



# FIRST QUARTER POLITICAL VIOLENCE REPORT



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**Forum**

**Email: [admin@hrforum.co.zw](mailto:admin@hrforum.co.zw)**  
**Website: [www.hrforumzim.org.zw](http://www.hrforumzim.org.zw)**

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**REPORT COMPILED BY:**  
**Tariro Daphne Senderayi and Chiedza**  
**Patience Mlingwa**

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## About this Report

The Zimbabwe Human Rights NGO Forum (the Forum) consistently monitors the human rights environment in Zimbabwe and analyses national trends, in line with its mandate of coordinating the human rights agenda in Zimbabwe. The consolidation of the quarterly political violence report is to inform various stakeholders of the developments in political violence cases within the period under reporting.

This information is important in informing the Forum and its members' interventions in response to the emerging cases, as well as all duty bearers, so as to promote and protect human rights for all persons in Zimbabwe. The report is a product of the collation and verification of human rights violations from the Forum members, and information reported to the Forum's Public Interest Unit (PIU) and Research Unit (RU).

While information contained in this Report is not exhaustive of human rights violations that occurred throughout the country during the period under review, it does, however, present a documented picture of the state of human rights in Zimbabwe. The basis of this Report lies in understanding the supremacy of the 2013 Constitution of Zimbabwe and acknowledging the founding values of Zimbabwe that include respect for fundamental human rights and freedoms and the rule of law.

The following should be considered when reading this Report:

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

## Purpose of the Analysis

The Zimbabwe Human Rights NGO Forum (the Forum), through the consolidation of Quarterly Political Violence Reports, seeks to identify, document and disseminate cases organised violence and torture and political violence so as to support the protection and promotion of the enjoyment of human rights by all persons in Zimbabwe. The reports recommendations can be used by various human rights-based organisations including the Forum membership to advance their advocacy strategies and interventions.

The occurrence of organised violence and torture are deeply embedded in the pre-colonial and post-colonial history of Zimbabwe. The establishment of the Forum is deeply anchored in contributing towards the addressing of impunity that comes as a result of the occurrence of organised violence and torture cases.

The report provides a contextual analysis of the developments within the period of review. Of importance is that Zimbabwe is in an election year and there is the emergence of problematic developments that characterise the operating environment as citizens prepare for the 2023 polls. Some of the challenges identified include the brutalisation of Citizens Coalition for Change (CCC) senior citizens in Murehwa early in the year, the premature cancelation of the performance by Wallace Chirumiko, popularly known as “Winky D” by Zimbabwe Republic Police, politically motivated violence cases such as the attacks on Zimbabwe Electoral Commission officers by a ZANU-PF supporter, intra party violence at the ZANU-PF primary elections, the use of lawfare to crackdown on perceived voices of dissent resulting the arrest of the Budiro 25, closure of the civic and democratic space through the Private Voluntary Amendment Bill, the prolonged pretrial incarceration of Honourable Member of Parliament Job Sikhala who was the legal representative of the late Moreblessing Ali, continued exclusionary nature of the economy through hyperinflation, the controversy shrouding the Delimitation Report, the even more controversial Al Jazeera’s Investigative Unit of a four-part instalment, Gold Mafia documentary that exposed alleged illicit financial flows from Zimbabwe, including serious allegations of abuse of diplomatic immunity, illicit gold trading, corruption and money laundering in the mining sector.

In the period under review, the Forum identifies and details the various forms of organised violence and torture cases. These include cases of assault and torture, arbitrary arrests, attacks on freedom of assembly and association, extra judicial killings, hate speech and violations against practitioners in the fourth arm of the state (journalists.)

The Report concludes by providing recommendations for consideration to various stakeholders including government, Chapter 12 Commissions, Zimbabwe Republic Police, political parties and citizens of Zimbabwe in response to the cases of organised violence and torture identified.



**Popular musician Winky D, who has released powerful social commentary songs, has had his performances disrupted by police**

## **Methodology**

The methodology used to consolidate this report was desk review Forum membership Reports. This approach was accompanied by the use of participatory observation, due to the Forum providing legal representation and rapid response in some of the cases in the report. The legal representation provided by the Forum informed part of the report. The Forum was a key participant in the process. There was also reliance on verified media reports to provide data for the report.

## **Delimitation of the Report**

The report covers the occurrence of various forms of organised violence and torture cases that were identified between January and March 2023.

# Contextual Analysis

It has been asserted that civil and political rights lose their significance if they are not available to all people. The bedrock of democracy is the ability of a citizen to actively demand and enjoy their civil and political rights without fear of victimization. However, what emerges from the 2023 1st Quarter Political and Human Rights Violations Report is that Zimbabwe is a country that remains embattled with democratic regression that impedes the full enjoyment of fundamental human rights and freedoms by its citizens.

It all began with a video that quickly went viral on 7 January 2023. In the video, Morris Seremani, a 74-year-old senior citizen, can be seen lying helplessly on the ground as blows rain down heavily and indiscriminately on his frail, old body. A video recording (apparently taken by the perpetrators themselves) of this vicious and senseless attack that occurred in Bhunu Village in Murehwa North of Seremani, of his wife and other opposition political party Citizens Coalition for Change (CCC) supporters, some of them elderly men and women, being viciously flogged, became the first documented incident of politically motivated violence in the new year, a few months away from the 2023 general elections.

The widespread condemnation against the brutal attack that was carried out against senior citizens in Bhunu, Murehwa by alleged ZANU-PF party supporters did not diminish the appetite for violence and/or political intolerance. On 4 March 2023, members of the Zimbabwe Republic Police stormed the stage at a place called the Blue Roof in Damview in Chitungwiza and prematurely ended a live show performance by dancehall musician Wallace Chirumiko, popularly known by his stage name, "Winky D". This occurred soon after he had performed a song titled "Ibotso" which ZANU-PF activists view as a negative critique of the current ruling elite.

