



# **Political and Human Rights Violations**

## **(April– June 2023)**

# **Second Quarter Report**

- Conviction and sentencing of Jacob Ngarivhume
- Student activists arrested and denied bail
- Continued incarceration of Job Sikhala
- Threats/Harassment/Intimidation



**April - June 2023**



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## Second Quarter Report

July 2023

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*The following should be considered when reading this Report:*

- *Some names and identities of victims are withheld to protect them 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 but rather as complementary material.*

Zimbabwe  
HUMAN RIGHTS  
NGO Forum



25 YEARS OF FIGHTING FOR  
HUMAN DIGNITY

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HEADS OF FIGHTING FOR  
HUMAN DIGNITY

## Executive Summary

This report provides a contextual analysis of the emerging developments of concern within the period of review. Of importance is that President Emmerson Mnangagwa made the election date proclamation on 31 May 2023 to espouse 23 August as polling day. This was followed by nomination processes that were characterised by some interesting developments that will be covered by this report in the period under review. Since the proclamation, there were various problematic developments that included an increase in intra-party and interparty election-related political violence and selective application of the law. These developments point to the playing field for political opponents not being even already before polling day.

In this edition of the Political and Human Rights Violations Report, one finds the nation commemorating 43 years of independence from colonial rule on 18 April 2023. This year's commemorations came at a time when the government was faced with widespread discontentment due to its failure to provide comprehensive solutions to the country's socio-economic, political, democracy and governance challenges. Despite the chosen theme for this year's commemorations "*Zim at 43: Nyika inovakwa nevene vayo/Ilizwe lakhiwa ngabanikazi balo*"<sup>1</sup>, the country remains deeply polarised due to decades of political and/or electoral hegemony by the ruling party. This resulted in a system of patronage wherein endemic corruption, mismanagement, abuse of state resources for political mileage and abuse of office by senior public functionaries is rewarded or overlooked rather than being prosecuted<sup>2</sup> an exclusive economy that has pushed the majority into dehumanising poverty; and threats of closure of what is left of the civic space as characterised by lawfare, hate speech, spurts of political violence and political intolerance.

The report further touches on the effects and/or implications of the repressive legislative reform agenda on the part of Government as seen during the period under review. Implementation and/or promulgation of such retrogressive laws pose a threat to good, transparent and accountable government as well as the rule of law. Examples of such include and are not limited to the continued use of the Maintenance of Peace and Order (MOPO) Act, the Cyber and Data Protection Act as well as the looming Private Voluntary Organizations Amendment Bill which awaits Presidential assent.<sup>3</sup>

In the report, there is identification of the Criminal Law (Codification and Reform) Amendment Bill of 2022 (the Patriotic Bill) as part of the repressive legislative reform agenda. This Amendment was passed by the lower house of the National Assembly and sailed through the Senate. The Forum is concerned that the passing of the Bill signals a disturbing crack down on the Bill of Rights in the 2013 Constitution that provides for rights to freedom of expression, peaceful assembly and association. As Zimbabwe continues to engage with the Government-led Structured Dialogue on Arrears Clearance and Debt Resolution process with the African Development Bank, the passing of the Patriotic Bill stands as an indictment on the commitments made by the Government to implement critical governance reform pillars that include: promotion of human rights, enhancing justice delivery, public sector transparency and accountability, combating corruption, electoral reforms, national unity peace and reconciliation.

In the period under review, the Forum identifies and details the various forms of organised violence and torture cases. Not surprisingly, the Second Quarter Political and Human Rights Violations Report documents a total of **1280** politically motivated human rights violations during the period under review. Most of which were manifesting in election-related political violence. These include cases of assault and torture, arbitrary arrests, attacks on freedom of assembly and association, extrajudicial killings, hate speech and violations against practitioners in the fourth arm of the state (journalists).

The Report concludes by making specific 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.

1 This loosely translates to "A country can only be developed by its own citizens: brick upon brick".

2 By way of example, Clerk of Parliament Kennedy Mugove and procurement director Stanley Bhebhe walked free on 2 April 2023 after paying ZWL\$ 100 000 bail in a criminal abuse of office case. The duo last year awarded tenders to Mid-End Computers selling desktops for US\$ 3,076 each and to Blinart Investments, which was offering laptops for US\$9 264 each. Meanwhile legal representative of Moreblessing Ali's relatives, Job Sikhala has been denied bail a record 15 times for merely expressing his views that she deserved a dignified burial

3 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. In a letter addressed to President Emerson Mnangagwa dated 17 December 2021, UN Special Rapporteurs expressed grave concern that the Bill, if passed into law will have grave consequences for the exercise of civil and political rights, including the right to freedom of association of PVOs in Zimbabwe.

