

UNITED

FOR HUMAN RIGHTS

A Zimbabwe Human Rights NGO Forum
Newsletter July 2023



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Long live The Forum

I hope I find you well.

After almost four years at the Forum, I take a bow. This is my last foreword in this publication as I leave this great institution, but certainly not the last word. My contribution to the human rights discourse in Zimbabwe will be a permanent feature in my lifetime; the dignity of all is a lifelong pursuit.

Human rights are not an end in themselves; they are about human security, peace, economic development and a flourishing society. That is what we stand for here at the Forum. Human rights can only be suppressed, repressed, infringed and undermined for selfish and self-serving reasons. This is what we stand against here at the Forum.

What an honour it has been to serve the people of Zimbabwe through the platform of the Forum, and to take this great institution to its 25-year mark. This year in January, the Forum reached 25 years of standing for human rights and standing shoulder to shoulder with victims of human rights. Here's to the next 25 years!

It's election season, and it's that time when people seek power by violating human rights - instead of contesting ideas and propositions.

We have noted with grave concern the escalation in violence, mainly perpetrated by members of the ruling ZANU-PF against opposition supporters, the skewed policing by the Zimbabwe Republic Police as well as the disturbing events happening at the courts when dealing with political matters.

The events on the ground show that the electoral environment is not even and there are greater possibilities that the elections will be contested again, as has been the case with Zimbabwean elections since 2002.

In the academic paper I co-authored with colleague Justice Mavedzenge titled Towards Elections That Work in Zimbabwe, we warned that disputed elections can lead to coups of anarchy. We remained worried by the trend in the Zimbabwean elections.



Exiting Forum Director Dr Musa Kika

Another sad development is that this year's elections have been marred by a multiplicity of court cases. It is unfortunate that our courts are taking centre stage in these elections particularly because in the context of Zimbabwe we cannot trust our courts to reindeer fair rulings on the basis of the law.

We have seen this month the signing of the Criminal (Codification and Reform) Act which most people prefer to call the Patriotic Act. It signals the direction things are taking in Zimbabwe. Things are taking a wrong turn and I urge you to be vigilant.

I wish to end by thanking you all for your unwavering support and partnership with the Forum, and your support to me personally in my tenure as Executive Director of the Forum.

Zimbabwe will only be free, peaceful and enjoyable when we end the oppression of one person by another. It will take our collective efforts to reach there, and I am hopeful and confident that we will.

Long live the Forum; long live the pursuit of the dignity of all.

Thank you.

Dr Musa Kika
Executive Director.

Cop charged over 'ED must go' note



United Reporter

A police officer has been charged with undermining President Emmerson Mnangagwa over a damning note he allegedly left at a Gweru hospital bed where he was receiving treatment after he was shot in the left leg when he wanted to arrest a person who was assaulting someone in Chiundura.

The officer, Constable Tinaye Mujeri was shot on 21 July by two assailants who were arrested for attempted murder and are currently appearing in the Gweru regional court.

Mujeri was however arrested on 25 July upon his discharge from Gweru General Hospital where he needed to have fragments of a fragile bone removed from his leg following the gunshot injury.

He was arrested after a note was allegedly discovered under the pillow of his hospital bed with inscriptions disparaging Mnangagwa.

"Dear E D we are perishing. We are dying here in hospitals due to a lack of medicines in hospitals. We are told to buy bandages and even paracetamol while you claim to stand up claiming to be the President of such a mess. You are selling Zim to China whilst civil servants and Zimbabweans at large are starving. Your governance has proved to be useless. E.D. must go," the statement read.

Mujeri was taken to court for initial remand on 28 July 2023 and was granted bail in the sum of ZW\$100 000. He was subsequently summoned to appear before a police disciplinary tribunal on 5 August 2023. The Forum is representing him.

"The police have been accused by opposition parties, particularly the Citizens Coalition for Change of partisan policing, siding with the ruling ZANU-PF for fear of victimisation. Most of the police officers who voiced their concerns against President Mnangagwa's government have either been demoted or transferred.

In July, an audio of a ZANU-PF Chirimhanzu MP Barbra Rwodzi attacking a police officer for investigating a ZANU-PF supporter went viral.

Rwodzi was recorded threatening to deal with Assistant Inspector Chester Last Matsa for daring to investigate a criminal case against one of her supporters.

In the audio recording, the Deputy Minister of Environment, who is seeking a second term in office, promised to report the senior police officer based at Chirandura Police Station to President Emmerson Mnangagwa and Police Commissioner General Godwin Matanga.

