

UNITED

FOR HUMAN RIGHTS

A Zimbabwe Human Rights NGO Forum
Newsletter June 2023



MAIN STORY

Disputed Zimbabwe polls raise stake of another coup

P3

P6

CSOs red-flags
Zimbabwe over
'judicial capture'

Foreword:

'Elections should not remain rituals'

I hope our June newsletter finds you well.

We are just about 50 days to the 2023 general elections and parties are hitting the ground running. As I said earlier, indications that the electoral environment is not even are now glaring. There are allegations that ruling party supporters are involved in electoral violence with impunity, while opposition supporters are arrested on flimsy charges to derail their campaign.

Ahead of the March 26 by-elections, we noted the ban on opposition Citizens Coalition for Change rallies, a sad development that infringed on the people's constitutional right to assembly, association, and expression. As observed in an academic paper I penned with Justice Alfred Mavedzenge titled, Towards Elections that Works in Zimbabwe – commissioned by the Democratic Governance and Rights Unit of the University of Cape Town, South Africa and published in the Journal of Democracy, Governance and Human Rights in Zimbabwe, elections will remain a ritual in the country if deliberate efforts are not made to make them free and fair.



Forum Director Dr Musa Kika

We remain hopeful that the political leadership will come to their senses and change course to ensure that Zimbabwe holds free, fair, and credible elections that can bring legitimacy and resultantly, economic stability. Previous elections have been marred by a lack of legitimacy due to an uneven playing field and politically motivated violence. Zimbabwe cannot remain in the conundrum.

The month of June saw opposition legislator Job Sikhala clock a full year in pre-trial detention. This is a sad development, and we implore the Judiciary to do its work diligently and respect the Constitution. Bail is a constitutionally guaranteed right. We fear the persecution by the prosecution of opposition members is likely to rise ahead of the elections. An outrageous precedent has already been set. We continue to commiserate with Jacob Ngarivhume whose application for bail pending appeal was dismissed by the high court.

I urge you to be steadfast in defence of human rights as we get closer to the election date.

Thank you.

Dr Musa Kika
Executive Director.



Zim disputed polls pose threat of another coup



Soldier moved in tankers to remove the late former President Robert Mugabe in November 2017

United Reporter

Top constitutional law experts have warned that Zimbabwe risks another coup or revolution if it continues to mishandle general elections and produce disputed polls.

In a fresh academic article released on 13 June 2023, Zimbabwe Human Rights NGO Forum director Musa Kika and Justice Alfred Mavedzenge, the African Judges and Jurists Forum programmes director have expressed fears that Zimbabwe was plunging into another disputed poll.

The publication, *Towards Elections that Work in Zimbabwe*, was produced by the Democratic Governance and Rights Unit of the University of Cape Town, South Africa and published in the *Journal of Democracy, Governance and Human Rights in Zimbabwe*.

The publication recommends that the international community be mobilised to develop a mechanism for the transfer of power and warns that the country risks another military coup or revolution if it continues to mishandle general polls.

“The international community must be mobilised to develop a ‘ready-to-deploy’ mechanism and support framework to a support transfer of power (if and when results of the polls require such),” part of the 15-page document reads.

“This becomes the mechanism to mediate and deal with disputed election outcomes.

“This is an area that has received little focus in Zimbabwe on account of the country’s history which has a dearth of transitions. Questions in that mechanism should include security of the incoming and outgoing administrations, resourcing of the transition, mediation and guarantor mechanisms, period of transition and governance arrangement in a transitional phase, transitional authority/council/committee/structure and its powers, among other considerations.”

“The publication acknowledges that past elections in Zimbabwe failed to pass the test of being free and fair to the extent of becoming a national question.

The writers blame the Southern African Development Community for failing to act on the marred polls over decades.

“The problem with elections in Zimbabwe is that electoral outcomes are not reflective of the will of the people and the system that manages elections conduces to manipulation of the people’s willingness, ability and capacity to vote.

“The ruling party Zanu PF is a classic case of a political leadership that uses elections as a device to merely legitimating their illiberal and often highly oppressive regime. Key concerns include (1) voter apathy and low participation; (2) perceptions of the electoral processes as being ineffective in manifesting voters’ wishes; (3) fear, naked power politics, violence, and impunity (e.g., the architecture of violence around elections); (4) militarisation and lack of citizen confidence on the Zimbabwe Electoral Commission (Zec); and (5) the region’s continuous endorsement of fraudulent electoral processes.”

The report also stresses that the resolution of electoral issues in Zimbabwe must consider that it is a “multi-causal phenomenon, involving multiple challenges that cannot be solved by one solution.”