More incidents of politically motivated human rights violations soon followed. On 13 March 2023, a ZANU-PF official, Harare Provincial Commissar Kudakwashe Damson, assaulted Zimbabwe Electoral Commission (ZEC) officials who were conducting voter education in Epworth. He was subsequently disqualified from the approved list of aspiring primary elections candidates following this incident.<sup>2</sup>

This incident was followed by reports of intra-party-political violence marring the ZANU-PF primary elections which were rescheduled to 25 March 2023.<sup>3</sup> Primary elections are an internal process that enables political parties to choose who will represent them in national elections. The ZANU-PF primary elections were initially meant to be conducted between 16 and 17 March 2023. However, ZANU-PF spokesperson, Mike Bimha, said the party postponed the elections because it was overwhelmed by the large number of candidates, who wanted to represent it in the forthcoming general elections.

Violent clashes between rival ZANU-PF members in Matobo district's Ward 25, Matabeleland South province, forced the party to abandon primary elections in the area. Fear and intimidation characterised the elections in Mashonaland West while in Sanyati Constituency, the two front-runners, Mines deputy minister Polite Kambamura and prominent lawyer, Advocate Themvikosi Magwaliba were both accused of violence and intimidation of each other's supporters.<sup>4</sup>

1. D Kairys (2001), International Encyclopaedia of the Social and Behavioural Sciences (Vol 1) pp 1878 – 1883 Available at: <https://www.sciencedirect.com/science/article/pii/B0080430767028473>

2. The Herald, 21 March 2023, "Primaries get all clear".

3. "Zimbabwe Political Parties Conducting Primaries Ahead of Crucial Elections", 20 March 2023, Voice of America, <https://www.voazimbabwe.com/a/7012800.html>

4. My Zimbabwe, Mayhem as violence and vote rigging accusations mar ZANU PF primary elections, 26 March 2023;

<https://www.myzimbabwe.co.zw/news/107354-mayhem-as-violence-and-vote-rigging-accusations-mar-zanu-pf-primary-elections.html>

## Contextual Analysis

The period under review was also characterised by the use of lawfare to crackdown on perceived voices of political dissent. This is invariably the norm in respect of autocratic and repressive regimes who are strongly rooted in the liberation struggle narrative; a narrative which figures strongly in their claims to be legitimate and stay in power. This is done by instilling and harvesting fear within the citizenry as an overt political strategy to exclude and repress perceived and real voices of political dissent. Examples include the arbitrary arrests of opposition political party Citizens Coalition for Change (CCC) Member of Parliament Amos Chibaya and twenty-four other CCC activists on 14 January 2023 on allegations of breaking public order regulations by attending an unsanctioned meeting.

This was swiftly followed by the arrest of opposition political party Budiro Member of Parliament, Costa Machingauta who surrendered himself to the police on 17 January 2023 after he learnt through the evidence of the investigating officer that he was a fugitive from justice and was on the run yet he was in the court room. Machingauta became the 26th CCC member to be arrested over the alleged unsanctioned meeting which was held at his place of residence in Budiro.

With general elections about six months away, the ZANU-PF government, which holds majority in Parliament has been seen moving at supersonic speed to muzzle critics of its endemic maladministration and graft that has rendered Zimbabwe a basket case<sup>5</sup> The Private Voluntary Organisations (PVO) Amendment Bill sailed through Parliament on 1 February 2022. It now awaits President Emmerson Mnangagwa's assent to become law. The Bill has been heavily criticised by opposition legislators, civic groups and human rights activists amid fears that if passed into law in its current state, it will effectively serve to shrink the remaining civic and democratic space in the country.

The international community also added their voice in criticizing the PVO Amendment Bill. In December 2021, four United Nations special mandate holders wrote to the President expressing their reservations on this proposed law, and outlining the ways in which many provisions of the Bill violate international law and standards. These four special mandate holders were the Special Rapporteur on the freedom on the rights to freedom of assembly and association; the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression; the Special Rapporteur on the situation of Human Rights Defenders and the Special Rapporteur on the fundamental freedoms while countering terrorism.

In addition to the violation of international law, the letter detailed in clear terms that the vagueness of several clauses in the Bill projected uncertainty on the scope of the law. This uncertainty would make it difficult for organisations to clearly ascertain their legal obligations and act accordingly. They also added that the vagueness would also provide opportunity for broad detrimental interpretation of clauses by relevant administrative and judicial bodies, thus endowing them with wide discretionary powers to apply the law and impose burdensome requirements on a diverse group of community and informal associations that are currently excluded from regulation.

The continued incarceration of opposition political party member Job Sikhala and legal representative of the family of slain CCC activist, Moreblessing Ali continues to be an indictment on the state of human rights enjoyment and fulfilment in Zimbabwe. By 31 March 2023, Sikhala had been incarcerated for 290 days at Chikurubi Maximum Security Prison without being convicted.

Amidst all this, the socioeconomic woes bedevilling the country continued to worsen with citizens being forced to bear the brunt of water shortages, acute load shedding and a rising cost of living. In March, the Zimbabwe dollar breached the \$900 dollar mark against the US dollar on the Reserve Bank of Zimbabwe foreign currency auction. On Tuesday, 7 March 2023, the weighted average moved to US\$1: ZWL\$907.9236, from US\$1: ZWL\$892.6349 that was set on 28 February 2023<sup>6</sup> The rapid depreciation of the ZWL – the official currency of Zimbabwe which is in the form of bond notes and RTGS, elevated the demand for the United States dollar thereby fuelling parallel market exchange rates<sup>7</sup> As of 30 March 2023, the ZWL black market rate was trading at an alarmingly high ZWL1 200 per one US dollar. Renowned economists are on record calling on the Zimbabwean government to dump its local currency and fully dollarize. Government is yet to heed this call. Ordinary citizens, meanwhile, are barely coping.

