

# UNITED

## FOR HUMAN RIGHTS

A Zimbabwe Human Rights NGO Forum newsletter  
APRIL 2023



# 'IT'S PAINFUL'



**Job Sikhala wife bares all**

# Foreword:

## The plan is to silence everyone

I hope I find you well.

The month of April ended on a very sad note. The conviction and sentencing of Transform Zimbabwe leader, Jacob Ngarivhume signalled a death knell on Zimbabwe's democracy. Ngarivhume was slapped with an effective three-year prison term after 12 months of his 48 months' sentence were suspended following his conviction on charges of inciting public violence. There was no option for a fine.

In its statutes, Zimbabwe provides for the right to peaceful demonstrations, freedom of expression, association, and choice. It is sad that Ngarivhume has been imprisoned for practising his rights as provided for in the constitution. On 5 April, we had another sad incident where Citizens Coalition for Change (CCC) spokesperson Fadzayi Mahere was convicted for "publishing falsehoods" prejudicial to the State over a viral video she retweeted alleging that a police officer had killed a baby. She was convicted and sentenced to pay a fine of five hundred United States dollars (US\$500) for the offence. Sadly, according to Flavia Mwangovya, the Amnesty International deputy director for East and Southern Africa, Mahere's conviction was based on a law that no longer exists in Zimbabwe. The legal provision that was used to convict Mahere was declared unconstitutional by the Constitutional Court in 2014. The High Court confirmed this in another case in 2021. The Magistrate Court should have noted the upper courts' decisions and acquitted Mahere.

I believe Ngarivhume and Mahere's convictions, coming just before the 2023 elections, demonstrate the extent to which the Zimbabwean authorities are willing to go to muzzle critical voices and suppress the right to freedom of expression. The message being conveyed to the citizens is that there is no space for exercising the right to freedom of expression in Zimbabwe. This indeed is an affront to democracy. The judgements in the two cases validate our claims that there is the weaponisation of the law against perceived enemies of the State. On 24 April, working together with the Southern Defenders, The Civic Space Network and Political Prisoners in Africa, we launched a publication, Justice Delayed is Justice Denied, Persecution by Prosecution of Zengeza West opposition Member of Parliament Job Sikhala, in which we expressed concern about the phenomenon of judicial persecution and abuse of the legal system in Zimbabwe. The publication brings to the fore the illegal procedural aspect in the pre-trial detention of Sikhala, who was denied bail over eight times. The MP has been in prison for 10 months.



**Forum Director Dr Musa Kika**

These sad developments happened the month the country is celebrating its independence from colonial rule. This leaves us questioning whether we are really independent, or whether it was simply the change in the colour of the oppressor. I have also watched the documentary by Aljazeera, Gold Mafia with awe. The first to the fourth episodes of the documentary exposes massive looting of minerals by a few connected individuals while the majority choke under an economic meltdown. The people have no potable water, no medicines in clinics and hospitals, and roads are in a deplorable state, to mention just but a few, but the leadership is spoiling itself with proceeds from the mineral resources that should benefit all the people. The Sentry report also exposes the massive plunder of chrome by President Emmerson Mnangagwa and his deputy, Vice President Constantino Chiwenga.

As we head towards elections, I implore the state institutions, the police, courts, and the military to act in a non-partisan manner and ensure the security of the citizens. Injustice to anyone is an injustice to everyone.

I thank you.

**Dr Musa Kika**  
Executive Director.



# Life has not been easy, Ellen Sikhala

*...as civic groups expose legal breaches in MP's long pre-trial detention*

## United Reporter

It has never been easy for any woman to be left fending for the children after her husband is taken away from her for solitary confinement.

Those old enough would obviously remember Winnie Madikizela-Mandela, who was left for 27 years to fend for the children while her husband was a political prisoner in Robben Islands.

The pain is worse when the circumstances seem not to prove an offence, suggesting political persecution.

Such has been the situation of Ellen Sikhala, the wife of Zengeza MP Job Sikhala.

The fearless MP was arrested on June 14 last year on charges of allegedly inciting public violence and disturbing police investigations following the murder of Citizens Coalition for Change (CCC) activist, Moreblessing Ali.

Ellen says her husband is innocent and taking him away from her has exposed her to the pain of fending for his children.



**Ellen Sikhala**

"It has been a horrible experience since the 14th of June 2022. Honourable Sikhala, my husband is an innocent, peace-loving father who takes care of a very large extended family," Ellen said before she broke down while giving testimony of how her husband and his family have been let down by what she described as Zimbabwe's "shameful" judiciary.

She was speaking during the launch of a report that exposed the weaponisation of the law against her husband through persecution by prosecution. It exposes court officials' violations of the judicial processes to deny Sikhala his constitutionally guaranteed freedom.

The publication, "Justice delayed is justice denied - Persecution by the prosecution in the case of Zimbabwe's opposition Member of Parliament Job Sikhala" was launched in Harare on 24 April by the Zimbabwe Human Rights NGO Forum, Southern Defenders, Civic Space network and the Political Prisoners in Africa.

This report documents the weaponisation of the law in Zimbabwe to target Sikhala, a legitimate human rights defender and political activist.

It was researched and written by Obert Chinhamo and Bongani Ngwenya. The publication provides a comprehensive understanding of the circumstances around the arrest and Sikhala's lengthy pre-trial detention.