“Changing systems and processes is just one step in shifting a political culture of intolerance, violence, rigging and aversion to genuine and fair electoral contestation. Elections are a multifaceted and multi-stakeholder affair, involving not just the government and civil society, but also opposition parties and other organisations. “This situation in Zimbabwe is ongoing (and has been for decades), but it is important to maintain hope for change; to propose practical solutions for the short-term while at the same time working on medium- and long-term solutions.”

CONTINUED ON PAGE 4

CONTINUED FROM PAGE 3

According to the report, reasons why Zimbabwe continues having disputed elections, include the failure of regional leaders to exert pressure in support of democracy; an elections management body (EMB) that lacks independence; fear; naked power politics; violence; impunity; trust; and confidence deficits. The report says voter apathy is a problem in Zimbabwe's elections.

"Voter apathy and low participation are key problems with elections in Zimbabwe. The Afrobarometer Zimbabwe Round 9 Survey in 2021 found that nearly half (49.8%) of Zimbabweans would not vote and did not know (or would not say who) they would vote for. Mostly, this is argued, is because of the 'fear factor'. But it is also due to the lack of political trust. "It is also the case that many who are reticent hide their affiliation with the opposition. The same survey reports that although Zimbabwe's youth represent over 60% of the population, they are less likely than their elders to be registered to vote in 2023.

"The middle-aged 36-55 years (83%) and the elderly 56+ years (72%) are more likely to be registered to vote than the young 18-35 years (54%). Focus on electoral reforms over the last decade has shifted attention from focusing on mobilising - here is a significant depoliticised constituency of eligible voters that do not vote. Zimbabwe's youth represent over 60% of the population, they are less likely than their elders to be registered to vote in 2023.

"The middle-aged 36-55 years (83%) and the elderly 56+ years (72%) are more likely to be registered to vote than the young 18-35 years (54%). Focus on electoral reforms over the last decade has shifted attention from focusing on mobilising- there is a significant depoliticised constituency of eligible voters that do not vote."

As a solution to the problem of rigged elections, the report puts across the need for SADC to be proactive in insisting on free and fair polls to avoid an upheaval from disgruntled citizens. "Zimbabwe cannot continue to hold disputed elections. If this continues to happen, people will seek alternative ways to change the government, and this will give rise to coups and possible revolution. This is a path to be avoided.

"A robust regional response to disputed elections is needed to protect the sanctity of the vote. The message for mobilisation would be: (1) to prevent a cycle of coups and possible revolution and (2) avoidance of destabilising the SADC region. It is up to Zimbabweans to make a case for regional intervention.

"Part of the intervention should include engagement with some of the major observer missions, as observer mission reports matter and determine credibility and processes that follow after the elections. It is important for observer missions to produce useful reports that help the cause for credible elections in the country," reads another part of the academic paper.

UNITED REPORTER

The Legal Resources Foundation, in partnership with the Chiefs' Council of Zimbabwe, facilitated the training of 42 Traditional Leaders from Mashonaland West Province.

The workshop, held in Kadoma, strengthened the capacity of traditional leaders on human rights and gender when rendering leadership duties and administering justice in their various communities.

The LRF executive director, Valerie Zviuya emphasised the importance of strengthening the capacity of the traditional leaders as adjudicators of customary and local courts in Zimbabwe.

Professor Chingarande from the Women's University of Africa highlighted the importance and appreciation of gender equality, gender equity, gender socialization, and gender justice by traditional leaders, in exercising their roles as presiding officers in local courts.

To complement the message, Advocate Damiso from the University of Zimbabwe emphasised the need for duty bearers including traditional leaders to respect, fulfil, protect, and promote human rights as highlighted in Section 44 of the Zimbabwean Constitution, and ensure that the laws, traditions, and customs they apply when ruling, must conform to the Constitution which is the supreme law of the land.

Traditional leaders have been accused of participating in partisan politics, colluding with political leaders to infringe on the rights of villagers.



Zimbabwe Council of Chiefs president Chief Fortune Charambire

State agents perpetrating violence



UNITED REPORTER

STATE security agents are the leading perpetrators of politically motivated violence through arbitrary arrests and detention of opposition members and human rights activists as the country heads for general elections on August 23 this year. In a 2023 first-quarter political violence report, the Zimbabwe Human Rights NGO Forum (Forum) recorded 77 cases of violence with 28 classified under arbitrary arrests and detention by the State.

These include the arrest of 26 opposition Citizens Coalition for Change (CCC) members, including legislators Amos Chibaya and Costa Machingauta in January 2023 on allegations of violating public order regulations by attending an unsanctioned meeting at a private residence in Budiriro, Harare.

Another CCC legislator Job Sikhala clocked a full year in pre-trial detention on 14 June after he was arrested on charges of inciting public violence. He has been denied bail for a record eight times.

The human rights group noted that the government was clamping down on freedoms of assembly by banning opposition rallies and musical shows of artists perceived to be anti-government.