5. After cruising to a big majority after picking up 145 seats in a 210-seat parliament after the 2018 poll. Source: Aljazeera, Zimbabwe's ZANU PF wins majority in Parliament: Electoral body, 1 August 2018; <https://www.aljazeera.com/news/2018/8/1/zimbabwes-zanu-pf-wins-majority-in-parliament-electoral-body>

6. ZWNews, 8 March 2023; *Zimdollar sinks deeper, breaches \$900 mark official rate*; <https://zwnews.com/zimdollar-sinks-deeper-breaches-900-mark-official-rate/>

7. *Real time gross settlement. – This is where capital letters must be used for all four words – because it is an abbreviation.*



## Contextual Analysis

Meanwhile, the electoral environment is fraught with challenges and electoral malpractices. On 3 February 2023, the Zimbabwe Electoral Commission Chairperson Priscilla Chigumba handed over the final Delimitation Report with new wards and constituencies to President Emerson Mnangagwa. Following this, the President had a legal obligation to publish it within 14 days in the Government Gazette. This deadline was however not met by the President. This drew a lot of criticism from electoral transparency activists with advocacy group, Team Pachedu, accusing the President and ZEC of constitutional delinquency for usurping ZEC's delimitation authority and refusing to gazette the final delimitation report on time. The presidency late insisted that the President had in fact not received the final delimitation report and that what they had received rather was a revised preliminary delimitation report<sup>8</sup> There were also allegations that Chigumba met with President Mnangagwa on February 13 where he gave her further comments to what ZEC had clearly stated to be its final report. This was problematic as there is no constitutional provision for a "revised preliminary delimitation report". ZEC can only make two submissions to the president – a preliminary report for onward submission to parliament to comment, and a final report after taking into consideration the comments by parliament.

By far the most topical issue of concern that arose during the period under review was the expose by Al Jazeera's Investigative Unit of a four-part instalment, Gold Mafia. Episode 1: The Laundry Service released on 23 March 2023 exposed alleged illicit financial flows from Zimbabwe, including serious allegations of abuse of diplomatic immunity, illicit gold trading, corruption and money laundering in the mining sector.<sup>8</sup> Uebert Angel, presidential envoy and ambassador-at-large to Europe and the Americas since March 2021, was secretly filmed bragging that he could move \$1.2bn easily, due to his diplomatic immunity.

Further, on 20 March 2023, National Council of Chiefs (NCC) president Chief Fortune Charumbira made headlines after calling for President Emmerson Mnangagwa and opposition leader Nelson Chamisa to talk and end abject poverty affecting Zimbabweans. While that part of the speech had a positive tone in calling for collective effort to rebuild the country and take it forward, it was however, an extremely divisive speech with undertones of hate speech and tribalism as it pitted Karangas against Zezurus. This is so as in the speech, Chief Charumbira urges President Mnangagwa and Chamisa to "unite **to assert Karanga ethnic dominance** in a country **whose politics was dominated by the Zezurus** over the past four decades when the late former President Robert Mugabe was in charge" (emphasis added). It is also worth noting that section 281 (2) (b) of the Constitution calls on traditional leaders to not act in a partisan manner.

It is against this backdrop that this report will probe. This is all while millions live in abject poverty all while grappling with high inflation and unemployment rates.

It is against this backdrop that this report probes the causes, drivers and trends associated not just with institutionalized political violence but with systemic human rights violations as well. The Report will also serve as an advocacy tool against politically violent activities through presenting recommendations for policies that foster a culture of adherence to, and respect for, constitutionalism, democracy and the rule of law.

Violations at a Glance		JAN	FEB	MAR	TOTAL
	Assault and torture	9	5	8	22
	Arbitrary arrest/detention	27	0	1	28
	Attacks on freedom of assembly and association	1	5	0	6
	Extra judicial killings	0	0	0	0
	Hate speech/political intolerance			1	1
	Violations against journalists	20	0	0	20
	Total	5			77

8 ZimLive, Mnangagwa accused of constitutional delinquency over delimitation report, (18 February 2023); <https://www.zimlive.com/mnangagwa-accused-of-constitutional-delinquency-over-delimitation-report/>

9. Transparency International, Al Jazeera documentary demonstrates urgent need to combat corruption in Zimbabwe; <https://www.transparency.org/en/press/aljazeera-gold-mafia-documentary-demonstrates-urgent-combat-corruption-zimbabwe> - references or documents without dates? Elementary research and citing rules?

# Civil and Political Rights



## ASSAULT AND TORTURE

Assault refers to an act of “unlawfully and intentionally applying force to a person of another, or inspiring a belief in that other person that force is immediately to be applied to him”.<sup>10</sup>Section 89 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] defines assault, inter alia as: “any act by a person involving the application of force, directly or indirectly, to the body of another person, whereby bodily harm is caused to that other person”. Case examples emerge below:



### 74-year-old and scores assaulted in Murehwa North

On 7 January 2023, ZANU PF activists stormed the home of 74-year-old Morris Seremani in Chirowa Village, Murehwa North where a political party meeting for CCC was being held.<sup>11</sup> Seremani is resident in Ward 4 Bhunu village and is affiliated with opposition political party, Citizens Coalition for Change (CCC). He had been visited by fellow opposition supporters who had come for their party meeting and to see him as he had not been feeling well and had been in Harare receiving treatment.<sup>12</sup>

Seremani later recounted how they saw an unidentified male approaching them with a log hidden behind him just as the meeting was about to commence. Soon a group of around 20 ZANU PF activists had flocked the yard. A video that later went viral on various social media platforms indicated how one of the activists, a lady who was also the most vocal of the group, began demanding those present to identify themselves, indicate their age and their respective wards.

She eventually gets to Seremani and asks: “Ndimi maunganidza vanhu pano?” which loosely translates to “Are you the one who caused these people to gather here?” Seremani indicates that each one of them came of their own accord. Part of the group of ZANU PF activists eventually gathers around Seremani who is sitting on the ground and begin raining down heavy blows on his frail old body using logs. At some point, the perpetrators step on his head during the beatings.

His wife and the rest of the opposition political party supporters who were present are also viciously flogged. After the assault, the assailants demanded their phones which they proceeded to confiscate. As though subjecting them to this gruesome onslaught was not enough, the opposition supporters were reportedly forced to sleep in a nearby mountain while enduring a heavy downpour. Three days later, on 10 January 2023, police arrested the first suspect in connection with this case – 67-year old Never Chimutashu,<sup>13</sup> only after heavy outcry over the attacks.