The officer is reportedly investigating one Fidelis "Danger" an ardent supporter of the Pan African Parliament (PAP) member accused of tearing CCC posters in the area.

Rwodzi described the officer as a dog, an idiot and a fool Rwodzi for going against her demands.

"You are the one handling Danger's case? What is his crime? Do you have evidence, I want it and when did he commit this crime," asked Rwodzi.

"I am following everything you are doing. I am not like all these other people you are used to talking to. You are failing to do your job as a police officer, on 12 July I was with him. As an Assistant Inspector and your seniors can you not sit and discuss the matter before presenting them to Law and Order?

"You are a stupid idiot, you are an idiot, a dog. I want to finish you; I want to take you as far as Matanga's office."

Matsa insisted that Rwodzi had no legal right to order him not to investigate a case. The police tweeted that it was now investigating the case before pulling down the tweet.

The senior police officer was transferred to Shurugwi before he was reported to have gone missing on 24 July.

Court challenge for ED's repressive law

UNITED REPORTER

The Criminal (Codification and Reform) Act that was signed into law by President Emmerson Mnangagwa on 14 July providing for a death sentence for Zimbabweans deemed unpatriotic has been challenged in court.

The enactment of the new law, popularly known as the Patriotic Bill, described by many as “draconian”, comes only a few weeks before the country holds general elections which observers say have already been undermined by politically motivated violence and an uneven playing field.

The law provides for severe penalties such as the death penalty and revocation of citizenship for damaging the country's interests. Zimbabweans can also be punished for meeting agents of hostile foreign governments.

The Bill was widely condemned but sailed through the ZANU-PF-dominated Parliament and Senate before Mnangagwa appended his signature.

In a High Court application filed a few days after its passing, the Media Alliance of Zimbabwe (MAZ) and journalist Zenzele Ndebele said the law was unconstitutional and too vague.

MAZ and Ndebele said terms used such as “agents, proxies or entities” of the foreign governments were overly broad and consequently unconstitutional.

“Subverting, upsetting, overthrowing or overturning the constitutional government in Zimbabwe” is not defined with sufficient clarity, if at all, and consequently section 22A (2) is imprecise, vague and unconstitutional,” they submitted.

“Section 22 A (2) is broadly worded, constituting a high potential of abuse and misuse and leading to silencing of any dissenting voices and consequently unfair, unreasonable, unnecessary and not justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.”

Justice Legal and Parliamentary Affairs Minister Ziyambi Ziyambi and Attorney General Prince Machaya were cited as respondents.

“Agents, proxies or entities” of the foreign government are described in section 22A (1) as “any person that the accused person knew or had grounds for believing were acting on behalf of the foreign government. It is not clear how this relationship with a foreign government will be proved,” they submitted.

They said it was difficult for the accused to reasonably “suppose” that a person they met was acting on behalf of a foreign hostile government.

They also demanded to know who defined sovereignty.

According to Ndebele and MAZ, Zimbabwe was sinking into a dictatorship where citizens were not allowed to protests against



President Emmerson Mnangagwa

the government fearing being sentenced to death.

The applicants said Section 22A (2) (ii) also violates the right to life by providing for a death sentence.

When the law was signed, political pundits said the new statute would be used to target government critics and human rights defenders.

The law imposes penalties on citizens who portray a negative image of the country, ignoring a chorus of disapproval from opposition parties and pro-democracy groups.

Zimbabwe Lawyers for Human Rights spokesperson, Kumbirai Mafunda, described the latest move by President Mnangagwa as a “sad day for democracy” in Zimbabwe.

“We are saddened that Zimbabwe is taking a route that is retrogressive in terms of hampering citizens from exercising their rights. It's a sad day for Zimbabwe; it's a sad day for democracy. We are quite taken aback by a government that had made promises that it would enhance or make people enjoy their rights. We are seeing this happening towards an election and this shows that the government does not want any constructive criticism and constructive advice,” Mafunda said.

Political violence escalates



UNITED REPORTER

Incidents of violence targeting ZANU-PF's political opponents are on the rise country-wide ahead of the 2023 general elections.

On 5 July, human rights lawyers Obey Shava and Chamunorwa Chingwe were brutally assaulted by at least four men driving a green Mercedes Benz sedan and a Toyota GD6 in Harare.

The incident took place outside Selborne Routledge Primary School in Belvedere. Shava had received a phone call from a man who claimed to have an urgent legal matter and asked to meet him in the Belvedere area.