“The right to freedom of assembly and association is guaranteed in terms of section 58 of the 2013 Constitution of Zimbabwe,” the report read.

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 and the International Covenant on Civil and Political Rights which the government of Zimbabwe ratified.

“On January 30, 2023, the Mthwakazi Republic Party cancelled its planned march to deliver a petition at Mhlahlandlela government complex in Bulawayo after the police ordered the party to send not more than five representatives.”

In the report, the Zimbabwe Lawyers for Human Rights (ZLHR) recorded 22 cases of assault and torture in the first quarter but said the situation would likely worsen as the election date gets closer.

“Based on what emerges from the Forum’s first quarter (January to March 2023) 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.

“The socio-economic woes continue 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 mark against the US dollar on the Reserve Bank of Zimbabwe foreign currency auction and renowned economists are on record calling on the Zimbabwean government to dump its local currency,” the report read.

The report also raised concern over Zanu PF using its majority in Parliament to fast-track the passing of laws that stifle democracy.

Early this month, Parliament passed the Criminal Law (Codification and Reform) (Amendment) Bill which has some Patriotic law provisions which has been roundly described as draconian by government critics, but vociferously supported by Zanu-PF.

Magistrate invokes ED's name in crude ruling against CCC supporters

UNITED REPORTER

A Marondera magistrate invoked President Emmerson Mnangagwa's name when passing a controversial sentence which induces shock on two Citizens Coalition for Change (CCC) supporters accused of assaulting a Zanu-PF supporter. The two CCC supporters, Taurai Befura (33) and Dennis Chiradza (49) were each sentenced to 18 months imprisonment for assaulting a Zanu-PF supporter in Mahusekwa on May 14, 2022. There was no option for a fine.

No medical affidavit was produced in court as evidence of the assault, and neither was the Zanu-PF t-shirt that was said to have been torn during the alleged assault brought to the court as an exhibit.

The two State witnesses also gave contradictory statements in court, with the complainant admitting he was not injured.

But when passing the sentence on June 5, 2023, Marondera magistrate Esther Mabika said the duo was charged with a violent offence that the court frowns upon, especially in the prevailing political climate.

She justified her judgment against the two first-time offenders saying it would be a deterrent measure in line with "New Dispensation" and "Head of State's mantra that political violence should not be tolerated.

Mabika said despite the country having a history of violent crimes and the fact that the case has political elements to it, the court intends to send a message to the accused persons and the rest of the community that political violence is not tolerated.

The sentence was after a full trial. The duo was represented by Lynnet Phiri, of the Zimbabwe Human Rights NGO Forum.

According to the State, Befura and Chiradza assaulted Stephen Musengeyi at Chiriseri Business Centre with open hands and clenched fists several times on his body intending to cause bodily harm.

It was alleged that on 14 May 2022, at 0900hrs, Musengeyi proceeded to Mudzimuirema School to attend ball games organised by Zanu-PF. In the company of Rodwell Makoni, Musengeyi went to Chiriseri Business Centre to buy food when they met the accused wearing a CCC t-shirt.

Musengeyi, who identified himself as a Zanu-PF supporter stated that the two accused persons were seen wearing CCC regalia at the local shops. He told the Court that he approached one of the accused persons and told them to leave the shops or else things would not end well, the meaning of this is unclear.

He told the Court that there was a ZANU-PF meeting at the shops so that is why he wanted the accused persons to leave. The other State witness, Makoni stated that there was no meeting at the shops, but they were there to get some drinks and relax with some friends.

Musengeyi claimed that the two accused persons brought a mob of 10 or more unidentified persons and assaulted him. No medical affidavit was produced before the Court and the Musengeyi stated that he did not suffer any serious injuries.

Makoni also said there were no visible injuries on Musengeyi.

The Accused persons denied these allegations stating that the complainant is the one who accosted one of the accused persons and threatened him with unspecified harm.

The two were sentenced to eighteen months imprisonment with six months suspended, with no option of a fine.



President Emmerson Mnangagwa

CSOs red-flags Zimbabwe over 'judicial capture'

UNITED REPORTER

EIGHTEEN local and regional civil society organisations (CSOs) have petitioned President Emmerson Mnangagwa over what they termed “judicial capture” and the pervasion of justice in the country.

The CSOs accused the Judiciary of weaponising the law against government critics and cited the “persecution” of several opposition politicians and pro-democracy activists as examples. “We, the undersigned CSOs, herein register our deep concerns against a growing trend of judicial persecution and the abuse of the legal system (lawfare) by Zimbabwean authorities to close the civic space and target human rights defenders (HRDs) and pro-democracy activists,” the CSOs said in their statement dated June 1.