## 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 of organised violence, torture and political violence to support the protection and promotion of the enjoyment of human rights by all persons in Zimbabwe. The report's 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 is deeply embedded in the pre-colonial and post-colonial history of Zimbabwe. The establishment of the Forum in 1998 is deeply anchored in contributing towards the addressing of impunity that comes as a result of the occurrence of organised violence and torture cases.

## Objectives

- ✓ To monitor, document and disseminate information on the various manifestations of organised violence and torture at the instigation of the State; political parties and other actors;
- ✓ To advocate for greater protection and promotion of all human rights of all people before, during and after the 2023 polls;
- ✓ To produce an evidence-based research paper and analytical report highlighting the nature and extent of violations, the trends and patterns and ultimately to
- ✓ To inform the formulation of well-coordinated, holistic, collaborative response mechanisms and strategies within the Forum and its membership to human rights violations as a result of the occurrence of organised violence and torture.
- ✓ To proffer recommendations to relevant stakeholders that they can consider implementing

## Methodology

The information contained in this report has been compiled through:

- Verified data and statistics drawn from the Forum Secretariat and Forum Members who specialise in the monitoring, verification, reporting and compilation of human rights violations,
- Desktop review of verified and referenced media reports and/or sources,
- Case information from cases handled by litigating members of the Forum as well as cases directly handled by the Forum through its Public Interest Litigation Unit,
- Information derived from the community through community engagements conducted by the Forum Secretariat and its Members, and
- Review of applicable domestic law weighed against international human rights instruments and mechanisms to benchmark the domestic operating environment against international best practices, norms, and standards.

## Violations at a glance

	April	May	June	Total
Lawfare/Selective application of the law	2	10	6	18
Arbitrary arrest	3	19	38	54
Assault and Torture	132	64	4	200
Threats/harassment/Intimidation	375	607	6	988
Extrajudicial Killings	1	0	0	1
Abduction/Disappearances	0	3	0	3
Partisan distribution of food/inputs	5	2	0	7
Hate speech	0	3	4	7
Malicious damage to property	0	2	0	2
<b>Total</b>	<b>518</b>	<b>710</b>	<b>58</b>	<b>1280</b>



Voters standing in a queue waiting to cast their vote at a polling station in Glen View South

## Contextual Analysis

As Zimbabwe inches closer to the harmonised elections, the general human rights landscape has been characterised by heightened electoral activity across the political divide. This became even more so following President Emerson Mnangagwa's proclamation of 23 August 2023 as the date that Zimbabwe will hold its general election through Statutory Instrument 85 of 2023. 21 June 2023 was set as the date on which the nomination court would sit while 2

October 2023 was set as the runoff election date should the need arise.

A seriously concerning development witnessed during the period under review was the sailing through of the Criminal Law Codification (Reform) Amendment Bill of 2022, (dubbed the Patriotic Bill). It sailed through both the National Assembly on 31 May 2023 and the Senate on 7 June 2023. The Bill proposes severe penalties for a Zimbabwean who convenes a meeting or actively participates in

a meeting with a foreigner or foreign agent, plots to overthrow a constitutionally-elected government and calls for sanctions or a trade boycott of Zimbabwean goods and/or services. This is a highly concerning development just months away from the harmonised election. It could serve to muzzle independent media houses from reporting on and raising awareness of electoral irregularities or human rights violations before, during and after elections. Gatherings by opposition political party politicians or supporters could be deemed unpatriotic while the monitoring, documentation and reporting of political and/or electoral-related violence or the critiquing of government by civic society organisations who primarily focus on democracy and governance issues could be deemed as campaigning against or "hurting the interests" of the country.