Shava agreed to meet the individual as he intended to drop off a lawyer colleague in the same area. The assailants attacked Shava and Chingwe as soon as they came out of the car and confiscated Shava's phone.

Amid the brutal assaults, Chingwe was able to break away from the assailants and sought assistance. This is when Shava was found fighting for his life with broken legs. The assailants had already left.

Shava together with his assistant, Chingwe have represented various human rights activists and members of the opposition and would therefore be unpopular within the ruling party structures.

ZANU-PF supporters have been implicated in several cases of violence perpetrated against CCC activists in many parts of the country where electoral campaigns are taking place. In Zengeza East, Chitungwiza CCC activists James Nkonde, Calvin Mutizira and Albert Masamba were assaulted by Zanu PF youths during a door-to-door voter mobilization campaign.

The victims were ambushed by the youths who assaulted them with chains, clenched fists and booted feet. Nkonde sustained an eye injury, Mutizira sustained injuries to the mouth and Masamba had his phone confiscated by the perpetrators.

In Bikita South, former Deputy Minister of Information and Publicity, Energy Mutodi allegedly fired a gun at CCC supporters who were waiting for their leader Nelson Chamisa to address a cluster rally at Baradzanwa Township. Incidents of violence targeting political opponents are on the rise country-wide ahead of the 2023 general elections.

It is reported that Mutodi came to the venue in the company of his supporters in two trucks. They started throwing missiles at CCC members. Mutodi then pulled a pistol and fired two shots.

He was said to be in the company of a member of Forever Associates Zimbabwe (FAZ) identified as Kumbirai Ziki.

It is believed he wanted to intimidate and disperse supporters of the Citizens' Coalition for Change ahead of the rally. John Mupanduki of the CCC successfully opened a case against Mutodi the ZANU-PF Bikita South candidate.

The case, RRB 5583028, was reported on July 9th, 2023, at Bikita Police Station. Constable Chiweshe is handling the case.

In yet another case of political violence, a case of assault was recorded during an organized Zanu-PF soccer tournament at Mtangemchena Primary School ground in Gwanda Tshithaudze Constituency Ward 5. Six ruling party activists reportedly assaulted Patrick Mlaudzi. The level of intolerance continues to be toxic. In a similar incident, while carrying out a door-to-door campaign, Citizen Coalition for Change activist Shadrack Msipa was assaulted by ZANU-PF youths opposite Mutapa Police Station in Gweru.

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TIZ calls for holistic approach to corruption

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The people who were led by Msipha were targeted as they had mobilized a lot of citizens ahead of a lined-up rally at Mkoba Stadium.

In Goromonzi South there were skirmishes where CCC supporters were pelted with stones by Zanu PF youths during a community campaign. A video that went viral on social media shows Zanu PF youths throwing missiles at a CCC-branded campaign vehicle while hurling insults at CCC supporters calling them sell-outs.

In Chitungwiza it is alleged that there were running battles between Zanu PF youths and police officers on 12 July. In a viral video, police officers were seen retreating for safety with Zanu PF party youths advancing towards them throwing missiles.



Isheanesu Chirisa, TIZ Board Chair

Zimbabwe can negotiate to have its external debt cleared by international monetary institutions, but without addressing the scourge of corruption ravaging the country, the benefits of such action will never be felt by citizens.

In an interview with United for Human Rights, Transparency International (TIZ) chairperson Isheanesu Chirisa said the scourge of corruption has permeated the entire fabric of society.

The dire state of corruption is evidenced by the country's continual poor ranking on various corruption and governance indices such as the Transparency International Corruption Perception Index, the Global Corruption Barometer, and the World Justice Project Rule of Law Index, to name a few.

The country needs a holistic approach to end the high levels of corruption that have resulted in the impoverishment of its citizens.

"Corruption is a thief of economic and social development, stealing the opportunities of citizens to live decently in Zimbabwe, and unless it is meaningfully addressed, any actions meant to restore democracy, economic stability and growth including the ongoing dialogue to have the country's international debt cleared will not bring any change to the country," Chirisa said.

Zimbabwe is losing US\$1.8 billion annually to corruption, according to Acting Prosecutor General, Nelson Mutsonziwa while speaking during a TIZ youth interactive meeting in December 2022.

Between 2000 and 2020 Zimbabwe is estimated to have lost over US\$32 billion through illicit financial flows.

The country's external debt stands at US\$15 billion, mainly borrowed from lenders like AfDB and the World Bank and arrears and penalties for not paying up.