The statement was copied to Chief Justice Luke Malaba, Justice, Legal and Parliamentary Affairs Minister Ziyambi Ziyambi and Acting Prosecutor-General Nelson Mutsonziwa.

The CSOs cited the continued incarceration and denial of bail to Zengeza West legislator Job Sikhala (CCC) since June last year saying the case exposed the weaponisation of the law against government critics.

Sikhala has been in pre-trial detention since June last year charged with incitement to violence at the funeral of slain opposition activist, Moreblessing Ali.

Recently, Transform Zimbabwe leader Jacob Ngarivhume was convicted and sentenced to four years in prison for inciting public violence. He has, however, appealed against both conviction and sentence.

Citizens Coalition for Change (CCC) spokesperson Fadzayi Mahere escaped a custodial sentence with a US\$500 fine for tweeting falsehoods against the police. She has also noted an appeal at the High Court.

A number of pro-democracy and opposition CCC activists also face various charges.

In the Sikhala case, the CSOs said it was shocking that the opposition MP was being denied his right to bail.

“...., it turns out to be legally unsound that Sikhala’s fellow parliamentarian, Godfrey Sithole and the 14 residents of Nyatsime who were arrested together with him under the same charges were granted bail while Sikhala’s more than eight bail applications were dismissed,” the CSOs said.

“The fact that Sikhala has been consistently denied bail raises suspicion that the law is being weaponised for the judicial persecution of the human rights lawyer and disliked political opponent.”



Job Sikhala

They said the Sikhala case exposed a lack of rule of law in Zimbabwe.

“Any persons in the Executive and the Judiciary or who are part of Zanu PF or any other organisation that may be unduly influencing the courts and violating the principle of separation of powers in Sikhala’s case should be identified, apprehended, prosecuted, and convicted for their inexcusable actions,” they said.

“Sikhala should have equal access to effective judicial remedies as provided for under national and international law without any discrimination on political grounds.”

The CSOs involved in the petition include several residents’ associations, Anti-Corruption Trust of Southern Africa (ACT-SA) (Zimbabwe), Zimbabwe Organisation for Youth In Politics (ZOYP (Zimbabwe), Voice of Justice (Zimbabwe), NamRights Inc (Namibia) and Zimbabwe Exiles Forum (South Africa).

The Restoration of Human Rights (United Kingdom), Zimbabwe Diaspora for Democracy United States), Political Prisoners in Africa (Sadc), DITSHWANELO — The Botswana Centre for Human Rights (Botswana), Mozambique Human Rights Defenders Network (Mozambique), Centre for Democracy and Development (Mozambique), Civic Space Network (Sadc) and Southern Africa Human Rights Defenders Network (Sadc) also signed the petition – NewsDay.

Govt should address past human rights violations

United Reporter

The National Transitional Justice Working Group (NTJWG) has urged the government to address past human rights violations including Gukurahundi to ensure harmony among communities.

This came out during an NTJWG essay writing competition award ceremony held in Harare and coincided with the United Nations international day in support of torture victims commemorated on 26 June annually.

The competition was aimed at encouraging students to take an active interest and role in peace-building initiatives.

NTJWG chairperson, Paul Nyathi, said the overwhelming response to the essay writing competition reflected the desire of youths to participate in conflict resolution and peace-building programmes.

“During the inaugural peace writing competition in September 2022, youths indicated that they are interested in creating sustainable peace,” Nyathi said.

“Unless young people begin to understand what it means to deal with the past, we will not be able to make much progress.

“This alliance with the NTJWG strives to be inclusive and contributes to building a movement for transitional justice in Zimbabwe that includes the voices of key stakeholders, in this case, young people who are the majority.

“We come from a terrible past...we need to go back and say never again in our country will those injustices play themselves out.”

Zimbabwe is yet to resolve the Gukurahundi atrocities which resulted in the killing of around 20 000 civilians in Matabeleland and Midlands provinces in the 1980s.

Thousands of victims of the 2008 political violence remain traumatised as perpetrators have not yet been brought to book.

Lihle Princess Nkomo (14), of Vulturesvale Academy, Masvingo, won this year's Essay Writing Competition. The runner-up was 15-year-old Forum 3 pupil from Glen Norah, Harare Tinotenda Wadzenenga. Twelve-year-old Forum 1 pupil Charmain Tawananyika Kabaira, from Ruwa, scoops the third prize.



Paul Nyathi

On the same day, the NTJWG launched a documentary where victims of State-sponsored violence, including Gukurahundi survivors, recounted their harrowing experiences at the hands of State security agents.

In a related matter, the Zimbabwe Human Rights NGO Forum said there was a need to operationalise the Zimbabwe Independent Complaints Commission Act to bring perpetrators of violence to book.

“Sympathisers, supporters of opposition political parties, and activists with contrary views on the governance methods of government continue to be targets of torture,” the rights group said in a statement to commemorate the International Day in Support of Victims of Torture.