The weaponisation of legal processes and the judiciary to crack down on perceived voices of dissent intensified during the period under review. Examples include the conviction and sentencing of opposition political party Transform Zimbabwe leader Jacob Ngarivhume; Fadzayi Mahere's conviction for communicating falsehoods prejudicial to the state, the conviction of Job Sikhala and his continued incarceration. Sikhala has now

spent more than a year in pretrial incarceration. Equally concerning has been the arrest of some members of the Zimbabwe National Students Union (ZINASU) from the University of Zimbabwe after they peacefully demonstrated by calling for the release of political prisoners. Selective application of the law was seen when the Zimbabwe Republic Police stopped and dispersed CCC's nominations meeting in Manicaland province Chikanga Ward 14 on 8 April 2023.

The integrity of the electoral process is also under severe threat with the voter's roll inspection chaos that was seen through the growing impact of the Forever Association of Zimbabwe (FAZ) in interfering with the voter's roll inspection. FAZ is an affiliate with ZANU-PF, the ruling party as espoused on its website and inhibited significantly during the inspection of the voter's roll processes. Incidents of alleged acts of intimidation by FAZ members were reported in the Midlands province, Masvingo Province and other regions. Opposition political party supporters are invariably the victims, thereby emphasising the growing urgency of curbing the apparent immunity from prosecution enjoyed by influence groups like FAZ. Harare East Member of Parliament Tendai Biti has, in this regard, taken the government to task over the ZANU-PF affiliate organisation, citing its alleged hijacking of the voters roll inspection exercise. On a point of national interest before Parliament on 30 May 2023, Biti requested that Defence Minister Oppah Muchinguri-Kashiri come forward and explain who FAZ is as a matter of urgency. Illegal meddling in electoral processes undermines the credibility, freeness and fairness of the 2023 elections further eroding the credibility of the upcoming polls.

The credibility of the Zimbabwe Electoral Commission (ZEC) remained under question during the period under review as some citizens complained of their names failing to reflect in the voters' roll. The electronic system for checking if one's name appears in the voter's roll was fraught with electronic system failures. Some citizens failed to locate their names on the roll when they went for physical inspection. Observers attributed some of the chaos to the tight deadline provided by ZEC to citizens to inspect the voters' roll.

Further, the awarding of loans to judges just months away from the 23 August 2023 election not only raised eyebrows but also served to further erode public confidence in the independence and impartiality of the judiciary. On 6 June 2023, news reports emerged on various independent media outlets citing how President Emmerson Mnangagwa's administration had awarded housing loans of about USD \$ 400,000 to each of the judges in the country. Whilst it is commendable that judges get decent packages, including such facilities, it is concerning when such loans are offered during this electoral period and can be construed as vote buying. The judiciary plays a crucial role in elections through for example, resolving pre- and post-election disputes. In this light, political analysts questioned the timing of the loans, which came at a time when the judiciary was expected to preside over a critical process such as the nomination court and possible disputes pre and post the 23 August harmonised elections.<sup>4</sup> Fear of vote-buying was also raised in respect of the Zimbabwe Republic Police, with Team Pachedu, an advocacy group, publishing a tweet on 14 June 2023 which alleged that all police bosses from superintendent rank and above had signed housing grants from the government to the tune of US\$40,000. It was further asserted that the number of senior police officials who had received the grants was believed to be 500, bringing the total of housing grants to US\$20 million.

Essentially, the country is now in full election mode, with the proclamation date having been given and various political parties formally campaigning. The ruling party's weaponisation of the law, the capture of state institutions and/or machinery, as well as the conflation of party and state resources to boost its position remain major causes of concern. This was further exposed when ZANU-PF launched its political campaign at Mutema Secondary School in Chipinge District, Manicaland on 24 June 2023. Through Circular No. 4 of June 2023, ZANU-PF national political commissar Mike Bimha announced that the party would provide buses for every province to ferry supporters to the rally, exposing the vast resources the party is exposed to for the election campaign.

The hiked nomination fees for Presidential candidates to US\$20,000 per candidate, \$1,000 for parliamentary seats and \$100 for local authority seats have also been the subject of legal challenges during the period under review. On 9 June 2023, the Constitutional Court heard a challenge by the Nationalists Alliance Party (NAP), Devine Mhambi Hove who submitted that the nomination fee was too high. The Constitutional Court then ordered Parliament to review the candidates' fees within a week. On 14 June 2023, the Parliamentary Legal Committee issued a non-adverse report, which paved the way for the Zimbabwe Electoral Commission to charge the exorbitant fees. On 19 June 2023, the High Court heard yet another challenge on the exorbitant nomination fees submitted by opposition politicians and pro-democracy campaigners, who wanted the fees reduced before the sitting of the Nomination Court on 21 June 2023. The case involved Citizens Coalition for Change (CCC) legislator Allan Rusty Markham, 2018 Presidential aspirant Egypt