In December 2022, President Emmerson Mnangagwa's government established a Structured Dialogue Platform with all creditors and development partners aimed at institutionalising structured dialogue on economic and governance reforms that underpin the arrears clearance and debt resolution process.

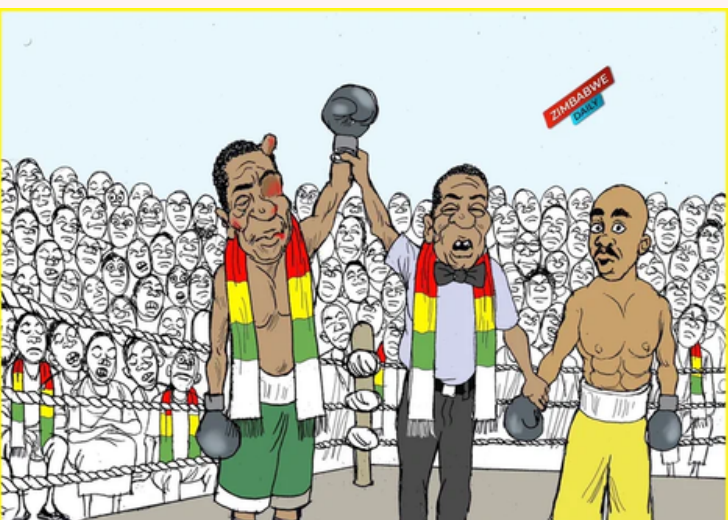
The dialogue aims to enhance service delivery, public sector transparency and accountability, combating corruption and promoting human rights.

"The country loses billions to corruption every year," Chirisa said. "If corruption, petty or grand is contained, Zimbabwe will be able to regain economic sustainability and be able to pay off its debt and service all future debts. However, with the unchecked high levels of corruption and looting, particularly in the mining sectors, the country will not move forward in ensuring sustainable growth and an end to poverty."



Energy Mutodi

ZPP condemns the incidences of violence recorded in Goromonzi, Chitungwiza and other parts of the country. The human rights group urges political parties to reign in their supporters to promote peace before, during and after elections. The growing number of incidents of political violence ahead of the crunch elections diminishes the prospect of free, fair and credible elections



Amnesty International implores govt to release imprisoned students

United Reporter

Amnesty International has implored the government to immediately release six university students arrested in May for protesting against CCC legislator Job Sikhala's long-trial detention.

The students, Benjamin Watadza, Emmanuel Chitima, Comfort Mpofu, Lionel Madamombe, Gamuchirai Chaburumunda and Darlington Chigwena, were arrested on 17 May for staging a peaceful protest demanding an end to the persecution of Sikhala.

They were also charged with putting Sikhala graffiti on seven city buildings demanding Sikhala's release.

Five of the students were detained since their arrest and missed exams after being denied bail. Their request to sit for "special exams" was also rejected by the University of Zimbabwe. The students were represented by Darlington Marange of the Zimbabwe Human Rights NGO Forum.

Amnesty International calls on the Zimbabwean authorities to grant the students' immediate release, also imploring citizens to write petition letters to Mnangagwa for their release.

According to Amnesty International, Zimbabwe continues its suppression of dissent unabated, escalating the attacks and harassment ahead of the elections that have been scheduled for 23 August 2023.

The right to freedom of expression has been severely and almost entirely suppressed, resulting in arrests and/or unnecessary and excessive use of force by security forces.

The members of the opposition are not receiving clearance from the police and when they do, they at times end in violent attacks by the members of the ruling Zanu PF.

The six students are not the only ones to be persecuted for protesting in Zimbabwe. Cecilia Chimhiri, Joanah Mamombe and Netsai Marova, all belonging to the opposition Citizens' Coalition for Change (CCC), were arrested in May 2020 at a police roadblock in Harare, Zimbabwe's capital, for leading an anti-government protest over the authorities' response to the Covid-19 pandemic and widespread hunger in the country.

On the same day, they forcibly disappeared from police custody.

Cecilia and Joanah were acquitted of the 'publishing or communicating false statements prejudicial to the state' charge after spending over two years in and out of court after the state accused them of faking their abduction.

In 2022, Tsitsi Dangarembga, a Zimbabwean author and activist, and activist Julie Barnes were each convicted and later won the appeal, for "inciting violence" and was handed a six-month suspended sentence for participating in protests on 31 July 2020.