“The Zimbabwe Republic Police, Central Intelligence Organisation, and the Zimbabwe National Army are allegedly known for deploying torture in their investigation, punishment, or coercion methods. Considering the great strides made in the human rights discourse over the years, this is a serious cause for concern. Zimbabwe should not provide a safe abode for perpetrators of torture.”

Equality at the ballot: Challenging hate speech against female political candidates in Zim election

Opinion & Analysis By Bonolo Makgale and Nyasha M Mpani

CCC spokesperson Fadzayi Mahere has been subjected to cyberbullying by supporters of the ruling party, who have resorted to derogatory language.

"The revolution cannot triumph without the emancipation of women" — Thomas Sankara.

Women on the African continent make up 50% of the population. Yet they continue to face discrimination, inequality and lack of access to equal opportunities.

While women make up such a significant proportion of the population on the continent, it is reported that women only generate one-third of the continent's gross domestic product (GDP).

Current statistics indicate that the world will not be able to achieve the goal of gender equality by 2030. This reaffirms some of the exclusions women face, particularly relating to economic and political participation, and the barriers that prevent them from participating and contributing fully to the development of the continent.

Research suggests that if women were to participate fully in the economies and politics of the continent, an additional US\$316 billion would be added to the GDP of the continent. Since the adoption of the Beijing Platform of Action, some notable qualitative and quantitative progress towards increasing women's participation and representation has been made, especially at the legislative level.

Evidently, this progress is slow and uneven across all regions of the world, as there are still significant barriers to women's participation in public and political life that stem from economic, social and cultural issues, as well as from stereotypes about women that manifest through hate speech and name-calling.

As Zimbabwe prepares for its upcoming presidential and parliamentary elections, there is a concerning prevalence of hate speech and name-calling, particularly targeting female politicians.

This is damaging an already fragile reputation of Zimbabwe's political landscape. The persistent use of derogatory terms, exemplified by a recent incident in Kwekwe Central, President Mnangagwa's hometown, where a Zanu PF member referred to Judith Tobaiwa, a female aspiring Citizens Coalition for

rChange (CCC) MP, as a "slut/prostitute" because she is campaigning to retain her parliamentary seat, emphasises the urgent need for a transformative shift in the political discourse.

Zimbabwean politics has a long history of patriarchal dominance and misogyny, which has been deeply entrenched since the reign of late former President Robert Mugabe. Male politicians from both the ruling party and the opposition have resorted to hate speech and negative name-calling as a nauseating political strategy to dominate and intimidate women, discouraging their active participation in political processes.

Zimbabwe's national legal framework for the inclusion of women in politics is provided for in the Constitution, and specific policies and legislation are enacted to further this goal. Non-sexism is one of the founding principles of the Constitution. Gender and sex are among the grounds upon which discrimination is prohibited, as enshrined in section 19 of the Constitution.

The Constitution also provides that legislation be enacted to prevent and prohibit discrimination and further the protection of the right to equality. The Constitution further provides for political rights in section 19, which is aimed at ensuring the full participation of women in political structures and processes, including contesting and holding public office if elected. This is the broad legal framework relating to women's inclusion in politics in Zimbabwe.

Additionally, in 2008 Zimbabwe ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which, among others, obliges the State to foster participative governance and equal participation of women. Article 9(1)(a) of the Maputo Protocol guarantees women's right to participate in elections without discrimination.

Acknowledging that this issue is not new in Zimbabwean politics is disheartening. Former female parliamentarians such as Priscilla Misihambwi-Mushonga, Jessie Majome, and Thokozani Khupe, among others, have endured similar attacks. They were unjustly labelled "sluts" simply because of their different political approaches. Thokozani Khupe, for instance, faced derogatory name-calling when she challenged Nelson Chamisa for the presidency of the opposition party MDC in 2018, after the passing of Morgan Tsvangirai. Linda Masarira's hope of contesting in the upcoming Presidential elections hangs in the balance due to expensive nomination fees.

She and others have lodged a court challenge. She has also faced a series of hate speeches from those who disagree with her political ideology. CCC spokesperson Fadzayi Mahere has been subjected to cyberbullying by supporters of the ruling party, who have resorted to derogatory language.

Continued on page 11

Duo acquitted after persecution over MOPO

Continued from page 9

While these women have developed coping mechanisms, the name-calling and bullying they face have discouraged numerous potential female leaders from pursuing their political aspirations. Zimbabwe's current Parliament only has 34% female members, falling short of the desired 50%, even though the country has adopted a quota system through the Constitution to encourage women's political participation.

As Zimbabwe enters full-throttle election mode, it is crucial for all political parties to refrain from using hate speech and derogatory language against women politicians, as witnessed in the case of Judith Tobaiwa in Kwekwe Central.