His long pre-trial detention has triggered concerns from human rights defenders about judicial persecution and the abuse of the legal system to close civic space, both on and offline and targeting human rights defenders and those with dissenting voices.

"Since his arrest, it has not been easy for me to take care of the family as the breadwinner has been taken away from us," Ellen said.

"But we thank the Lord that by His grace we are managing to put food on the table and to meet some of the needs of the children. As you know our oldest son is 22 now and has got many siblings who are still young; they all have needs every day which I have to take care of."

She added: "I really want to thank the long hand of my husband because when he is around he helps a lot of people; it is that long hand that is also putting food on our table.

"It is his loving attitude that has also helped us to go through this horrible moment. It is stressful, especially during the court days."

Ellen had no kind words to the judiciary that denied her husband bail and kept postponing the case so that he stays behind bars for a longer period.

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# Zimbabwe continue to record human rights violations

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"You would see that our judiciary is a shame, it is a shame to the nation, it is a shame to the whole world," she said.

"It is not doing what it is supposed to do. It's a shame and it is confusing always spending the whole day roaming around the courts with nothing materialising. There will just be dilly darling around. They will just in the end postpone the matters each and every time."

She added: "We just hope that the Lord will keep him safe for us in the horrible cells that he is living in. It is a place that he is not supposed to be but our hands are tight.

"We just feel and hope that the Lord will take us through because the experience is just bad even for the kids. They are becoming impatient now. Sometimes it's hard to explain things to them. But we want to thank the listening ear of our Lord that is keeping them also strong."

Among the guests who consoled her was Tanele Maseko, wife to slain Eswatini human rights defender Thulani Maseko who died after being shot by assassins widely believed to be Eswatini kingdom agents.

Maseko has been very vocal against the absolute monarchy, calling for a transition into a multi-party democracy.

Tanele urged Ellen to be strong because her situation was very difficult.

"I want to say, my sister, I know it's not easy, I know it's tough; but this one you have to stick it out. It's going to be a long road, I ask you and the kids to hold the faith and fight on," Tanele said.

She said it was sad to note that Zimbabwe and Eswatini have constitutions that provide for the right for the protection of citizen rights but regretted that such laws were being violated.

Sadly, Tanele said, Zimbabwe's constitution has failed to protect Sikhala.

## UNITED REPORTER

Zimbabwe recorded a total of 826 human rights violations between July and December 2022 with cases of threats, harassment and intimidation topping the lists.

According to A Zimbabwe Human Rights NOG Forum report on Human Rights for the period July to December 2022 that was released in April, the country recorded 365 cases of threats, harassment and intimidation while cases of torture during the same period amounted to 223.

Most of the violations were recorded during the months of July, August and September.

Seventy-two arbitrary arrests were recorded during the same period, 65 cases related to the partisan distribution of food and aid, 47 related to discrimination, 11 were abductions and 16 were of malicious damage to property.

Fourteen cases were violations against journalists. Four extra-judicial killings were recorded as well as seven cases of hate speech.

"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 report concluded.

"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."

The report called 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."

The report also noted the video that went viral on 12 July 2022 of a 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, no arrests have been made and the State has continued with sustained efforts towards the closure of civic space that include, arrests of political and human rights activists and the creation of repressive laws.



# Ngarivhume jailing sends shock waves as Mnangagwa goes for broke

## UNITED REPORTER

Six years ago President Emmerson Mnangagwa promised to transform Zimbabwe's politics, which he said "had become poisoned, rancorous and polarising".

After being sworn in to replace long-time ruler Robert Mugabe following a military coup in 2017, Mnangagwa declared: "My goal is to preside over a polity and run an administration that recognises strength in our diversity as a people."

Fast-forward to 2023, the 80-year-old ruler appears to have thrown his pledge out of the window as he guns for his critics ahead of a crucial election between July and August.

On Friday, Transform Zimbabwe leader, Jacob Ngarivhume was jailed for effective three years for his role in organising the July 31, 2020 protests against corruption.

Ngarivhume became the fourth person to be convicted on charges related to freedom of expression, freedom to petition and demonstrate this year after Citizens Coalition for Change (CCC) spokesperson Fadzai Mahere, author Tsitsi Dangarembga, activist Julie Barnes and church leader Parere Kanyenzura.

The convictions have sparked fears that Mnangagwa's regime has started clamping down on dissenting voices to aid his bid for a second full term in office in the forthcoming polls.

Ngarivhume, who was the convener of the July 31 protests against corruption and poverty, spent months in pre-trial detention and was granted bail on his fourth attempt in September 2020.

Mnangagwa's government has been using pre-trial detention to hold those it perceives as enemies of the state behind bars.'

According to the Open Society Foundations 2021 report on the social impact of pre-trial detentions, the decision to detain a person before he is found guilty of a crime is one of the most draconian measures a state or an individual can make.

"A decision made in an instant by the arresting officer can have a severe, lasting, and adverse impact," the report reads.

"Whether or not it is justified, and regardless of whether due process is followed, the arrest is likely to have a traumatic effect on the detainee and those who love and depend on him.

"Pre-trial detention is one of the worst things that can happen to a person: the detainee immediately loses his freedom and can also lose his family, health, home, job, and community ties."