Two more suspects, Paul Kachigu (34) and Dignity Nadzo (31) were arrested on 12 January 2023. This brought the total number of those arrested to 3, with 17 more suspects yet to be accounted for. National police spokesman Assistant Commissioner Paul Nyathi indicated that investigations were underway to account for the other suspects. There have, however, been no known public updates as to the apprehension (if any) of the 17 suspects not accounted for or of the court appearance and conviction of the three suspects who were arrested.

10. G. Feltoe, A guide to the criminal law in Zimbabwe, 3rd Edition, Legal Resources Foundation, Harare, Zimbabwe, 2004.

11. “Police make significant arrest in Murehwa attack on elderly citizens collation for change supporters”, 10 January 2023, Report Focus, <https://www.reportfocusnews.com/2023/01/10/police-make-significant-arrest-in-murehwa-attack-on-elderly-citizens-coalition-for-change-supporters/>

12. Nyaradzai Chitauru (48); Beauty Chikoti (59); Chipu Mutizwa (64); Patrick Dongi (76) and Tsitsi Dongo (68). Also present was Joyce T. Seremani (62) – his wife.

13. CCC claimed Chimutashu was the local contact person for the ZANU PF activists who allegedly planned the attack from the ZANU PF office in Murehwa. He is accused of pointing out the Seremani homestead to the assailants.

# Civil and Political Rights

## **Brutalization of a legal practitioner by Zimbabwe Republic Police in Budiro**

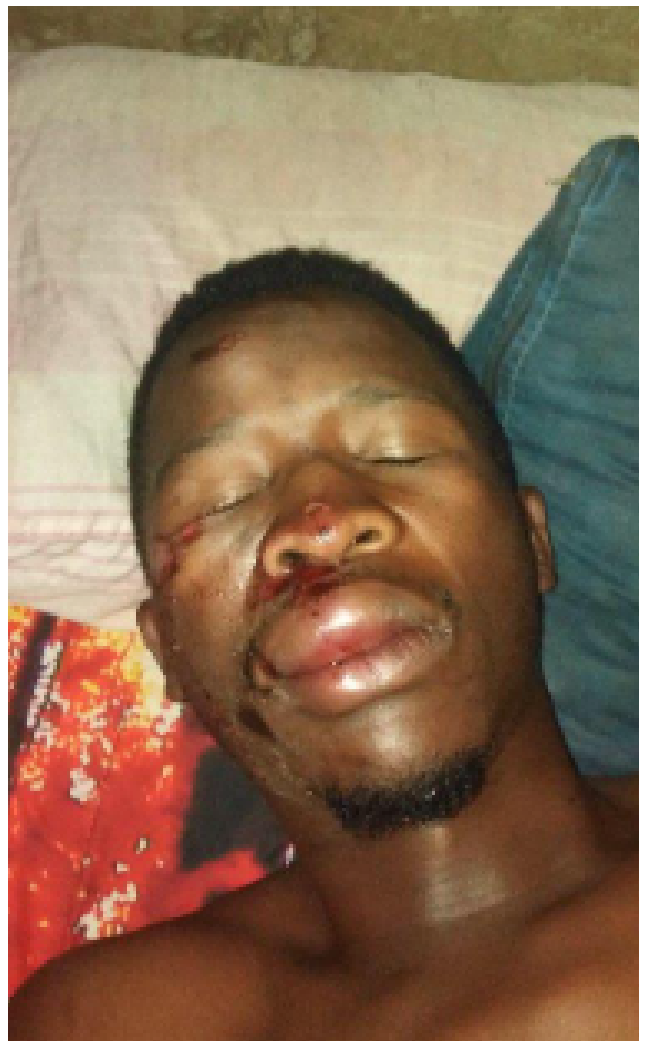
On 14 January 2023, a lawyer Kudzai Kadzere who is a member of the Zimbabwe Lawyers for Human Rights (ZLHR), was assaulted by members of the Zimbabwe Republic Police in Budiro while responding to a call for legal assistance by a group of 25 opposition CCC supporters. According to ZLHR, Kudzai Kadzere sustained some injuries including a fractured hand after he was ambushed and heavily assaulted by about 40 police officers in Budiro high-density suburb, when he went to Budiro Police Station to represent his clients, who had been arrested by the Zimbabwe Republic Police (ZRP). Police officers used truncheons & fists to assault the human rights lawyer.

## **Man left seriously injured by violence in Machipisa**

On 12 March 2022, the Zimbabwe Human Rights Monitors Platform uploaded an alert on their official Twitter account which pointed to an orgy of violence having erupted in Machipisa in the evening on 11 March 2023. According to the tweet, the occurrence of violence, allegedly instigated by ZANU PF activists, left Tashinga Isaac Buwa Jnr (pictured below) critically injured.

## **Intra-party violence leaves three men injured in Sanyati**

On 21 March 2023, intra-party-political violence between the two front-runners, Mines deputy minister Polite Kambamura and prominent legal practitioner Advocate Thembikosi Magwaliba rocked the Sanyati Constituency. One of the victims of the primary elections' violence, Thulani Ndlovu recounted how he and seven others had been approached and asked to chant pro-Magwaliba slogans. When they refused, the assailants (Melbourne and Courage Hovovo, Esau Kasirisiri and Charles Mhere) began to assault Talent Mhungu (29). When Thulani Ndlovu and colleagues demanded to know why Talent was being assaulted, the assailants called their fellow colleagues who were attending a rally that was being addressed by Magwaliba at Kasirisiri Primary School to act as reinforcement in assaulting the group of eight who had refused to chant the pro-Magwaliba slogans. In the ensuing melee, Melbourne Hovovo stabbed Trust Mhungu with a knife on the thigh while Esau Kasirisiri stabbed Thulani Ndlovu with a knife on the waist pocket. Trust Mhungu was taken to Sanyati Baptist Hospital for treatment but was however ironically turned into an accused and arrested on public violence charges.



10. G. Feltoe, A guide to the criminal law in Zimbabwe, 3rd Edition, Legal Resources Foundation, Harare, Zimbabwe, 2004.

11. "Police make significant arrest in Murehwa attack on elderly citizens coalition for change supporters", 10 January 2023, Report Focus, <https://www.reportfocusnews.com/2023/01/10/police-make-significant-arrest-in-murehwa-attack-on-elderly-citizens-coalition-for-change-supporters/>

12. Nyaradzai Chitauru (48); Beauty Chikoti (59); Chipu Mutizwa (64); Patrick Dongi (76) and Tsitsi Dongo (68). Also present was Joyce T. Seremani (62) – his wife.