4 Nehanda Radio, *Mnangagwa awards US\$400k loans to judges 3 months before elections*, 6 June 2023; <https://nehandaradio.com/2023/06/06/mnangagwa-awards-us400k-loans-to-judges-3-months-before-elections/>



Dzinemunezva, and student leader Tapiwa Chiriga. The applicants made an urgent chamber application seeking for an order that the matter be heard as urgent. It was ruled that the matter should be set down for hearing on a normal and ordinary court roll.

All in all, according to Government Gazette Vol. CI, No. 64 issued by the Zimbabwe Electoral Commission on 30 June 2023, a total of eleven candidates successfully filed applications for the presidential bid in the upcoming 2023 general election. None of them were women.

Meanwhile, government monetary policies continue to lead to violations of the socio-economic rights of the Zimbabwe populace. The Reserve Bank of Zimbabwe (RBZ) released gold-backed digital tokens into the market on Monday, 8 May 2023, with applications for the tokens ranging from a minimum of US\$10 for individuals and US\$5 000 for financial institutions, corporates and other entities. The tokens, meant to serve as an instrument for both store of value and transacting are already out of reach for many impoverished citizens. Former Finance Minister in the 2009-2013 inclusive government, Tendai Biti, averred that Government's measures to the exchange rate show a lack of leadership. This came in the wave of Finance Minister Mthuli Ncube's announcement of a cocktail of measures meant to stabilise the exchange rate and macroeconomy. These included the exemption of all domestic sales in foreign currency from the 15% surrender requirement, lifting restrictions on the importation of basic goods and creating a supportive interest rate environment domestically. However, Biti believed that Zimbabwe should dollarize and float the Zimbabwean dollar, paying civil servants and pensioners in US dollars. He further opposed the use of gold coins and gold-backed digital currencies as creating another possible avenue for money laundering and looting.

The Zimbabwe dollar has been shedding value against other currencies, prompting service providers to raise fees charges. Some service providers are taking advantage of the plummeting ZWL by raising prices in both local and foreign currencies. In the first week of April, commuter omnibus operators raised their fares from ZWL\$600 to between ZWL\$1000 and ZWL\$1 500 per trip with some even going up to US\$1 depending on the distance. This worsened the plight of commuters who had to find means of making it to work each day. The Zimbabwe Energy Regulatory Authority (ZERA) announced new fuel prices effective 5 June 2023 and will be effective up to 4 July 2023. In the update, Diesel would now retail at ZWL\$4 249.78 from ZWL\$1 756.24 per litre in May while Petrol Blend would now retail at ZWL\$4 220.28 per litre from ZWL\$1 752.81 per litre.

By the end of April, the parallel-market exchange rate for the local currency was between ZWL\$1 800 to ZWL\$2 100 to the US dollar compared to the official interbank rate of ZWL\$1 021. Towards the end of May, the ZWL had further weakened against the US dollar on the foreign exchange currency auction held by the RBZ. The month-on-month inflation rate rose to 15.7% in May after gaining 13.3% points on the April 2023 rate of 2.4% while the year-on-year inflation rose to 86.5% in May from 75.6% in April. On 7 June 2023, the Consumer Council of Zimbabwe provided a dire outlook, indicating that the low-income urban earner monthly basket for a family of six now stood at ZWL\$1 015 962, 61. Essentially, a family of six now needs over \$ ZWL\$1 million to survive a month.

Zimbabwe's economic development thus continues to be hampered by price and exchange rate instability, misallocation of productive resources, high informality, low investment, and limited structural transformation. High unsustainable debt and arrears to international financial institutions also limit Zimbabwe's growth potential. Times are clearly tough indeed for hard pressed Zimbabweans and it is under these conditions that they are walking into this year's scheduled general election. What is manifestly clear is that these are truly dark times indeed and even more darker times lie ahead if the socio-economic and civil and political ills bedevilling the country are not approached with utmost care and with genuine political will on the part of the duty bearers.