It should be explicitly clear to male politicians and supporters of all political parties that resorting to baseless name-calling hinders the progress of women in politics and perpetuates harmful stereotypes suggesting that women are unfit for leadership roles.

Considering the significant contributions of remarkable female luminaries who played a pivotal role in the liberation struggle, such as Sally Mugabe, Johanna Mafuyana, the late Father Zimbabwe Joshua Nkomo's wife, Julia Zvobgo, Ruth Chinamano, and Sabina Mugabe, it is crucial that we dismantle barriers like hate speech that hinder gender equality and parity.

Rather than perpetuating these barriers, we should strive to create an inclusive environment that enables women to participate actively in the country's political discourse. While tensions are expected to run high during this period of political campaigning, the government must acknowledge that such acts not only harm the status of its political landscape but deter potential female leaders from entering the political arena.

As Zimbabwe prepares for its upcoming elections, let us rally together, transcending party lines, to reject hate speech and derogatory language targeting women politicians. Instead, let us celebrate the diverse ideas and perspectives that women bring to the table. Let us foster an atmosphere where all aspiring leaders, regardless of their gender, can thrive and where Zimbabwe can truly harness the collective power and potential of its people.



BINDURA-Bindura Magistrate Samantha Dhlamini has ended the abuse by prosecution processes to persecute legitimate human rights defenders after acquitting two of them on charges of convening an unsanctioned meeting in contravention of the repressive Maintenance of Peace and Order (MOPO) Act.

Two Institute for Young Women's Development (IYWD) team members, Sandra Zenda and Kudakwashe Munemo, had been on trial at Bindura Magistrates Court, since last year after they were arrested on Wednesday 29 July 2022 by Zimbabwe Republic Police officers and charged with contravening section 7(1)(b) as read with section 5 of the MOPO Act.

Zenda and Munemo, who were represented by Tinashe Chinopfukutwa, Idirashe Chikomba and Kelvin Kabaya of Zimbabwe Lawyers for Human Rights, were accused of convening a meeting which was attended by 80 people on 29 June 2022 at Mayfair Lodge in Bindura, without giving notice in writing to Chief Superintendent Gladman Chiparushe, the ZRP Officer Commanding Bindura District, for approval.

On 8 June 2023, Magistrate Dhlamini discharged and acquitted the duo after ruling that prosecutors had not managed to prove a case against Zenda and Munemo beyond a reasonable doubt.

The Magistrate ruled that the evidence of one of the state witnesses was purely hearsay and therefore inadmissible. Magistrate Dhlamini also ruled that the meeting, which was allegedly convened by Zenda and Munemo, was exempted in terms of the MOPO Act from the requirement to notify the so-called Regulatory Authority.

ZEC still has time to resolve nomination disputes - Veritas



Justice Priscilla Chigumba, ZEC chairperson

UNITED REPORTER

The Zimbabwe Electoral Commission still has time to resolve all disputes emanating from the nomination process as voting papers are printed a few days before the polling day, Veritas, a legal think-tank says.

The Electoral Court is filled with cases filed by aspiring candidates about the irregularities noted during the nomination process on June 21 where some candidates complained of being unfairly turned away.

Veritas representative Brian Crozier was responding to complaints that ZEC had rejected nomination papers of several aspiring candidates among them presidential, parliamentary, and council nominees.

“Voting papers are not printed out until shortly before polling day, which is surely towards the end of August. So, it’s a long period for the courts to sort things out,” Crozier said.

He said the uncertainty surrounding the rejected candidates was not good for the credibility of the polls.

ZEC has gazetted 11 presidential candidates to contest in the August 23 elections that include President Emmerson Mnangagwa, Citizens Coalition for Change (CCC) leader Nelson Chamisa, Independent candidate Saviour Kasukuwere, among others.

ZEC deputy chairperson Rodney Kiwa disclosed that 10 other presidential aspirants were rejected after they either failed to raise the required US\$20 000 nomination fees or obtain enough nominations from registered voters.

Opposition United Zimbabwe Alliance party leader Elisabeth Valerio has since taken ZEC to court challenging its decision to reject her papers. CCC is battling a problem of double candidates where those it accuses of fraudulently getting nominated under the party withdraw.

“The CCC needs to do its due diligence and make sure that the people who are standing for election are who they say they are,” Crozier said.

Zim court exonerates duo for tearing ZANU PF Poster

UNITED REPORTER

A Magistrate has absolved two villagers who had been on trial for allegedly tearing a political campaign poster belonging to a ZANU PF political party member.

Zephenia Nyangani and Learnmore Makuwaza, who reside in Mboto village in Mutasa District in Manicaland province and are members of the Citizens Coalition for Change (CCC) political party, had been on trial after they were arrested by the Zimbabwe Republic Police officers on 10 December 2022 and charged with the destruction of political posters as defined in section 152(1) of the Electoral Act.