CCC said Ngarivhume's conviction and sentence were an assault on democracy.



*Transform Zimbabwe leader, Jacob Ngarivhume*

"The conviction of political activist Jacob Ngarivhume after exercising his right to demonstrate is a violation of his fundamental human rights and an attack on democracy," the CCC said in a statement on Friday.

"It is unacceptable that citizens are being punished for peacefully expressing their views and calling for change.

"The right to peaceful assembly and protest is a fundamental human right that should be protected and respected by all governments.

"We also call on the government to respect the rights of its citizens to peacefully protest and express their views without fear of intimidation, harassment, or arrest."

Vongai Chikwanda, the Amnesty International interim deputy director for southern Africa said Ngarivhume's conviction showed a sustained bid to silence dissent.

"Ngarivhume's sentencing is a cynical ploy to suppress dissent and it is an abuse of the justice system to intimidate and harass opposition voices," Chikwanda said.

"Ngarivhume's conviction and sentencing show a growing crackdown on opposition leaders, human rights defenders, activists, journalists and other critical dissenting voices through abuse of the legal system.

"Authorities must stop weaponising the law to target opposition figures or anyone who speaks out against corruption."

Other cases of the weaponisation of the law since the coming of Mnangagwa include the case of CCC activist Makomborero Haruzivishe's persecution.

He was charged with inciting violence for blowing a whistle during a protest in 2020, allegedly 'to alert protestors to revolt against the police.'

Another curious case was that of Mahere.

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Mahere was recently convicted and fined US\$500 for publishing falsehoods in a case involving a woman whose child was erroneously reported to have been struck to death by a Harare police officer while enforcing Covid-19 lockdown regulations in 2020.

In 2021, High Court Judge Justice Jester Helana Charewa ruled that the law used to charge Mahere was invalid when dismissing a similar charge against journalist Hopewell Chin'ono.

Lawyer Siphosami Malunga said Ngarivhume was just exercising his constitutional right to peaceful protest and did not deserve to be behind bars.

"Section 59 of Zimbabwe's constitution provides that everyone has the right to demonstrate and present petitions and that these rights must be exercised peacefully," Malunga said.

"Ngarivhume exercised his constitutional right to peaceful protest and has been jailed for four years for doing so."

Academic Ibbo Mandaza described Ngarivhume's conviction as shocking and a symptom of the judiciary's decay.

"That's my reaction to the shocking news about Jacob Ngarivhume," he said.

Prominent lawyer Tendai Biti described the judgment as shockingly irrational.

"It's a gross assault on the basic right to protest codified in the constitution and a massive reflection of the paranoia and psychotic nature of this regime," Biti said.

Independent Norton legislator Temba Mliswa said Zimbabwe was fast moving into an autocratic state.

"The guilty verdict and four-year sentence for Ngarivhume is only the latest confirmation that all charades of democracy are being removed," Mliswa said.

"The courts have become a political front to fight opposition players and not a platform for justice and truth."

Political analyst Blessing Vava said the conviction showed that the rule of law had broken down.

"I think we really need an independent commission of inquiry to look into the state of the judiciary, the people presiding over the magistrate courts are now clearly political," Vava said.

"The conviction is also meant to be a warning to activists and those critical to the government that you must not dare challenge the authorities."

Mnangagwa has been accused of shutting down the democratic space.

Today marks exactly 319 days since Zengeza West MP for CCC Job Sikhala was arrested for allegedly inciting public violence over the death of opposition activist Moreblessing Ali.

Sikhala was arrested on June 14, 2022, alongside fellow opposition MP Godfrey Sithole and 14 other residents of Nyatsime.

Since then, Sikhala has been held in protracted pre-trial detention at Chikurubi Maximum Prison in Harare.

A book released on 24 May by Civic Society Organisations namely Southern Defenders, Zimbabwe Human Rights NGO Forum, Civic Space Network and Political Prisoners in Africa summed up the persecution of government critics and judicial capture using Sikhala as a case study.

The study is titled: Justice Delayed is Justice Denied: Persecution by Prosecution in the Case of Zengeza West Opposition Member of Parliament Job Sikhala.

It makes a comparative analysis examining how the courts have applied themselves in other public interest cases involving politically exposed persons with links to the ruling party.

"The political history of Zimbabwe characterised by repression of opposition politics and Sikhala's membership of the opposition makes suspicions rife that Job Sikhala and his CCC political party are being targeted for holding dissenting political views," the study reads.

"The situation is compounded by strong suspicions of judicial capture, which are based on the courts' seeming failure to apply the country's laws to every person consistently, equally and impartially regardless of stature or political affiliation."

Sikhala has been denied bail more than 10 times.

According to the constitution, bail is a fundamental right as provided in Section 50(1) (d) and the Criminal Procedure and Evidence Amendment Act [Chapter 9:07].

"The country's judicial precedence on bail is also rich," it reads.

"Judicial precedents and the facts in Job Sikhala's case in light of the charges of obstruction of justice levelled against him, make it difficult to understand why Job Sikhala continues to be held in prison and suspicions of selective application of the law.

"It is difficult to imagine that a judiciary is independent and impartial when it keeps a suspect in custody for 10 months on a bailable offence and in circumstances where others in similar circumstances have all been granted bail under the same incidence and same charges."