## Civil and Political Rights

### Lawfare

Lawfare has been defined as the abuse and/or strategic use of legal proceedings, systems or institutions to either hinder the enjoyment of an individual's civil and political rights or to delegitimise or intimidate an

opponent.<sup>5</sup> In Zimbabwe, the use of lawfare demonstrates the desire by the government to crack down on dissenting voices and close down the remaining democratic space in the country. This has been seen through criminalising protest as a constitutional avenue for citizens to express their discontent. It has also been wit-

5 <https://en.wikipedia.org/wiki/Lawfare>

nessed through the politicisation and weaponisation of the law and the courts at the expense of active demand for rights by citizens. This often results in prolonged pretrial incarceration and repeated denial of bail on flimsy reasons in respect of activists, human rights defenders or opposition political party figures. Examples of lawfare cases are highlighted below.

i. **Conviction and sentencing of Jacob Ngarivhume**

On 27 April 2023, opposition political party Transform Zimbabwe leader Jacob Ngarivhume was convicted of charges of incitement of public violence. The conviction was in respect of Ngarivhume's 20 July 2020 arrest, wherein he was initially charged jointly with investigative journalist Hopewell Chin'ono. This emanated from posts he had made on Twitter urging people to protest against government corruption on 31 July 2020. The peaceful anti-corruption protest did not then take place as it was thwarted by the police, who launched a manhunt in which several



*Transform Zimbabwe leader Jacob Ngarivhume who was convicted of inciting public violence*



*Job Sikhala appearing for routine remand*

activists were arrested to prevent the protests from taking place. Hopewell Chin'ono who had also been arrested for allegedly inciting violence was acquitted on 6 December 2021 by Justice Siyabona Musithu of the charges on which Ngarivhume was convicted of. On 28 April 2023, Ngarivhume was sentenced to an effective three years' imprisonment without an option of a fine. Harare Magistrate Feresi Chakanyuka sentenced him to 48 months in jail but suspended 12 months on the condition that during the next five years Ngarivhume is not convicted of a similar offence.

The Forum issued a statement ex-

pressing concern over the disproportionate nature of the sentence imposed, described as a sentence that induces a sense of shock.

On 14 June 2023, Forum member Zimbabwe Lawyers for Human Rights (ZLHR) indicated that High Court Judge Justice Chikwero had dismissed Ngarivhume's application for bail pending appeal against both conviction and sentencing. His continued incarceration has meant that Ngarivhume who was one of the Presidential aspirations in the 2018 elections will not contest in the upcoming 2023 harmonised election.

ii. **Continued incarceration of Job Sikhala**

On 14 June 2023, Job Sikhala clocked exactly one year in pretrial incarceration. Sikhala was arrested on 14 June 2022 following the violence that erupted in Nyatsime after the body of slain CCC activist Moreblessing Ali was found mutilated in a well. Sikhala is the Member of Parliament for Zengeza West. On 3 May 2023, he was convicted of the charge of obstructing the course of justice and was sentenced to a wholly suspended prison sentence plus a US\$600 fine which was paid on 5 May 2023. He however remains in custody as he has other pending matters. On 19 April 2023, Sikhala was slapped with a fresh criminal charge of disorderly conduct. This now counts as the third criminal charge against Sikhala.

His continued pretrial incarceration has ensured his inability to represent his constituency and his exclusion from participating in the upcoming August 2023 election. Consequently, CCC's list of party candidates was submitted to the nomination court with his name missing on 21 June 2023.



*Arrested student activists appearing in court for bail hearing*

### iii. **Student activists arrested and denied bail**

By 30 June 2023, four University of Zimbabwe Students who are also members of the Zimbabwe National Students Union (ZINASU) had spent 44 days in pretrial incarceration. The four students are Emmanuel Sitima (24), Comfort Ncekuyenkosi Mpo-fu (22), Tawanda Benjamin Wata-dza (24), and Lionel Andrew Wadamombe. They are part of six students who have so far been arrested as part of the state's brutal clampdown on student activists. The other two arrested were Gamuchirai Chaburumunda (22) and Darlington Upenyu Chingwena (21).

The four students were arrested on 17 May 2023 on allegations of taking part in a demonstration where they were calling for the release of political prisoners. Police initially considered charging them with criminal nuisance but eventually charged them with seven counts of malicious damage to property for spray painting buildings with the words "Free Job Sikhala" and "Free Wiwa". The buildings that they are accused of defacing are the Parliament of Zimbabwe Building, the High Court of Zimbabwe, the Trinity Methodist Church of Zimbabwe, the Constitutional Court, the Harare Civil Magistrates Court and the Runhare Building.