# Civil and Political Rights



## ARBITRARY ARRESTS

Article 9 of the Universal Declaration of Human Rights provides that: "No one shall be subjected to arbitrary arrest, detention or exile."

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

### **Lawyer arrested for inciting public violence in Budiriro**

On 15 January 2023, members of the Zimbabwe Republic Police (ZRP) arrested human rights lawyer, Kudzai Kadzere on charges of escaping from lawful custody and criminal nuisance. Kadzere was arrested while making a police report against members of the ZRP who had assaulted him and fractured his arm just a day before this shocking arrest. The assault occurred when Kadzere went to Budiriro Police Station to assist opposition political party members who had been arrested for attending a meeting at Budiriro Member of Parliament, Costa Machingauta's home and charged with holding an unlawful gathering with the intent to incite public violence. Kadzere was initially meant to appear in court on Thursday 19 January 2023 charged with criminal nuisance but the police were not ready to take the matter to court.<sup>14</sup> Rather, in an additionally surprising and shocking twist of events, Advocate Kadzere – a victim of police brutality, was turned into an accused person and perpetrator of violence and summoned to appear at Mbare Magistrates Court on Monday 30 January 2023 to answer to charges of assaulting or resisting a peace officer, criminal nuisance & escaping from lawful custody. Even then, the State was not ready and Kadzere was advised that he would be summoned to court in due course.

### **Dragnet arrest of 25 CCC members attending a meeting in Budiriro**

On 14 January 2023, opposition political party Citizens Coalition for Change (CCC) Member of Parliament Amos Chibaya and twenty-four other CCC activists (the oldest of whom was 81 years of age) were arrested by members of the Zimbabwe Republic Police who accused them of contravening the Maintenance of Peace and Order Act (MOPA) by taking part in an unsanctioned meeting. The group came to be known as the #Budiriro25. It later expanded to the #Budiriro26 following the arrest of Budiriro Member of Parliament, Costa Machingauta on 17 January 2023. Below is a detailed timeline of events following these arrests:

14. The NewsHawks, *Brutalised lawyer remains fearless*; 23 January 2023; <https://thenewshawks.com/brutalised-lawyer-remains-fearless/>

## Description of Violations

Date	Description of events
14 January 2023	Amos Chibaya and 24 Others (#Budiro25) arrested for participating in an illegal meeting
17 January 2023	#Budiro25 who include a minor and elderly people (the oldest of them above 80 years of age) appear in court for continuation of bail application. Bail application is rolled over to 18 January 2023 after Pamela Musimwa from Forum member, Justice for Children Trust (JCT) made an application to have the case of the minor accused person separated from the other 24. Alternatively, she applies for the case to be heard on camera when the minor appears in court for trial.
17 January 2023	Magistrate postpones the bail application to allow her to go through the submissions and deliver a ruling on the application to have the minor's case separated from the other 24. The minor is represented by JCT while the 24 are represented by the Zimbabwe Human Rights NGO Forum through Advocate Mandinde and Chris Mhike.
17 January 2023	Advocate Mandinde objects to the minor's matter being heard in camera saying the court would violate the other 24 accused persons' right to fair trial who also deserve to have their trial heard in public before members of the media and before their relatives. He raised concern over the dressing of the accused persons. Most of the male inmates were in tattered prison attire.
17 January 2023	Budiro Member of Parliament, Costa Machingauta hands himself over to the police after the investigating officer said that he was on the run. This was said despite the fact that Machingauta had been in court and frequenting the police station with food for his fellow opposition supporters, Amos Chibaya and 24 others since their arrest but was not arrested.
18 January 2023	The court was unable to sit at 11:15hrs to deliver a ruling on whether the case of a minor can be separated from the other 24 CCC activists arrested in Budiro on 14 January. Magistrate Yeukai Dzuda was said to be sick and the court will now sit at 15:30 hrs. In the meantime, there were problems with the feeding of inmates. The inmates had not eaten anything since morning.
18 January 2023	The 25's lawyers applied to have the court issue an order to prison officials to allow the feeding of the inmates. The court was however hesitant to give the order, advising the defence counsel to further engage with prison officers.
19 January 2023	Magistrate Yeukai Dzuda presides over bail application for the 25. Investigating officer Detective Inspector Garauzive failed to provide the section of law used to arrest the supporters engaged in a private meeting as a party organ despite insisting that the opposition party supporters were supposed to get police clearance for the private meeting.
20 January 2023	Bail application for Amos Chibaya and 24 CCC supporters arrested in Budiro on 14 January is rolled to Monday, 23 January. The State indicated its intention to introduce a second witness on Monday.
23 January 2023	Advocate Mandinde objects to the State inviting another witness on the grounds that doing so would prolong the detention of the 26. However, the court grants State request.
27 January 2023	The #Budiro26 are granted ZWL\$30 000 bail by Magistrate Yeukai Dzuda. The group is also ordered to report at a police station every Friday and not to interfere with witnesses <sup>15</sup> . The activists were being accused of disturbing public peace at a private meeting on January 14 held at Machingauta's house by chanting: "Ngaapinde hake mukomana, 2023 Chamisa chete chete". This loosely translates to: "The boy (Chamisa) must enter (get into office), 2023 Chamisa only". They had, by this point, spent two weeks in remand prison.

### UZ Student activist arrested for assisting in voter registration

On 17 March 2023, the Zimbabwe Human Rights Monitors Platform published a tweet on their official twitter account which alleged that reports had just been received which confirmed that the University of Zimbabwe (UZ) President Allan Chipoyi had been arrested whilst organizing and registering people to vote.