Mnangagwa's administration has been relentless in jailing critics, but reluctant to arrest Zanu PF members involved in corruption charges, with those nabbed easily granted bail and their cases collapsing during the trial.

A notable example is Mnangagwa's niece and Zimbabwe Miners Federation boss Henrietta Rushwaya.

She was arrested on October 26, 2020, at the Robert Mugabe International Airport while attempting to smuggle six kilogrammes of processed gold to Dubai worth US\$366 000.

Rushwaya was also named in a recent Al Jazeera exposé on gold smuggling and money laundering.

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# Bizarre falsehoods trial: Advocate Mahere seeks to overturn conviction and sentence

BY KUMBIRAI MAFUNDA

OPPOSITION political party Citizens' Coalition for Change spokesperson Advocate Fadzayi Mahere has asked the High Court to overturn her conviction and sentence for allegedly publishing or communicating falsehoods prejudicial to the state.

Advocate Mahere was convicted by Harare Magistrate Taurai Manuwere on Wednesday 5 April 2023 and sentenced to payment of a fine amounting to US\$500 and in default of payment, three-month imprisonment.

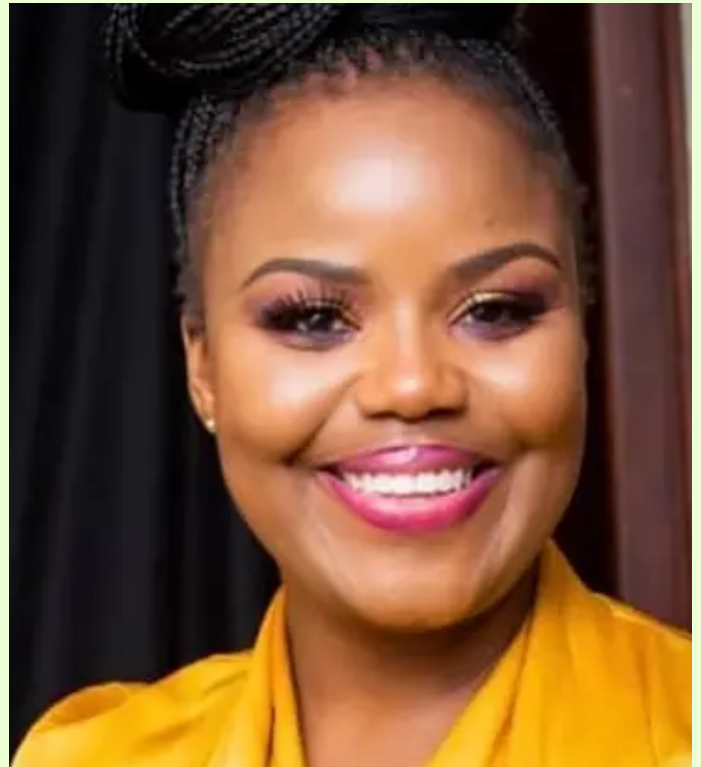
The conviction and sentence of Advocate Mahere came after she stood trial before Magistrate Manuwere following her arrest on Monday 11 January 2021 by Zimbabwe Republic Police (ZRP) members, who charged her with publishing or communicating a false statement with the intention of inciting or promoting public disorder or public violence or endangering public safety as defined in section 31(a)(i) of the Criminal Law (Codification and Reform) Act alternatively section 31(a)(iii) of the Criminal Law (Codification and Reform) Act for allegedly undermining public confidence in a law enforcement agency, the Prison Service or the Defence Forces of Zimbabwe.

During the trial, prosecutors alleged that Advocate Mahere, who was represented by Chris Mhike of Zimbabwe Lawyers for Human Rights and David Drury, shared a message on Twitter, a famous microblogging platform, wherein she tweeted that a police officer had beaten to death a baby that was strapped on its mother's back, a claim which the State said was false.

Magistrate Manuwere acquitted Advocate Mahere of contravening section 31(a)(i) of the Criminal Law (Codification and Reform) Act but convicted her of contravening section 31(a)(iii) of the Criminal Law (Codification and Reform) Act for allegedly undermining public confidence in a law enforcement agency, the Prison Service or the Defence Forces of Zimbabwe.

Ironically, section 31(a)(iii) of the Criminal Law (Codification and Reform) Act was declared unconstitutional by the Constitutional Court.

In her appeal, which was filed at Harare High Court on Monday 24 April 2023, Advocate Mahere argued that Magistrate Manuwere grossly erred and misdirected himself when after having accepted that section 31(a)(iii) of the Criminal Law (Codification and Reform) Act was declared



**CCC Spokesperson Fadzayi Mahere**

invalid under the former Constitution, he arrived at a finding that the same provision was resuscitated or was validated by the coming into operation of the current Constitution and on account of the General Laws Amendment Act. Advocate Mahere charged that Magistrate Manuwere grossly erred and misdirected himself by completely ignoring the fact that she was targeted for prosecution and that her right and legitimate expectation to equality before the law was violated rendering the charge incompetent and invalid.

The US\$500 fine, Advocate Mahere argued, is manifestly excessive and induces a sense of shock in that it militates against exercising the right to freedom of expression.

Advocate Mahere wants the High Court to allow her appeal and have her conviction and sentence set aside and substituted with being found not guilty and acquitted.