The state opposed bail at their initial appearance on 17 May 2023 at 1115hrs. The hearing was adjourned

to 1415hrs that same day but did not resume as the presiding magistrate was said to have been given "more urgent" matters to attend to. The matter was then postponed to 24 May 2023 but the court failed twice to sit and hear the matter until proceedings finally resumed at 1430hrs. The state applied to have the matter postponed on the basis that their main witness was engaged in another court matter. The bail application was further postponed to 26 May 2023. It was scheduled to commence at 0830hrs. Here again, the court failed to sit and only resumed at 1230hrs, four hours after the stipulated time only to stand down the matter to 1415hrs. At this point, the state prosecutor asked for a ten-minute recess but only returned 30 minutes later and requested that the hearing be postponed again. The court dismissed this state application but then proceeded to, at its own instance, postpone the proceedings to 29 May 2023. The bail proceedings were meant to commence at 0830hrs. As had by now become the pattern, the state failed to sit at 0830hrs on 29 May 2023. This time, the lawyers for the accused persons were informed that the prosecutor was unavailable and not feeling well; hence, the case had been assigned to a new prosecutor who later averred needed time to study the evidence. The court here again granted the state's application to postpone the matter to 1 June 2023. The four were

ultimately denied bail on 7 June 2023 by Magistrate Learnmore Mapiye. The Magistrate ruled that "releasing the students is risky." The state had submitted that the students belong to the Black Monday movement which is "capable of causing more trouble for the State."

The four were denied bail on the basis that there is a strong likelihood that they would abscond if granted bail; that the offence was committed in aggravating circumstances and further that the four had undermined the proper administration of justice by calling for the release of Job Sikhala whose matter was still before the courts.

The inordinate delays in the hearing and finalisation of the bail application of the four students constitute a grave travesty of justice. The use of lawfare in this instance amounts to persecution by prosecution, an emerging but growing trend where members of the judiciary are themselves seen to be seemingly involved in systemic attacks of activists, opposition political figures and human rights defenders by converting the legal system into an instrument to attack the civic space and punish perceived opponents ahead of the 2023 elections. The Zimbabwe Human Rights NGO Forum represented the four students.

Meanwhile, another student, Darlington Upenyu Chingwena (21), who is a co-accused with the #ZINASU4 students, was also denied bail on 7 June 2023 by Magistrate Learnmore Mapiye on the same grounds as those of the #ZINASU4. A Forum member, the Zimbabwe Lawyers for Human Rights, represents him.

### iv. **The case of the #Chirumhanzu5**

On 3 June 2023, opposition political party CCC Spokesperson, Fadzayi Mahere published on her Twitter account that aspiring Member of Parliament for Chirumhanzu South, Patrick Cheza and three others had arrived

in leg irons before the Gweru Magistrates Court for their bail application hearing. The state's case against the accused persons is that on 31 May 2023, the accused persons, Cheza (50), Tinashe Moyo (47), Elias Madhuviko (26), Tanyaradzwa Marimbe (23), and Alex Gamuchirai (37), assaulted FAZ member Justice Dzaguma at Rupepwe Primary School in Chirumhanzu. They are also accused of assaulting another FAZ member Nhamo Muzembi at Shashe Primary School before robbing him of US\$50. At Mazvimba Primary School, the five also face another allegation of damaging an Itel phone pouch worth US\$3 belonging to Philemon Madzivanyika. At the same school, they are accused of tearing a counterbook belonging to another FAZ member, Julius Kunodziya. The state alleges that the group arrived at Mazvimba Primary School, disembarked from their vehicle and approached the complainant, Julius Kunodziya, who resides at Gumbai Village also in Chirumhanzu. They then uttered: "chii chamuri kunyora apa" which loosely translates to: "what are you busy writing here?" It is alleged that they proceeded to grab books that the complainant had been holding and tore a counterbook before leaving the place. The state averred that the value of the damage caused to the counterbook is US\$1. In sum, the five face four charges of malicious damage to property worth US\$4, assault, and robbery. The #Chirumhanzu5 were, on 5 June 2023 granted ZWL\$50 000 bail by Provincial Magistrate for Gweru Miriam Banda. They will be back at Mvuma Magistrate's court on 7 July 2023 for the trial. They are represented by a Forum member, the Zimbabwe Lawyers for Human Rights.