On 5 April 2023, CCC national spokesperson Fadzayi Mahere was convicted and fined US\$ 500 for "publishing or communicating false statements prejudicial to the state" for posting a video on Twitter alleging that a police officer had killed a baby, even though the law under which she was convicted does not exist.

Jacob Ngarivhume was convicted and sentenced to 48 months in prison on 28 April 2023, with 12 months suspended, on charges of inciting violence simply for exercising his right to freedom of expression. He had been arrested, and later charged, after leading and organizing anti-corruption protests on 31 July 2020.

Some of these convictions and sentences have been overturned by the High Court of Zimbabwe. However, the authorities still achieved their goal of delivering a message on what happens to critics of the government, activists and the opposition.

The students were protesting the prolonged incarceration of Sikhala, who was arrested in June 2022, along with Godfrey Sithole and 14 other activists while attending the funeral of a political activist who was killed allegedly by a member of the ruling ZANU PF party.

On 3 May 2023, Sikhala was convicted on charges of obstruction of justice and sentenced to a wholly suspended six-month sentence with an option of paying US\$600, almost a year since his arrest. Sikhala remains in custody, as he awaits trial for two other charges of incitement to commit violence and disorderly conduct.

ZLHR rescues villagers from eviction to pave way for illegal mining

Kumbirai Mafunda

A ZIMBABWEAN court on 26 July 2023 stopped Labenmon Investments, a Chinese mining company, from conducting illegal mining operations on ancestral land belonging to some Mutoko villagers in Mashonaland East province, following an outcry by the dwellers.

The villagers led by George Makanjera and Judgmore Chibanda filed an urgent chamber application on 30 June 2023 at Mutoko Magistrates Court, seeking an order to interdict the Chinese mining company from prospecting, conducting exploration or any form of mining activity in four villages in Mutoko namely Moyosvi, Chibanda, Gumbeze and Kadore.

Represented by Tinashe Chinopfukutwa and Kelvin Kabaya of Zimbabwe Lawyers for Human Rights, the villagers also asked the court to order Labenmon Investments to remove some pegs that it had installed in the four villages within 24 hours.

Apart from Labenmon, the villagers also listed Mines and Mining Development Minister Winston Chitando, Environmental Management Agency and Zimbabwe Investment and Development Agency as respondents.

The villagers resorted to taking legal action against Labenmon after the Chinese mining company installed some pegs on about 150 hectares of land covering grazing pastures, cultivation and places of traditional and cultural significance in the four villages.

At one time, the mining company was fined a beast of cattle by a local traditional leader for visiting and pegging the sacred areas without notifying him or obtaining his approval.

Despite not holding the required paperwork, Labenmon proceeded to bulldoze its way into the area to begin operations that were threatening the livelihoods of dozens of families.

Chinopfukutwa and Kabaya protested in court that some Labenmon employees had in May 2023 camped on the villagers' land and told them that they wanted to drill boreholes and inspect their pegs because they had invested in purchasing the mining claims to mine in the villages.

However, the villagers challenged them to produce documentation to prove their claims. This exposed the illegalities behind the mining scheme as the company's representatives produced a copy of a certificate of registration produced after the transfer of mining claims to Mudzonga located some 3.5 kilometres east of Bandamakara School, a



Zimbabwe Investment Development Agency (ZIDA) licence was issued on 27 February 2023 and a map for the mining project in Mudzonga.

They also produced correspondence from the Environmental Management Agency dated 13 May 2023, in which the company was advised to carry out a full Environmental Impact Assessment.

On Wednesday 26 July 2023, Mutoko senior magistrate Terrence Mashaire brought relief to the Mutoko villagers after ordering Labenmon Investments not to prospect, conduct exploration or any form of mining activity in the entirety of Moyosvi, Chibanda, Gumbeze and Kadore villages without following due process and the law.

Magistrate Mashaire ordered Labenmon Investments to remove its pegs installed around Moyosvi, Chibanda, Gumbeze and Kadore villages within 24 hours and also ruled that in the event that the Chinese mining company does not comply with his order of removing pegs in the villagers' land, the Messenger of Court would be authorised to remove the pegs from their fields.

Magistrate Mashaire noted that the villagers took action upon realising that their environment was being threatened and said they have a constitutional right to enjoy the use of their property and defend it against the invasion. He said Labenmon's presence on their land is inconsistent with the law.

The magistrate ruled that the Chinese mining company had not been certified or authorised to carry out mining operations in the four villages and said for Labenmon to want to carry out mining activities without obtaining the relevant approvals and without consulting the villagers would be a violation of Zimbabwean laws governing the protection of the environment together with people residing in the four villages.

