-breasted.

Insiza - Violence erupted in Insiza in October 2022 where thirty people were savagely beaten with eight of them being left in dire need of emergency medical attention due to the severity of their injuries. Three vehicles were destroyed; tyres were deflated, and sand poured into the car engines, preventing victims from fleeing as the cars were immobile. It is alleged that the violence in Insiza was instigated by the same group of ZANU PF members responsible for the violence that took place in Matobo Ward 2.

2. Shrinking civic and democratic space

Since the last intersession, the Private Voluntary Organisations (Amendment) Bill sailed through the House of Senate. A positive development was that as Civic Society Organisations (CSOs), we requested an audience with the President, who kindly acceded to our request. A high-powered CSOs delegation met the President and senior government officials where the Bill was discussed. The President undertook to consider the CSOs' views after consultation with the Attorney General of Zimbabwe. We remain concerned about overregulation and the unconstitutional manner in which the consultations took place. The current text of the Act was not subjected to public consultations and this is a cause for concern. The weaponization of the law to shrink the civic space is in contravention of Article 10 of the Charter which guarantees that everyone shall have the right to free association read conjunctively with Article 11 of the Charter which provides that every individual shall have the right to assemble freely with others.

3. Selective application of the law

As the country prepares for elections, perceived voices of dissent are being subjected to selective application of the law with the space being restricted for other political players and the space being open for others. On 14 January 2023, Zimbabwe saw the arrest of 26 opposition political party activists. The 26 were arrested on allegations of attending an unsanctioned meeting at the house of a member of Parliament. The meeting was violently disrupted by the Zimbabwe Republic Police who also threw teargas in the residential home. The arrested persons included three elderly men and twelve women including one juvenile female. The African Charter in Article 2 guarantees equality and prohibits discrimination on several grounds including political or any other opinion or any status.

4. Attacks of HRDs

Attacks on HRDs have in some instances, escalated to the assassination of HRDs, with the most recent case being that of the late human rights lawyer and activist from Eswatini, Thulani Rudolf Maseko. In relation to Zimbabwe, HRDs are being subjected to judicial harassment in the form of arbitrary arrests, prolonged pre-trial detentions in maximum security prisons, and lengthy trials; smear campaigns and verbal harassment online and offline; death threats and physical attacks that include beatings and murder, all in retaliation for exercising their fundamental rights to free expression, peaceful assembly and association; and for participating in matters of public interest and holding their governments accountable on issues such as corruption, demanding free and fair elections, economic and social justice. We highlight the following examples;

- During the last session, we highlighted the plight of a member of Parliament, lawyer and opposition leader, Honourable Job Sikhala who has been in pre-trial detention for over 300 days when his conviction and sentencing were passed yesterday. The prolonged duration of his pre-trial detention before sentencing is a cause for concern
- On 29 September 2022, prize-winning Zimbabwean novelist and filmmaker Tsitsi Dangarembga was found guilty of “inciting public violence” during a 2020 anti-government protest. She was convicted together with a fellow protester Julie Barnes. Both were fined.
- On 14 January 2023, a lawyer Kudzai Kadzere was assaulted by the police and sustained a fracture by the members of the Zimbabwe Republic Police as he was responding to a group of 26 opposition activists who had been arrested.
- On 5 April 2023, lawyer and executive member of the opposition Citizens Coalition for Change (CCC), Fadzayi Mahere, was found guilty of publishing falsehoods prejudicial to the state after the court ruled that Mahere undermined the authority of the police when she tweeted that a policeman beat to death a baby that was strapped on its mother’s back.
- And more recently, on 27 April 2023, opposition Transform Zimbabwe leader Jacob Ngarivhume was convicted of public violence incitement charges stemming from a July 2020 tweet in which the opposition politician called for a national shutdown in protest over corruption and poor leadership and was sentenced to an effective 3-year custodial sentence. Convicting someone for calling for a constitutionally guaranteed right is strange but

shocking is the imposition of a custodial sentence for calling for people to demonstrate.

We, therefore, request the Honourable Commission to:

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- Call upon the GoZ to facilitate the existence of a conducive environment for female HRDs to participate in the political space and implement the 50/50 clause on political representation in decision-making positions;
- Actively ensure that the GoZ pays due regard to regional best practices regarding pre-trial detention and timely detention by calling upon the GoZ to abide by the 'Principles and guidelines on the right to a fair trial and legal assistance in Africa' proclaimed by the African Commission on Human and People's Rights and;
- Urgently call upon the GoZ to conform to the provisions of the Charter which protect the right to freedom of association and assembly, apply the law equally and provide specific protections to human rights defenders that, inter alia include the right to conduct human rights work individually and in association with others;
- Implore the GoZ to support the complimentary role of civic society organisations in the communities and not shrink the democratic operating space through waging lawfare;

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