The CCC however contends the group landed in trouble after challenging the presence of ZANU PF affiliate Forever Associates Zimbabwe (FAZ) representatives at polling stations in Chirumhanzu. The arrest of the group follows widespread complaints over FAZ operations and their interference



*Itayi Uthant Makombe staging a one man demo in Harare, corner Sam Nujoma and Josiah Tongogara*

in the voter's roll inspection process by opposition politicians.

v. **Restricted freedom of assembly & association through use of MOPO Act**

Section 58 of the 2013 Constitution of Zimbabwe guarantees the right to freedom of assembly and of association. Section 67 on the other hand guarantees the protection and enjoyment of civil and political rights. However, just a few months away from the 2023 general election, the political playing field in Zimbabwe appears uneven as opposition political party figures continue to grapple with the use of the repressive MOPO Act. On 12 June 2023, Forum member ZLHR published a tweet on their official Twitter account which indicated that the MOPO Act had been invoked in Mutare by members of the Zimbabwe Republic Police to arrest, detain and charge three opposition CCC political party leaders. They were charged with allegedly convening an unsanctioned meeting in contravention of section 7(5) of the MOPO Act. The three, Luke Jumburu, Sophia Gwasira (46) and Nester Chidawanyika (69) were arrested on 9 June 2023 accused of convening a meeting for CCC's Ward 8 Councillor selection

process in Dangamvura high-density suburb. The meeting was allegedly attended by 20 people without notifying the Regulatory Authority, which is the law enforcement agency. Gwasira and Chidawanyika spent the weekend (10 and 11 June 2023) in police custody. Jumburu was reporting daily to Mutare Central Police Station as he was released from detention on medical grounds. The trio was released from police custody on 12 June 2023 after the state withdrew charges before the plea. They were represented by ZLHR lawyer, Rangarirai Mubata.

**Arbitrary arrests**

i. **CCC aspiring candidate arrested for illegal gathering**

On 27 April 2023, CCC activist and aspiring councillor Nyasha Shandirwa (37) was arrested for allegedly convening an unlawful gathering in Highfield, Harare without giving notice of the gathering in contravention of section 7(5) of the MOPO Act. He was referred to Harare Central Police Station which referred his docket back to Machipisa Police Station, ordering further investigations. Shandirwa was supposed to be released on the basis of that instruction, but the officer in

charge of Machipisa refused, denying him access to food. Shandirwa was forced to spend the night in custody. Represented by Nyasha Machirori of the Forum, he was subsequently released the next day on ZWL\$20 000 bail and ordered not to interfere with witnesses.

ii. **Arrest of FREE ZIM one-man protest**

On 6 June 2023, Itayi Uthant Makombe was apprehended by members of the Zimbabwe Republic Police after he staged a one-man protest on top of his vehicle at the intersection of Sam Nujoma and Josiah Tongogara streets in Harare. Allegations against him are that on 5 June 2023, at around 0600hrs, after Makombe blocked traffic with his Landrover Defender, he then disembarked from the vehicle, climbed on its canopy and sat on a folding chair while wrapping himself with a blanket. He then began beating an African drum while shouting in Shona that Mbuya Nehanda, a celebrated First Chimurenga heroine who led a revolt against the British South Africa Company's colonization of what is now Zimbabwe in 1889 and was hanged in March 1898, had risen from the dead. He faced two charges, of unlawful possession of a firearm (following the recovery by police of a firearm without a valid firearm certificate at Makombe's home) and disorderly conduct. Makombe, on 8 June 2023, pled guilty to the charges when he appeared before Harare Magistrate Simon Kandiyero. He was remanded in custody on 21 June 2023. This was done so as to allow for two medical practitioners to assess his mental state and submit a report to the court on their findings. Makombe was on 22 June 2023, convicted of disorderly conduct and unlawful possession of firearm. He was committed to perform 140 hours of community service for the disorderly conduct charge. He was further fined USD \$200 or its equivalence on the second charge of possession of a firearm without a valid license which was to be payable by 30 June. He was represented by a Forum Member, the Zimbabwe Lawyers for Human Rights.