# NGOs not rabble-rousers

## United Reporter

The government should stop seeing human rights civic groups as rabble rousers and trouble makers but as partners indispensable for the country to develop, the Zimbabwe Human Rights NGO Forum (Forum) executive director Dr Musa Kika said.

Dr Kika was speaking in Harare on 24 April during the launch of two publications, "Justice delayed is justice denied ": Persecution by the prosecution in the case of Zimbabwe's opposition Member of Parliament Job Sikhala and The Model Law On The Protection and Promotion of Human Rights Defenders.

The publications were launched by the Forum working together with the Southern Defenders, Civic Space Network and Political Prisoners in Africa.

The model law provides for the rights and responsibilities of human rights defenders in Southern Africa, to prescribe the obligations of governments in protecting and promoting the work of human rights defenders, and provide for the greater protection, promotion, fulfilment and respect of human rights in Southern Africa.

Launching The Model Law On The Protection and Promotion of Human Rights Defenders, Dr Kika said the relationship between human rights and development has since been established.

"The relationship is real," Dr Kika said,

"To the government, it is important to realise that human rights work is not a threat, but a partner to be utilised in building democracy.

"The relationship between human rights and development has since been established and it is real."

Dr Kika added: "Economies that are fragile rely a lot on human rights defenders to advance certain causes, be it labour rights, child protection, among others.

"Our government rely on human rights defenders who are often at the forefront of the struggle. Human rights defenders provide thought leadership, ideas and things that can help take countries to move forward.

"Human rights defenders are not a group of individuals bent on causing trouble to governments, yet then have been using many abusive statements such as western puppets, regime change agents, to mention just a few."



**Dr. Musa Kika**

President Emmerson Mnangagwa's government has been very critical of NGOs and has crafted a Bill, the Private Voluntary Organisations (PVO) Amendment Bill which now waits for presidential assent as a way of terming the civic groups.

In February 2022, the Forum, working with the Accountability Lab launched a report, Punching Holes into a Fragile Economy which explores the possible economic impact of the PVO Bill which was gazetted on November 5 2021 will have on the Zimbabwe economy.

According to the report, at least 18 000 jobs are on the line while Zimbabwe is set to lose close to US\$1bn from the donor community if the "ill-conceived" bill is passed into law.

Dr Kika said the Southern Africa model law for the protection or promotion of human rights was produced as a response to increased cases of human rights defenders being persecuted. The publication provides a proactive measure to protect the defenders.

**"The starting point is to know that being a human rights defender is a human right, it is an internationally recognised human right that must be protected by law," Kika said.**

"Some countries have now put up laws to protect human rights defenders, including countries that you cannot expect to be doing so, like Uganda.

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## The Forum implores govt to respect human rights

United Reporter

The Zimbabwe Human Rights NGO Forum has implored the government to respect the values of the liberation struggle that include respect for human rights provided for in the Constitution.

In its statement to mark the country's 43rd independence commemorations, the Forum said it was concerned that most of the promises of the liberation struggle are still to be met.

The Forum said the best way the government can honour the sacrificial contributions of the freedom fighters on the frontlines and their support systems during the liberation struggle can never be downplayed was to fulfil the pledges of the liberation struggle, which include respect for human rights.

"On this day, the Forum salutes the heroes and heroines of the struggle and their selfless sacrifices to secure the freedoms of the future generations of Zimbabwe," the statement read in part.

"The Forum is concerned that the nation may have set itself free from the shackles of colonial minority rule in 1980 but the realisation of freedom today is riddled with a myriad of governance and human rights challenges."

Zimbabwe got its independence from colonial rule in 1980 at the back of a protracted liberation struggle that resulted in a serious loss of lives.

Many reasons include the need for equal treatment between black and white supremacists, land, and human rights abuse at the hand of the colonial masters, and majority rule, among others.

The blacks also took up arms to fight economic marginalisation.

"The Forum is disturbed that the human rights situation in the country has continued to deteriorate since independence," the Forum said.

"This is worsened by the weaponisation of the legal reform processes and the judiciary against perceived enemies of the State.

"In fact, the methods used by the Smith regime on the black majority population to stifle their rights such as the use of force and torture to stop black nationalism remain in use against the population by the incumbent Government."

The Forum added: "The Forum is concerned that as the nation gears towards the 2023 harmonized elections, the prevailing situation shows that the government has reneged on the promise of the liberation struggle," the Forum said in the statement.

"This year's commemorations come at a time when, 43 years later, the government is facing widespread discontentment because of its failure to provide comprehensive solutions to some of the political, socio-economic, democratic and governance challenges.

"These include endemic corruption that rewards instead of bringing to book perpetrators; an exclusive economy that has pushed the majority into poverty; regression in the state of democracy and human rights characterized by threats of closure of what is left of the civic space; increased vulnerability of the vulnerable groups in society and; deepening polarization resulting in hate speech, spurts of political violence and political intolerance."

The Forum said it was worried about the shrinking of democratic space through repressive laws.

"Examples of these include and are not limited to the Maintenance of Peace and Order (MOPA), and the Cyber and Data Protection Act that has been adopted while the Private Voluntary Organization (PVO) Amendment Bill awaits presidential assent," the Forum added.

"The Patriotic Act is being proposed through the Criminal Law Code Amendment Bill and this will criminalise "willing fully damaging the sovereignty and national interests of Zimbabwe".