During the trial, which commenced on 2 May 2023 at Mutasa Magistrates Court, prosecutors alleged that on 10 December 2022 at Madziro Open Tent in Hauna, the duo defaced posters belonging to Regina Barara, the ZANU PF political party candidate for a council by-election, by untying strings used to secure her posters and tearing the poster.

Nyangani and Makuwaza reportedly did this when they were affixing posters of the CCC political party candidate in Ward 6 after the seat became vacant following the death of the sitting Councillor.

However, Magistrate Artwell Sanyatwe recently discharged and acquitted Nyangani and Makuwaza at the close of the state case after their lawyer David Tandiri of Zimbabwe Lawyers for Human Rights, applied for their discharge and having argued that prosecutors had failed to prove a prima facie case against the two villagers.

Tandiri also argued that state witnesses who testified during the trial gave contradictory and inconsistent testimonies.

Magistrate Sanyatwe agreed with Tandiri's arguments and ruled that one of the state witnesses had exonerated Nyangani and Makuwaza in the commission of the alleged offence.

STATEMENT IN COMMEMORATION OF THE INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

26 June 2022

Today, on the 26th of June 2022, the Zimbabwe Human Rights NGO Forum joins the rest of the world in commemorating the United Nations International Day in Support of Victims of Torture (UNCAT). This is in line with the 12 December 1997 resolution 52/149 that was proclaimed at the UN General Assembly.

The commemorations come at a time when Zimbabwe is failing to protect its citizens from acts of torture perpetrated on ordinary citizens and political opponents by both political actors and members of the security and law enforcement services. The Forum continues to be concerned about the unending persecution of the then Movement for Democratic Change Alliance members Cecilia Chimhiri, Netsai Marova and Member of Parliament Joanna Mamombe who were abducted and tortured in 2020 but were then turned into accused persons in connection with the same matter. More recently, victims whose houses were destroyed during the recent political violence which engulfed Nyatsime, Chitungwiza following the gruesome murder of Moreblessing Ali have also been turned into accused persons. Precious Jeche, Audious Makoma and Misheck Guzha were arrested on 20 June 2022 after being called to Marondera Police Station. The trio had on Friday travelled all the way to Beatrice to report their cases of miscellaneous damage to property after ZRP St Marys Police Station, a stone-throw away from Nyatsime, refused to accept the report. And in a sudden turn of events, the three have been arrested and charged with public violence. This demonstrates that Zimbabwe is many strides away from non-participation in acts of torture.

Additionally, as Zimbabwe is gearing towards the 2023 harmonized elections, the recently held 26 March by-elections have shown that opposition political party supporters mostly continue to be targets of physical and psychological torture antics at the hands of the state. For example, the Citizens Coalition for Change supporter Godfrey “Madzibaba veShanduko” Karembura was tortured in police custody with the police issuing a statement undertaking to carry out investigations. That was the last the public was updated on any developments in the matter. The Forum notes with concern the use of arbitrary arrests especially involving opposition legislators. Two opposition legislators, Job Sikhala and Godfrey Sithole were arrested on 14 June 2022 on charges of inciting public violence and have remained in custody since then. When one considers the number of times Hon Sikhala has been arrested and the fact that he has never been convicted, one can conclude that such arrests are meant to punish him for his political beliefs.

The UNCAT Article 1.1 defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.

The Convention requires member states to take effective measures to prevent torture in any territory under their jurisdiction and forbids member states to transport people to any country where there is reason to believe they will be tortured. In the Zimbabwean context, this day serves as a reminder of the continuous persecution of citizens through systematic torture, injustice, impunity of perpetrators and absence of accountability. Over 171 states in the world have ratified the UNCAT but, Zimbabwe has not ratified the Convention. Zimbabwe recently underwent its 3rd cycle of the Universal Peer Review (UPR). Most countries recommended that Zimbabwe ratifies the UNCAT.

Despite the 2013 Constitution in section 53 making an explicit provision against acts of torture, and inhuman and degrading treatment, there is indeed regression through disregard of this constitutional clause. It is without a doubt that historically, Zimbabwe has seen cycles of violence that have recurred into the present times. These have instead continued to disunite and cause deep polarization amongst ordinary citizens and political parties.

The Forum notes with concern the fact that the Independent Complaints Commission Bill was gazetted in November 2020 following a Constitutional Court ruling which had given the government 45 days to come up with the Bill. While the government complied with this ruling, this was only to the effect of bringing the Bill before Parliament. It is now almost two years since the Bill was stuck in Parliament. There is a need for the finalisation of this Bill so as to create an independent entity to investigate complaints, including torture, against the security services.