ZimRights Peace Gardens uniting Zaka villagers

UNITED REPORTER

A gardening project by ZimRights is uniting villagers under Chief Muroyi, Zaka in Masvingo province who are often polarised along political party lines especially ahead of general elections.

Under the concept of peace gardens, ZimRights supports the establishment and revival of community gardens through the provision of garden construction materials and the gardens will then be used as peace dialogue convening platforms.

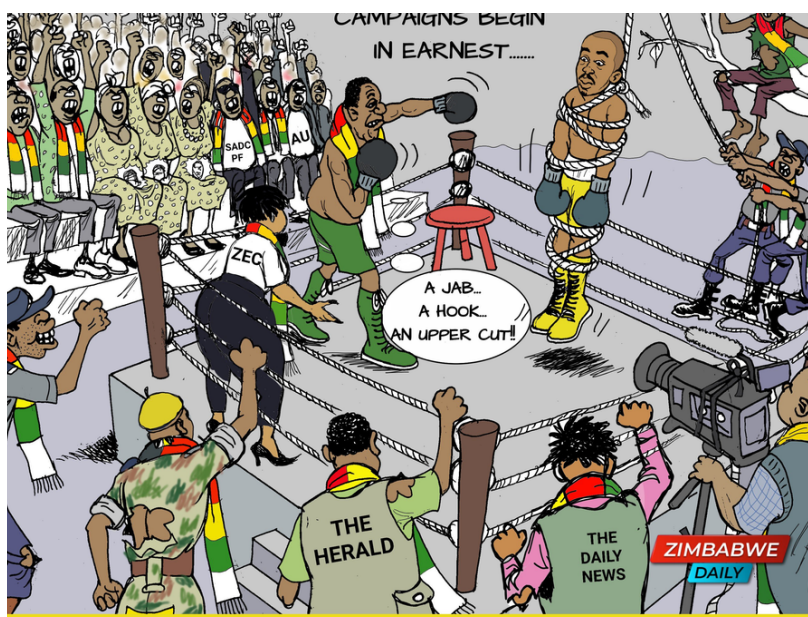
In these gardens, communities tackle often difficult subjects while advancing food security, harmony and cooperation.

The garden in Zaka, known as the Musimhi Peace Garden has 38 members and brings together villagers from Musimhi, Maware, Jerere, Mukumba, Hove, Ruware, Tongoteya, Shangudze, Makomba, and Shato.

The garden committee has managed to assist with peace-building efforts on seven occasions in April and May this year alone.

Issues handled by the committee include land boundary disputes among villagers. It has also helped reconcile villagers during the distribution of farming inputs and food aid from the government.

One of the resources used by the garden has been the Rights and Traditions report which it has used to engage with traditional leaders in the area.



Clerics, pro-democracy campaigners finally set free

UNITED REPORTER

A ZIMBABWEAN court has set free 10 clerics and pro-democracy campaigners who had spent more than one year under prosecution on charges of disorderly conduct after they were arrested last year by Zimbabwe Republic Police (ZRP) officers, who suppressed their prayer meeting in Harare.

The 10 clerics and pro-democracy campaigners who include Tariro Mukunga, Henry Mutasa, Mbuso Fuzwayo, the Secretary-General of Ibheshu Likazulu, Melusi Nyathi, Felix Nyika, Edith Gurupira, Irene Gaswa, Patrick Nyaruni, Loice Dube and Angela Henrieta Shoko, were arrested by ZRP officers on 10 June 2022 in Harare at a prayer session organised by Zimbabwe Divine Destiny Network, an interdenominational religious organisation which was disrupted by some law enforcement agents.

Mukunga, Mutasa, Fuzwayo, Nyathi, Nyika, Gurupira, Gaswa, Nyaruni, Dube and Shoko were charged with disorderly conduct in a public place as defined in section 41 of the Criminal Law (Codification and Reform) Act.

Prosecutors alleged that the worshippers had engaged in 'riotous conduct'.

The 10 clerics and pro-democracy campaigners were recently set free after they were removed from remand by Harare Magistrate Munashe Chibanda after their lawyer Kossam Ncube, of Zimbabwe Lawyers for Human Rights, applied for their removal from remand on the basis that they had spent virtually a whole year under prosecution without being furnished with a trial date.

Magistrate Chibanda ruled that the state's delay in furnishing them with a trial date was inordinate and there was no justification or reasonable cause to continue placing them on remand before ordering prosecutors to proceed by issuing summons for them to appear in court if the state intends to prosecute them again.