The Forum urged the government to comprehensively address corruption, economic exclusion and poverty of citizens and facilitate the creation of a conducive environment for citizens to enjoy and actively demand their rights, especially civil and political rights as enshrined in the Constitution (2013) as we head towards elections.

The Forum also urged the fostering and supporting of political tolerance amongst citizens at the different levels of society.

# ZimRights takes power to the electorate

United Reporter

The Zimbabwe Human Rights Association (ZimRights) has launched an initiative that seeks to empower the electorate over the people they vote for.

The initiative also seeks to make politicians more accountable to their electorate.

Through the manifesto launched on 6 April in Harare titled: Shifting Power to the People: The People's Human Rights Manifesto, ZimRights national director Dzikamai Bere said that gone were the times when politicians would make promises and fail to deliver them.

"The manifesto seeks to unlock dialogue with prospective leaders in the 2023 elections," Bere said after the launch.

"It comes from the realisation that over the years, power regarding elections has been monopolised by the politicians while the electorate has been reduced to mere subjects."

He added: "Every five years, politicians come with a series of promises, but these promises end when the election results are announced and they (politicians) disappear.

"Now communities have been saying, under our shifting power to the people programme, we always assume that people don't know what they want.

"Politicians when they come to the communities they always assume that they know what people want, but now with the People's Human Rights Manifesto, communities are saying 'wait a minute, we think we know what we want, and it is more than just beer at the local bar'."

Politicians have been accused of abandoning their constituencies soon after elections and resurfacing only when they are seeking re-election. The election manifesto spells out 10 demands the politicians should deliver to the electorate.

Bere said the manifesto was a list of expectations from the people of Zimbabwe which should be delivered by those seeking political office than mere selection sloganeering.



## NGOs are not rabble-rousers, Govt told

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"Uganda does have a Bill for the protection of human rights defenders. We came up with this model law, which we hope will be a useful tool in human rights work, in advocacy."

He said the model law will push governments in Southern Africa to enact locally binding legislations to protect human rights at work.

"In coming up with this law, we looked at the SADC constitutive documents, the African Union Constitutive documents, and the United Nations documents including the declaration of human rights defenders.

"We looked at experiences that human rights defenders are having and we came out with this one which can be used as a blueprint in advancing, not just the protection, but the promotion of human rights. Human rights defenders are not just lawyers or journalists, they are found in Parliament, government, and in civil service, this is a model law that is so important."

He said the publication defines a human rights defender and domestic model laws and sets minimum standards.

"Our advice is that governments have strong institutions to advance the law, they do not need to come down. This a minimum standard and the government should aim higher

"We provide for the duty of the State to protect, fulfil and promote human rights defenders and their work."

The publication, he said, called on the respect of human rights defenders as a protected group which is not the case at the moment. He said the publication also spoke against the use of strategic lawsuits to silence human rights defenders and called for a legal framework to protect human rights defenders.

Zimbabwe does not have a legal framework for the protection of human rights defenders and politically exposed persons.



## Zanu PF youth granted bail after Forum intervention



**Darlington Marange**

### United Reporter

A Zanu PF youth, Trust Mhungu who was arrested after the violence that rocked Sanyati in March during clashes between supporters of incumbent MP Polite Kambamura and rival Advocate Thembinkosi Magwaliba has finally been granted bail after the intervention of the Zimbabwe Human Rights Ngo Forum. On Tuesday 21 March, a video depicting intra-party Zanu PF violence from Sanyati went viral.

The video showed alleged supporters of Kambamura and those backing Magwaliba bludgeoning each other at Kasirisiri Business Centre ahead of the party's primary elections slated for 24 March. Trust was one of the youths allegedly attacked and stabbed with a knife on the thigh by Magwaliba's supporters, but turned accused after he was reported to the police for violence.

He was arrested whilst admitted at Sanyati Mission Hospital and was the only one detained over the violence.

He was detained at Kadoma Remand Prison for two weeks without bail application until the Forum received a distress call. The lawyer that had been seconded by Kambamura had not been paid and therefore did not apply for bail.

Darlington Marange, from the Zimbabwe Human Rights NGO Forum, applied for bail for Mhungu, who was charged with public violence and not assault.

On 31 March, Magistrate Chamisa refused to hear Marange's application indicating that the magistrate who presided over the initial remand was unavailable.

On 3 April, Chamisa indicated that it is the magistrate who preside over politically motivated cases was not available.

Marange protested indicating that bail is an urgent matter and cannot be partly heard matter and that his client was not in good health. Mhungu was then set free on ZW\$20 000 bail and ordered to report once to the nearest police fortnightly and stay at the same address.

The Forum petitioned the Zimbabwe Human Rights Commission over the matter, calling for action against the perpetrators.

## WILSA tackles gender-based violence in mines

### United Reporter

Gender-based violence in mining areas is a serious issue that disproportionately affects women and girls who live and work in these areas.

Women and Law in Southern Africa, with material support from Ford Foundation, conducted community dialogues on Gender-Based Violence (GBV), and the environmental and socio-economic impacts of coal mining in Hwange.

The purpose of the dialogue was to assess the socio-economic and environmental impacts of mining in Hwange and to sensitise the Hwange community on Gender-Based Violence laws and legal remedies through the informal and formal justice systems.