15. Except for the 81-year-old arrested CCC supporter who was released on free bail.

# Civil and Political Rights



## Violations against the right to freedom of expression

The country's supreme law, the Constitution of the Republic of Zimbabwe (No. 20) Act of 2013 specifically entrenches the right to freedom of expression which includes freedom of artistic expression and creativity under section 61(c). The Zimbabwean government also ratified the International Covenant on Civil and Political Rights (the ICCPR) on 13 May 1991. The ICCPR under Article 19 (2) protects the right to freedom of expression which includes "the right to impart information and ideas of all kinds ... in the form of art". However, cases recorded are at complete odds with the human rights benchmarks espoused in Article 19 of the ICCPR and section 61 of the country's Constitution.

### Winky D's performance interrupted by ZRP in Chitungwiza

On 4 March 2023, members of the Zimbabwe Republic Police stormed the stage at Damview in Chitungwiza where popular Zimdancehall artist, Wallace Chirumiko, commonly known by his stage name, 'Winky D', was conducting his first live performance of his collaborative album titled EUREKA EUREKA. The album, which was launched on 31 December 2022, provides a hard-hitting commentary on societal ills in Zimbabwe. In response, a pressure group affiliated with the ruling party ZANU-PF, known as the Economic Empowerment Group (EEG) called for Winky D's music to be banned in Zimbabwe.

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On 3 January 2023, EEG representatives appeared in a video that was posted on various social media platforms in the country. The group accused Winky D of inciting civil war, promoting violence among youths, promoting hate speech and ultimately called for the banning of his music on the basis that he was sent to tarnish the image of the country.

One track on the album in particular, titled "Ibotso" depicts a long-decayed society characterized by corruption, maladministration and economic mismanagement and how this has fueled day to day struggles faced by ghetto youths in Zimbabwe that include rampant unemployment, the scourge of drug abuse and prostitution. It was soon after the performance of this song that members of the ZRP got on stage and prematurely ended his show in Chitungwiza on 4 March 2023. Winky D was hit on the head with a bottle as he was being whisked off the stage.

### Baba Harare's Chitungwiza show cancelled

On 5 March 2023, prominent musician Braveman Chizvino Mwanza, popularly known by his stage name "Baba Harare" updated his social media accounts to notify the public that his scheduled Chitungwiza show had been cancelled. According to the social media updates, the show was cancelled due to the Zimbabwe Republic Police's failure and/or refusal to clear the show.

This occurred just hours after Winky D had been violently dragged off the stage at the Blue Roof at Damview in Chitungwiza on 4 March 2023. The popular artist is known for his social activism and constantly urges his fans and followers to participate in the forthcoming elections in Zimbabwe under the tagline **#RegistertoVoteZW**.

### Attacks against freedom of assembly and association

The right to freedom of assembly and association is guaranteed in terms of section 58 of the 2013 Constitution of Zimbabwe. However, under the new dispensation, there is evidence that these rights continue to be violated with impunity in what amounts to disregard of international human rights obligations as expressed in International Human Rights Instruments such as the Universal Declaration for Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) which stand ratified by the Government of Zimbabwe. By way of example:



### **Mthwakazi Party Bulawayo March cancelled**

On 30 January 2023, the Mthwakazi Republic Party (MRP) cancelled its planned march to deliver a petition to Mhlahlandlela Government Complex in Bulawayo after the police ordered the party to send not more than five representatives. MRP intended to march to Mhlahlandlela to present its petition on the status of education in Matebeleland North, Matebeleland South and a part of the Midlands. MRP leader, Mqondisi Moyo, told CITE's Lulu Brenda Harris that not only did the police restrict the number of people who could take part in the peaceful demonstration but the police also delayed in releasing the clearance.

### **Citizens Coalition for Change Mutare Rally cancelled.**

On 10 February 2023, the Zimbabwe Republic Police blocked a Citizens Coalition for Change (CCC) rally that was scheduled for 11 February 2023 citing objections by some property owners. The opposition political party notified the police of their intention to hold a rally at Rowa Grounds in Mutare. In response, the ZRP in a prohibition notice dated 10 February 2023 indicated that: "Your convening notice is not compliant with the law" further that: "The intended venue is also lined<sub>2</sub> up with sporting activities by local football clubs who usually use the same luckily."

### **Citizens Coalition for Change Dewure Meeting prohibited.**

The Zimbabwe Republic Police, in a letter dated 10 February 2023, blocked CCC from holding a meeting at Dewure Business Centre Ward 35 of Gutu Central Constituency which was scheduled for Sunday. In the prohibition notice addressed to CCC's Llyod Mupfudze, Chief Superintendent Taurai Joackim Mambure of Masvingo East Police District said the meeting cannot be held because "the venue is still volatile to violence".

### **Citizens Coalition for Change Gutu Central Rally blocked**

On 17 February 2023, the Zimbabwe Republic Police blocked yet another CCC rally that was scheduled for 19 February 2023. In the prohibition notice, addressed to CCC's Lloyd Mupfudze, Officer Commanding Masvingo East Police District Taurai Joackim Mambure barred CCC from holding a rally at Chin'ai business centre in Ward 15 in Gutu Central Constituency on the basis that there was shortage of manpower to cover the event.

### **Citizens Coalition for Change Murehwa Rally barred**

On 22 February 2023, police barred yet another CCC rally at Murehwa. CCC notified the police of its intention to hold a cluster one-year anniversary celebration rally at Murehwa council grounds on 25 February 2023. However, in a letter dated 22 February 2023 and addressed to CCC's Murehwa district elections officer, Chief Superintendent M. Masvivi said the venue had already been booked by another political party. CCC also intended to hold a rally at Mabaweni Soccer Grounds in Esigodini, Umzingwane district, and duly notified the police. However, officer commanding Police in Umzingwane District, Chief Superintendent B. Ndlovu advised CCC's Bheki Sibanda that the rally cannot go ahead as it coincides with a national event.