Five years on, no redress for the 1st August 2018 shootings

A Forum Statement

31 July 2023

"We are way more powerful when we turn to each other and not on each other when we celebrate our diversity and together tear down the mighty walls of injustice." – Cynthia McKinney, American politician and activist

Tomorrow marks five years since the shocking and tragic shootings of six civilians on 1 August 2018. On this day, exactly five years ago, scores of Zimbabweans who had decided to actively discharge their right to protest took to the streets to express their frustration at the Zimbabwe Electoral Commission's perceived delay in announcing the presidential election results following the 30 July 2018 harmonized elections. The protestors were met with a brutal and disproportionate force that resulted in the tragic loss of life. The Zimbabwe National Army (ZNA) was deployed into the streets and fired live ammunition into the demonstrators and innocent bystanders resulting in at least six lives being lost and scores more being injured. Some of the dead and injured were shot in the back whilst fleeing posing no immediate threat to law enforcement officials. Five years on, various stakeholders need to pause, reflect and recognise that such an incident had no place in contemporary democracy and smite any signals of recurrence.

A Commission of Inquiry on August 1, 2018, post-election violence (the Commission) was set up and chaired by the former President of the Republic of South Africa, Kgalema Motlanthe. This was a platform that was established to become the formative steps towards affording victims of this tragic day redress for the actions of the members of law enforcement. The Commission released its report on 18 December 2018 that proffered some comprehensive recommendations towards the government. Some of the critical findings made by the Commission included that the six people who had died and the thirty-five who were injured were a result of the actions of the Zimbabwe Republic Police and the ZNA. Additionally, the Commission also found that the deployment of the military was lawful but that the operational framework in terms of section 37 (2) of the Public Order and Security Act [Chapter 11:07] had not fully been complied with. To this end, the Commission made several recommendations that included compensation for losses and damages caused, electoral reforms as well and accountability in respect of the alleged perpetrators.

There was also a promise by President Emmerson Mnangagwa in his 26 August 2018 inaugural speech to ensure respect for human rights in his tenure as the President-elect as he referred to the tragic event as "regrettable and most unacceptable".

The Forum is aggrieved that five years later, there have been no meaningful attempts or steps taken to genuinely implement the Commission's recommendations. This is not just about the 1 August 2018 shootings, but also about the number of political and human rights violations that have occurred in the aftermath of this incident. A 2018 Post-election Violence Monitoring Report by the Zimbabwe Human Rights NGO Forum (the Forum), recorded a total of 274 human rights violations between 1 and 31 August 2018. The fact that such a high number of violations were recorded over a short period is indicative of how the immediate post-election period was tainted by a brutal crackdown on opposition political party members and activists. According to the 2018 Post-election Violence Monitoring Report by the Forum, these violations ranged from assaults, abductions, and arbitrary arrests as well as sexual torture. The trajectory taken by the incumbent administration reversed the promises made about ensuring the realisation and enjoyment of human rights for all.

On the other hand, the Forum applauds the Government for signing into law the Zimbabwe Independent Complaints Commission Act (the ZICC Act) in October 2022. This Act would provide for the investigation and prosecution of members of security services for misconduct. The gazetting of the ZICC Act is a commendable step towards security sector reform as it aims to enhance accountability and transparency by the security services and their members by the principles of the Constitution. It was also long overdue as the Act was signed into law nine years after the independent complaints' mechanism was envisioned under section 210 of the 2013 Constitution of Zimbabwe. However, to date, there have been no reports of the mechanism being operationalized through its constitution with the commissioners, nor of compensation being accorded as redress in particular, support and school fees for the children of the deceased as per the recommendations of the Motlanthe Commission of Inquiry.

The Forum is also concerned that to date, there has been no evidence of comprehensive security sector reforms to ensure that the events of 1 August 2018 are not repeated. Instead, the state was found wanting again when there was a repetition of the 2018 shootings through the yet again tragic 1 January 2019 shootings. The State once again, deployed the military to quell protests against the rising price of fuel. In this incident, seventeen people lost their lives as a result. Almost five years on, there has been no evidence of disciplinary action being taken against the perpetrators of both the 1 August 2018 or January 2019 killings to date.