A total of 118 women who live in Hwange were reached during the focus group discussions. WLSA interactions with the community members indicated that women in Hwange lack full knowledge of various forms of GBV and the most known form of GBV in the community is physical abuse which manifests itself as intimate partner violence.

WLSA offered legal aid to 30 community members who are victims of GBV. The event provided an opportunity for WLSA to offer legal rights training to community members covering issues such as property rights, and criminal and civil remedies to address GBV cases.

Community members stated that coal mining in the area has impacted their health due to exposure to coal dust and other pollutants. Nyarai Mapfumo (not her real name) an asthmatic patient said due to the increase in coal dust she is now using five inhalers per month.

"I was born and bred in Hwange and was diagnosed with Asthma at 12 years of age. Due to the increase in coal dust, I am now using five inhalers per month to assist me with breathing" says Nyarai.

# Trial of Murewa Zanu PF supporters begins

**BIANCA MAHERE**

The trial of the seven suspects arrested by the police over their involvement in the assault of Citizens Coalition for Change supporters in Murewha on 6 January has kickstarted, with the victims insisting the accused committed the crime.

The seven - Never Chimtasu (67), Paul Kuchigu (34), Tamuka Madzo (31), Dominic Mavere (27), Ruth Muriva (30), Gamuchirai Guveya (23) and Alfred Mutegude (28) appeared in court on Apr

The seven were arrested for assaulting CCC supporters gathered at Morris Joseph Seremani's homestead in Murewa on 6 January 2023.

The trial began on 27 April when the complainants physically identified the accused and linked them to the crime.

The trial was supposed to start on 20 April but was postponed to 27 after the accused requested to bring their lawyer.

The lawyer however failed to show up when they appeared for trial yesterday, forcing them to consent to appear without legal representation.

Seremani told the court that he was at his om on 6 January and was hosting seven friends from the neighbourhood and when they had just finished praying, a group of people emerged from the maize field, one of them holding a switch.

He asked Madzo, the third accused if everything was fine. They started asking them what they were doing and started assaulting the seven. He said they held his hands and legs while one of them stepped on him.

They forced him to toll on the ground.

***The group, Seremani said, numbered up to 25, also forced him to roll on the ground, while recording the heinous act using the mobile phones. He said the assailants were directed to his house by Chimtasu, a war veteran whom they said led the Zanu PF youth terror campaign in the area.***

Kuchigu, Madzo, Mavere and Mutegude assaulted them while Guveya was taking videos.

Mutegude, Seremani said, also took away his mobile phone, accusing them of conducting a CCC meeting and ordering them to renounce their membership to the opposition political party.



***Morris Joseph Seremani***

After over 30 minutes of bashing, a man in a red t-shirt arrived and addressed us, threatening us with death if we narrated our ordeal to anyone.

The seven however denied any involvement in the crime. Most of them said they were participating in a clean-up campaign in Murehwa and were never near Bhunu township, which is close to Seremani's home. Chimtasu admitted directing some people in two vehicles, a commuter omnibus and a lorry to Seremani's home but said he thought they wanted to have a cotton farming lesson from him because he was a well-known cotton farmer.

Kachigu said he went straight home after the clean-up campaign. Madzo said he was ploughing in his fields after deciding not to attend the clean-up campaign after learning that Vice President Constantino Chiwemga would no longer attend.

Mavere said he attended the clean-up campaign but left early before the program ended because he wanted to travel to Harare to receive a parcel and Guveya alleged that her aunt passed away and she went to the funeral on 5 January at Chibara. Her aunt was buried on 6 January at 2 pm so she never attended the clean-up campaign.

However, the complainants insisted that the seven were among the 25 who invaded Seremani's home and assaulted them. The others are still at large. The trial is continuing.

Bianca Mahere, of the Zimbabwe Human Rights NGO Forum, represent the complainants.



# Zim's 43 years of independence marred by rapidly shrinking civic space



UNITED REPORTER

Zimbabwe marked its 43rd independence from colonial rule amid the reality of a rapidly shrinking civic space, including criminalizing dissent against political activists and human rights defenders, Amnesty International said.

"Forty-three years after independence, authorities are still yet to guarantee in practice the rights to freedom of expression, association and peaceful assembly which are increasingly being threatened despite being guaranteed under the constitution and international law," said Flavia Mwangova, Amnesty International's deputy director for East and Southern Africa.

Mwangova made the remarks in her statement to mark the country's independence which is commemorated every year on 18 April.

She said that after independence, authorities are still yet to guarantee in practice the rights to freedom of expression, association and peaceful assembly which are increasingly being threatened despite being guaranteed under the constitution and international law.

"The right to freedom of peaceful assembly has continuously been violated and undermined with the authorities refusing to give clearance for some of the main opposition party's rallies, arresting and convicting peaceful protesters and using unnecessary and excessive force to stop protests," she said.

As Zimbabwe approaches elections later this year, freedom of expression, association and peaceful assembly have come under increasing attack. Dissenting voices are being criminalized, with some opposition activists put in lengthy pre-trial detentions."