## Violations against members of the media

Freedom of expression and of the media is protected under section 61 of the 2013 Constitution of Zimbabwe. It is a key component of ensuring the growth or enhancement, efficacy and long-term survival of Zimbabwe's constitutional democracy as it fosters responsiveness, accountability and transparency on the part of Government. It is thus highly concerning to see that journalists were exposed to harassment/threats/intimidation for simply conducting their lawful professional duties during the period under review. By way of example:

### *Freelance journalists barred from covering Budiro 25 hearing*

On 16 January 2023, about 20 journalists who had gathered in Budiro to cover the hearing of opposition political party Citizens Coalition for Change Organizing Secretary Amos Chibaya and 24 others charged with holding an unlawful gathering with the intent to incite public violence, were harassed, threatened with assault and barred from covering the hearing. Journalists from state-owned outlets Zimbabwe Broadcasting Corporation (ZBC) and The Herald newspaper were however allowed to cover the proceedings. The journalists who were barred included those working for privately owned news outlets ZimLive, TechnoMag, NewsHawks, NewsDay Zimbabwe, NewZimbabwe, Nhau News Online, and Heart and Soul TV, among others, according to the five journalists who spoke with the Committee to Protect Journalists (CPJ). Although the journalists produced press identification cards, police pushed them away with their baton sticks, ordered them outside, and refused to allow them to stand near the court building.



## Environmental Rights

By far the most topical issue of concern that arose during the period under review was the Al Jazeera Investigative Unit Gold Mafia documentary. The first of a four-part instalment, Gold Mafia Episode 1: The Laundry Service released on 23 March 2023 exposed alleged illicit financial flows from Zimbabwe, including serious allegations of abuse of diplomatic immunity, illicit gold trading, corruption and money laundering in the mining sector. It exposed how huge amounts of gold are clandestinely smuggled every month from Zimbabwe, Africa's sixth-largest gold producer, to Dubai in the United Arab Emirates, aiding money laundering through an intricate web of shell companies, fake invoices and paid-off officials. Uebert Angel (Pictured), presidential envoy and ambassador-at-large to Europe and the Americas since March 2021, was secretly filmed bragging that he could move USD\$1.2bn easily, due to his diplomatic immunity.

Instead of the relevant authorities completing sufficient due diligence into potential investors – including official gold traders, they instead, on occasion, clamp down on small scale illegal miners. The Al Jazeera Gold Mafia documentary has however clearly shown that the rot needs to be dealt with from the top. For example:

### Mass evictions without notice in Sandawana

On 4 January 2023, a video surfaced online of lithium miners being evicted from Sandawana mine allegedly without notice. One of the country's biggest mining groups, Kuvimba Mining House, drove away the illegal miners from its Sandawana claims to pave way for exploration as the company sought to quantify its resource for large-scale operations.<sup>16</sup> Zimbabwe Miners Federation (ZMF) President Henrietta Rushwaya welcomed the development as being one that brings sanity to the area as the activities of illegal miners were bringing the name of the Federation to disrepute. It was also asserted that "those who were now digging haphazardly were unauthorized and were not people from Mberengwa and they were selling the lithium to illegal buyers".

What is ironic about the claims of the illegal miners bringing the name of ZMF to disrepute is: firstly, In 2020, Henrietta was charged with contravening the Customs Act after being found in possession of 6 kgs of gold at the Robert Mugabe International Airport. She was later charged with bribery and unlawful possession of gold. She was eventually granted bail on 13 January 2021 and peculiarly, reelected as the President of ZMF – this on its own should be sufficient to bring the name of the Federation to disrepute.

16. New Zimbabwe, Artisanal miners left stranded after being ordered off Sandawana mine, 5 January 2023; <https://www.newzimbabwe.com/artisanal-miners-left-stranded-after-being-ordered-off-sandawana-mine/>



## Socio-economic rights

Secondly, Henrietta Rushwaya, niece to President Emerson Mnangagwa is herself mentioned in the Gold Mafia documentary. In Episode 1 of the documentary, Ambassador at Large and presidential envoy, Uebert Angel, can be seen making a phone call to a person he identifies as the President of the Miners Association – Rushwaya. He instructs an associate close to him to “Call Henrietta”. In the audio, a female person, presumably Rushwaya, can be heard arranging a plan to clean USD\$10 million dollars of dirty money from undercover journalists who were posing as Chinese gangsters which she suggests can be parked in Government’s refinery, Fidelity Printers and Refiners. ZMF has since distanced itself from this audio purporting to be that of ZMF President Henrietta Rushwaya. (Pictured right)

It was not just the artisanal and small-scale miners who were affected by the abrupt evictions. Informal vendors who would make their living by selling their wares to the miners were also deprived of a source of livelihood. Illicit trade in gold has long been estimated to cost Zimbabwe an estimated \$100m every month, according to official estimates. Concerningly, the Al Jazeera Documentary also exposed incidences of alleged under invoicing and under declarations by registered gold dealers to Fidelity Printers and the Zimbabwe Revenue Authority. This serves to reduce the country’s ability to build critical infrastructure and support the needs of the population or respond to urgent challenges. This clearly goes against the tenets of the Constitution captured under section 73 (1) (b)(iii) which posits that:

**“Every person has the right to have the environment protected for the benefit of present and future generations (and not just for a small elite of politically connected individuals), through reasonable legislative and other measures that... secure ecologically sustainable development and use of natural resources while promoting economic and social development.**



# Labour Rights



Government has done very little to improve the quality and standard of living of the population and this is clearly reflected in the impasse between government and civil servants on the issue of salaries. The apparent inability by government to adequately address this issue has resulted in the incapacitation of these essential service providers.

On 13 March 2023, Newsday published an article which revealed how government workers had reportedly rejected a USD\$50 salary increment from USD\$200 offered by their employer during the National Joint Negotiating Council (NJNC) negotiations.<sup>17</sup> This latest increment would have seen the lowest-paid worker earning US\$250. This was a far cry from what civil servants were demanding - a salary increment that would see the least-paid worker earning US\$840.

The selective remuneration of government workers has also been a recurrent contentious issue in particular the apparently preferential salary increments for the security forces (soldiers and the police force) but not for teachers. Teachers' unions slammed government for selectively applying standards following the controversial awarding of a 400% pay hike to the military and police.

This came in the wake of teachers' rejection of a 50% increase on their local currency wages during the NJNC negotiations. Teachers found it unacceptable that they received the short straw in terms of salary negotiations when they are faced with the same economic challenges as members of the army and police. Under section 65(1) of the 2013 Constitution of Zimbabwe: Every person has the right to be paid a fair and reasonable wage.