Conclusion and Recommendations

The ultimate weakness of violence is that it is a descending spiral, begetting the very thing that it seeks to destroy. It is therefore imperative to permanently break the cycle of violence and put in place comprehensive, far-reaching and long-term mechanisms to end the cycle of impunity for perpetrators of organised violence and torture. There is an urgent need for the eradication of reprehensible acts such as the 1 August 2018 shootings that defy common humanity and threaten collective safety and peace as a nation.

The Forum accordingly intreats the Government of Zimbabwe to:

- Urgently and immediately act to reaffirm its commitment to peace through
- The full implementation of the recommendations of the Motlanthe Commission of Inquiry
- The undertaking of a comprehensive, open and transparent investigation into the events that make up 1 August 2018 and ensuring that the actual perpetrators of the shootings, including those who gave the command are held accountable; the taking of steps to ensure that a permanent compensation fund for the victims and survivors of the 1 August 2018 shootings is fully set up and sufficiently financed as a matter of urgency in light of the lapse in time since the occurrence of the shootings; and
- The ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)
- The taking of urgent steps to ensure that the Zimbabwe Independent Complaints Commission Act (ZICCA) is operationalized to ensure that perpetrators of violence are investigated and prosecuted fully and that victims and survivors of violence receive adequate compensation and rehabilitation.

301 human rights violations in July alone

UNITED REPORTER

Zimbabwe Peace Project (ZPP) recorded 301 human rights violations in July, a large increase from 206 in June 2023.

The recorded violations demonstrate that citizens are not able to access an environment that is free to exercise their constitutionally guaranteed freedoms in independent Zimbabwe.

Fifty-four percent of the violations were of threats, harassment, and intimidation, 19% of assault and 12% of discrimination. ZPP identified 5 006 victims of human rights violations (59% male, 39% female, 1% male persons with disability and 0.9% female PWDs).

The general citizens populated the highest percentage of victims, 91%, and Citizens Coalition for Change (CCC) supporters followed with 8% and Zanu PF with 0.3%.

The ZANU-PF party perpetrated the most violations (59%), followed by the Forever Associates Zimbabwe (FAZ) at 12% and the ZRP at 6%. Mashonaland Central (79) and Manicaland (59) provinces recorded the highest violations, followed by Harare (41) whilst Matabeleland North (5) and South (2) and Bulawayo (12) had the lowest.

ZPP is largely concerned about how women continue to be victims of human rights abuses and violations generally and the targeting of female opposition supporters in particular. ZPP has documented a slight increase in female victims from 38% in June to 39% in July.

Assault of Human Rights Defenders and Aspiring Candidates In the discharge of their duties, human rights defenders particularly the media personnel faced harassment and assault. The case in point is Annastancia Ndlovu, a journalist with Voice of America (VOA) based in Bulawayo who was assaulted by a group of Zanu PF members.

It is said that Ndlovu was recording stories and experiences of the vendors who were being forced by ZANU-PF to register in party cell groups. Facts confirm that Ndlovu was assaulted for recording the experiences of the vendors.

She had her phone confiscated and it was later given back to her. This is another case of violence against a journalist in the course of their duties.

During the 2023 pre-electoral period, ZPP has observed an alarming trend of attacks and intimidation against CCC activists in their localities.

Attacks on aspiring candidates have been documented by ZPP, primarily against aspiring local authority and national assembly candidates.

Former soldier challenges provisions of the Defence Act

UNITED REPORTER

A former soldier has approached the court challenging certain provisions of the Defence Act of Zimbabwe which do not provide for bail pending trial if any Zimbabwe National Army member is detained by a warrant officer.

Tendai Kandima, represented by Innocent Gonese who is instructed by the Zimbabwe Human Rights NGO Forum, filed the High Court application on 19 July.

Kandima was a regular member of the ZNA before he was tried and convicted by the Military Court Martial in February 2019 on allegations of having contravened section 31 of the Criminal Law (Codification and Reform) Act which is the charge of communicating falsehoods prejudicial to the State.

In his quest for justice, Kandima has challenged sections 44 and 80 of the Defence Act for not providing for bail pending trial if any ZNA member is detained by a warrant officer.

The law also prohibits appeals against a sentence on conviction by a court-martial respectively.

He said this is in contradiction with the right to bail provided for in terms of section 50 of the Constitution for anyone facing a charge and the right to appeal against both sentence and conviction.

Further, he challenges section 31 of the Criminal Code which provides for the offence of communicating falsehoods prejudicial to the State as being unconstitutional.

Kandima cited the Ministers of Justice, Legal and Parliamentary Affairs together with that of Defence and War Veterans Affairs. The Attorney General was also cited.



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.


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