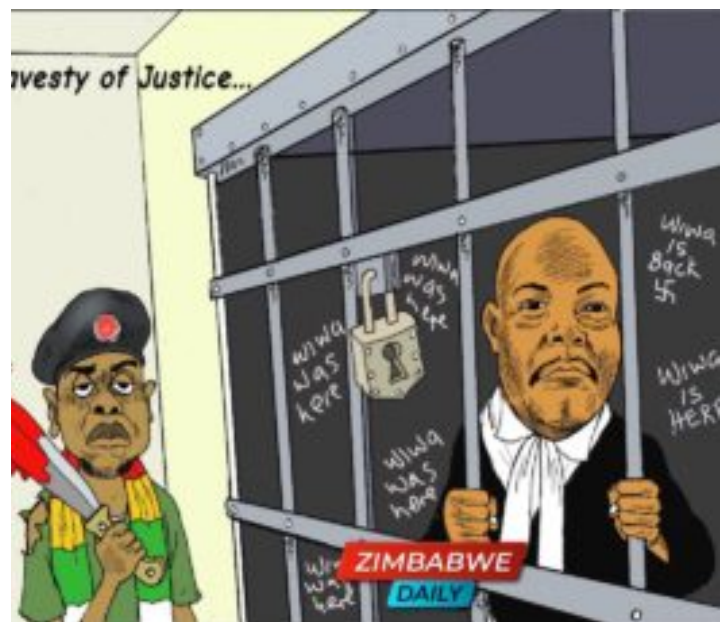
he added: "Authorities must stop criminalizing dissent and ensure the levelling of the playing field as the country fast approaches the elections. The opposition must be free to carry out their campaigns and individuals and groups must be protected from politically motivated violence.

"Authorities must promote, protect and uphold the rights to freedom of expression, association and peaceful assembly, as well as guarantee the socio-economic rights of every Zimbabwean."

In its 2022/23 annual report, Amnesty International highlighted that there has been a worrying trend toward closing civic space in Zimbabwe, with the right to freedom of expression, association and peaceful assembly being threatened.

Members and supporters of the main opposition party have been violently attacked at political rallies.

Protests have been effectively banned as demonstrated by the refusal by the police to clear any form of gathering, even those held at private homes that do not need any clearance. demonstrations.



## Bail conditions for Budirio 25 relaxed

UNITED REPORTER

The bail conditions for the CCC supporters who include legislators Amos Chibaya and arrested Costa Machingauta at a party meeting in Budiriro on allegations of disturbing public peace in January 2023 were relaxed.

When they appeared in court on 12 April 2022, the 26 now report to their nearest police station every last Friday of the month, instead of once every week.

The conditions were relaxed after their lawyer, Lynnet Phiri, from the Zimbabwe Human Rights NGO Forum, made an application for a variation of bail reporting conditions.

The State opposed the application arguing the reporting conditions were already lenient and a safeguard against abscondment.

The Court however ruled in favour of the 26, stating that the State suffered no prejudice. They will be back in court on 18 May 2023 for trial. The 26, who include an 81-year of Sairos Rusambo are on \$30 000 bail each.

The activists are being accused of disturbing public peace at a private meeting on January 14 at Machingauta's house. They are being accused of chanting: "Ngaapinde hake mukomana, 2023 Chamisa chete chete."

Police argue that their actions were unlawful.



Amos Chibaya

## ZimRights takes power to the electorate

Continued from page 10

The 10 demands seek politicians to uphold and defend the integrity of the Constitution of Zimbabwe; respect the political rights of all Zimbabweans, make quality healthcare services accessible to all; improve access to basic amenities and services; provide affordable quality education for our children; protect and promote livelihoods; provide land and decent housing to citizens; facilitate the exercise of freedoms; practise good governance and fight corruption; and be accountable to the people of Zimbabwe.

The manifesto also has a tracking card where each local authority, National Assembly or Senate representative will be rated on their performance.

Bere the manifesto seeks to put human rights at the centre of any political discourse.

President Emmerson Mnangagwa promised to respect human rights when he took over in 2017, but his government has been implicated in several human rights abuses.

## Ngarivhume jailing sends shock waves as Mnangagwa goes for broke

continued from page 8

An assessment of how the country's courts apply the law in cases involving whistleblowers/journalists exposing corruption, government critics, activists and persons who hold dissenting political views such as Job Sikhala, reveals a glaring trend of selective application of the law, which is even more evident when further assessed against how the courts apply themselves in cases involving high profile politically exposed persons linked to the ruling political party and accused of arguably more serious crimes," the Sikhala case study reads.

"Examples are the cases of the Gokwe Nembudziya legislator Justice Mayor Wadyajena; former Health minister Obadiah Moyo; former Local Government minister Ignatius Chombo and Henrietta Rushwaya. "This reinforces strong views about judicial capture and selective application of the law."

**The Standard.**

***The Zimbabwe Human Rights NGO Forum turned 25 this year.***

**A Silver Jubilee has a special significance in the life of any institution.**

**It signifies a coming of age and maturity.**

***Forum@25***

**It is a time to pause and reflect on our gruelling human rights journey**

**Celebrate with us for this milestone**

**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.


**CONTACT US**

**18 Wanganui Ave, Meyrick Park, Harare**

 **ZimHRNGOForum/**

 **@ZimHRNGOForum/**

 **Tollfree  
Econet: 08080242  
Netone: 08012020**

 **0772232046**

 **report@hrforum.co.zw**