17. NewsDay, Govt workers reject USD\$50 increment, 13 March 2023; <https://www.newsday.co.zw/local-news/article/200008752/govt-workers-reject-us50-increment>

18. ZimLive, Zimbabwe teachers fume over 'selective' army, police 400% pay hike, 17 March 2023;

19. This is by now a well-established trend as seen through recurrent and ongoing tensions between CCC and ZANU PF youths over control of vending space at the Mupedzanhamo market where vendors are illegally charged a daily fee of US\$5 per stall by space barons. Forum Member, the Zimbabwe Peace Project has also previously documented incidents of forced political meeting attendance and party card registration of vendors. ZPP, in its February 2022 Monthly Monitoring Report, indicated how it had audio recording evidence of vendors and other informal traders who had received all sorts of threats to their trade if they failed to attend the scheduled 12 February 2022 ZANU PF rally in Epworth. Further, on 7 February 2022, a ZANU PF activist identified as Kuda Chamboko is alleged to have gone around Mkambo market forcing vendors to buy new ZANU PF card or risk losing their vending stalls at the market. In yet another incident, a ZANU PF activist, Japhet Dube, led ruling party youths to force informal traders to attend a rally addressed by former Vice President Kembo Mohadi.

# Business and human rights



A worrisome trend relating to the politicization of informal traders for the purposes of gaining political mileage was observed during this period.<sup>19</sup> One of the ways through which this invariably manifests is through the politicization of vending bays. The informal vendor has become an object of abuse and constant attack all for political expediency. See below for an example:

## Scuffle between vendors and municipal police in Bulawayo

On 23 February 2023, The Zimbabwe Human Rights NGO Forum (the Forum) received an alert, through one of its members based in Bulawayo, of violence that had broken out in the early hours of the morning involving scuffles between vendors and municipal police. According to reports, live ammunition had been fired and vendors were shot and injured while resisting their removal during the launch of an operation to clear 5th avenue in Bulawayo's Central Business District of "illegal activities". Violence had begun earlier in early February as Bulawayo's City Council officers tried to remove illegal vendors from the area.

A verification team deployed by the Forum to interview and identify possible litigants and for documentation of possible human rights violations managed to establish the context relating to the history of vending activities in that particular area. It was indicated that some of the vendors operating along 5th avenue were operating illegally, with some being accused of trading in drugs and that a practice had since been established wherein space barons, who are alleged to be affiliated to the ruling party ZANU PF, are paid a daily fee of USD\$1 by each unregistered or illegal vendor operating in that space in order for their illegal vending activities to be able to continue without hindrances.

It was also apparent that the vendors prefer to operate along that particular strip of the CBD (5th avenue between Lobengula Street and Jason Moyo Street) due to it being a lucrative vending space as it is quite a visible and busy area. Council then proceeded to launch an operation on the same day that the Minister of Local Government and Public Works, July Moyo directed local council authorities to enforce traffic regulations and by laws in the country's cities and towns. Contrary to earlier reports, the verification team managed to establish that live ammunition had in fact not been used and that only rubber bullets had been discharged. Rather, at dawn, at around three am, on 23 February 2023, city council officers swooped down to disperse the illegal and/or unregistered vendors. Shortly afterwards however, suspected ruling party henchmen then instructed the vendors to go back and resume operations as normal. It was at this point that things took a turn for the worst. City Council officers returned, this time bolstered by riot police and attempted to once again disperse the vendors. The vendors however retaliated and attacked the council officers, in some instances pelting them with pebbles. Three city council officers were injured during the impasse. This was confirmed by council's corporate communications manager Mrs Nesisa Mpfu.

The verification team was able to obtain two names of injured vendors (Prosper Munemo – 38 years) and Concelia Ndlovu – 46 years. The victims however did not file police reports as they did not deny that they were operating illegally and would like to still secure their illegal vending spaces. It soon emerged that the victims were possibly aligned to ZANU PF and thus did not want to be associated with NGOs. The verification team visited the Highlanders flea market in Bulawayo in a bid to gather information directly from the vendors themselves and was informed that ZANU PF allegedly conducted a cell group exercise on the day of the skirmishes to record the illegal vendors on their ZANU PF membership books so that they are recorded as being part of ZANU PF.

19. This is by now a well-established trend as seen through recurrent and ongoing tensions between CCC and ZANU PF youths over control of vending space at the Mupedzanhamo market where vendors are illegally charged a daily fee of US\$5 per stall by space barons. Forum Member, the Zimbabwe Peace Project has also previously documented incidents of forced political meeting attendance and party card registration of vendors. ZPP, in its February 2022 Monthly Monitoring Report, indicated how it had audio recording evidence of vendors and other informal traders who had received all sorts of threats to their trade if they failed to attend the scheduled 12 February 2022 ZANU PF rally in Epworth. Further, on 7 February 2022, a ZANU PF activist identified as Kuda Chamboko is alleged to have gone around Mkambo market forcing vendors to buy new ZANU PF card or risk losing their vending stalls at the market. In yet another incident, a ZANU PF activist, Japhet Dube, led ruling party youths to force informal traders to attend a rally addressed by former Vice President Kembo Mohadi.

# Conclusion & Recommendations

Based on what emerges from the Forum's 1st Quarter (January to March 2023) PVR report, there are indications that the situation can deteriorate further if the socio-economic and the civil and political deficiencies faced by the country are not approached comprehensively. Considering the above, the Forum makes the following recommendations:

## To the Government of Zimbabwe

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

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

consequently, that the government of Zimbabwe must, in all circumstances abide by the duties and responsibilities of states in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which place obligations on States:

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



# To Independent Chapter 12 Commissions

- For the Zimbabwe Media Commission, together with the Zimbabwe Republic Police, thoroughly investigate the attacks on and harassment of artists freely and peacefully expressing their views as well as the attacks against journalists with impunity and to protect rights to freedom of speech, expression and of the media ahead of the 2023 general elections.
- For the Zimbabwe Human Rights Commission to actively take steps to fulfil its constitutional mandate by investigating human rights violations and recommending effective measures to promote human rights and freedom to Parliament.

## To the Zimbabwe Republic Police

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

## To Political Parties

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

## To Political Parties

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