As we commemorate this day, the Forum urges the Government of Zimbabwe to:

- Remind the security forces and law enforcement officers of their mandate to protect and enforce laws on citizens instead of turning on citizens.
- Enact or review the legislative framework that criminalizes torture, attaching a stiff penalty for perpetrators.
- Could you give priority to the passing of the Independent Complaints Commission Bill in terms of Section 210 of the Constitution?
- Ratify and domesticate the UN Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment and its Additional Protocol so as to adhere to the international standards in prohibiting torture and other cruel, inhumane or degrading treatment or punishment.

Violence, and torture stalk 2023 elections

ZIMBABWE'S electoral processes are being stalked by organised violence and torture (OVT), leading to growing anxiety ahead of elections expected in under three months.

This was revealed in a report titled: Short History of Organised Violence and Torture in Zimbabwe (1972 to 2020) produced by the Research Advocacy Unit in partnership with Zimbabwe Human Rights NGO Forum, Heal Zimbabwe, Veritas and Counselling Services Unit.

Zimbabwe will be voting on 23 August.

"Organised violence and torture continue to stalk the election process with anxiety about the looming 2023 elections," partly read the report released on 29 May.

Organised violence is the inter-human infliction of significant avoidable pain and suffering by an organised group according to a declared or implied strategy or system of ideas and attitudes, according to the Psychiatric Association of Zimbabwe.

Cases of violence have already started rising ahead of the 2023 polls, mainly against opposition supporters.

"An increase in OVT incidents is likely in the context of 'hate speech' and reckless rhetoric against parties competing against the Zanu PF party. Observing that amongst the countries governed by former liberation movements in Southern Africa, Zimbabwe tends to have more violent and disputed elections, the book reiterates that violence is strongly associated with elections and that a disproportionate amount of the violence is directed at citizens," the report read.

It added: "The Zimbabwean state has not been proactive in addressing election-related OVT. For instance, the state failed to implement the recommendations from the Motlanthe Commission to deal with those involved in the 2018 election killings."

In 2018, soldiers killed six civilians and injured 35 in the violence that followed elections that were narrowly won by Mnangagwa.

"In the light of this extremely disturbing history about the prevalence of OVT during elections, it is clear that serious steps must be taken to prevent a recurrence in 2023," the report read.

"OVT can reach the threshold of crimes against humanity, and it is evident that OVT reaches this threshold when the probability of the ruling party losing political power is very high, especially over the hold on the presidency.

"Here, it is relevant that the current President, Emmerson Mnangagwa, scraped through in 2018 by the narrowest of margins. Furthermore, and notwithstanding the COVID-19 crisis, the general populace has seen a significant decline in their well-being, a condition for which they may well hold the current government responsible, and unlikely to support it again in a poll."

Collaborate to fight corruption

UNITED REPORTER

Anti-corruption activists and stakeholders have been urged to unite in the fight against graft.

Women Coalition of Zimbabwe representative Ronah Mugadza said multi-stakeholder partnerships can provide better effective results than individual efforts.

"You have to create collaborations with authorities such as the Zimbabwe Anti-Corruption Commission and other bodies that are fighting corruption," Mugadza said.

"Establish and sign a memorandum of understanding with the government and build relationships with them."

Mugadza was addressing delegates at a meeting organised by Zimbabwe Women Against Corruption Trust (ZWACT) in Harare on 4 June 2023.

Zimbabwe is experiencing corruption in virtually all sectors of the economy and according to Transparency International (TIz), the country is ranked 157th among the 180 countries in the Corruption Perceptions Index, where the country ranked last is perceived to have the most corrupt public sector.

Mugadza said this was possible through changes in government legislation, establishing models or norms.

"You need to understand these laws and policies... Get to understand local laws first and then what international laws say about corruption. As a civil society group you need to operate within your mandate and stick to the laws of the country," she said.

Mugadza said it was imperative for anti-corruption champions to equip women with knowledge on maternal health rights and how to access services.

"Improve women's access to information to reduce vulnerability to corruption. Strengthen women's voices on issues of corruption and governance through engagements on specific issues," she said.

ZWACT director Sandra Matendere said as a woman-led organisation, the training was necessary considering the sensitivity of corruption issues.

"It is important for corruption champions to understand their role and the importance of having strategies of protecting themselves from backlash as well as increasing their effectiveness," she said.

She said ZWACT was working with like-minded organisations such as NANGO, Zimcodd and WCoZ, among others, to empower vulnerable groups, especially women.

"We are also creating an enabling environment by creating synergies between the government and citizens in fighting corruption," Matendere said.

According to TIz, corruption is a fundamental threat to peace and security. It has been shown time and again that corruption is not only a consequence but also a cause of conflict, fuelling it in several ways.

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 closely with 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**