iii. **ZINASU Organising Secretary arrest**

Gamuchirai Chaburumunda, the Organising Secretary for the ZINASU – UZ Chapter, was on the afternoon of 8 June 2023, arrested by members of the Zimbabwe Republic Police just moments after she had set for her exams. Chaburumunda's arrest brought to six the number of student activists who have been detained over four weeks under flimsy charges, thereby highlighting the crackdown on student leaders as part of a broader pattern of brutality and suppression of dissent just months away from the August general election.

iv. **Dragnet arrests of 38 Nyatsime residents**

On the evening of 9 June 2023, 38 Nyatsime residents were arrested on allegations of destroying ZANU-PF cell offices and some houses in the Nyatsime area. They were further accused of taking victims' valuables, which included cash and cell phones. On 10 June 2023, their lawyers challenged the placement of the accused persons on remand. The accused denied the charges and argued that there was no reasonable suspicion that they committed the offence. The accused persons further argued that the police did not investigate the allegations and that they are victims of a dragnet arrest.

Through their lawyers, the accused registered various complaints of assault and property damage by police upon arrest. They also alleged that they were forced to chant and sing chimurenga songs. Their bail application was set for Monday 12 June 2023, whereupon Chitungwiza Magistrate Isheanesu Matova deferred ruling to Monday 19 June on an application by the State to place them on remand. The state, represented by Michael Reza, Malvern Mwendera, Faith Simango and Munyaradzi Karimazondo, further alleged the group also attacked some rivals using bricks. In opposing bail, the investigating officer Ishabi Kasuwa contended that releasing the group on bail would be against the interests of justice as it would be difficult to bring them back to face their offences. Their lawyers, Darlington Marange and Noble Chinhanu of the Zimbabwe Human Rights NGO Forum, opposed the further placement of their clients in remand prison. The 38 were, on 26 June 2023, eventually granted US\$30 bail by the Chitungwiza Magistrates Court. They were ordered to reside at alternative addresses from their Nyatsime addresses and to report once a month at Chitungwiza Police Station. The dragnet arrests of the 38 Nyatsime residents now constitute the second such arrests in slightly over a year. In 2022, a total of 15 Nyatsime residents who are members of the opposition political party CCC were arrested following the violent skirmishes that occurred in Nyatsime on 14 June 2022 in the wake of the discovery of the mutilated body of CCC activist, Moreblessing Ali. To date, no ZANU-PF supporter, including Nyatsime Ward Councillor Masimbi Masimbi, who publicly incited the violence, has been arrested in connection with those skirmishes.



*Itayi Uthant Makombe staging a one man demo in Harare, corner Sam Nujoma and Josiah Tongogara*



#### Assault and torture

##### i. **Assault following one-man protest**

On 5 June 2023, at around 0600hrs Itayi Uthant Makombe brought traffic to a standstill after he parked his Land Rover Defender at the intersection of Josiah Tongogara and Sam Mujoma streets in Harare. He then disembarked from his vehicle, and climbed onto its canopy where he then began playing an African drum while singing “Ambuya Nehanda vamuka, ropa zhinji radeuka uye richiri kudeuka” which loosely translates to “Nehanda has risen from the dead, a lot of blood has been spilt and more blood is still spilling”. Members of the Zimbabwe Republic Police who attended to the demonstration scene then ordered him to disembark from the vehicle and remove the vehicle from the intersection, where upon Makombe refused. A video that went viral on various social media platforms showing members of the police viciously assaulting Makombe all over his body with baton sticks. He was then forced into a white Hilux double cab vehicle while groaning and grimacing in pain.

##### ii. **Forever Associates of Zimbabwe (FAZ) assault of Francis Makore**

Opposition political party Citizens Coalition for Change (CCC) activist Francis Makore was on 7 June 2023 brutally assaulted at Chivi Business Centre in Masvingo. The assailants were a group of individuals who identified themselves as being members of Forever Associates of Zimbabwe (FAZ). This group is said to be affiliated with the ruling ZANU-PF party. The group, led by Costa Madzore, accused Makore of betrayal and being a “sell-out” for supporting the opposition political party, CCC. The attack is said to have occurred amidst inter-party clashes where accusations and counter-accusations are alleged to have been thrown between the ruling party ZANU PF and the opposition CCC. Makore was indiscriminately assaulted all over the body with logs, resulting in multiple injuries.

##### iii. **ZANU PF MP Dexter Nduna becomes a victim of alleged intra-party-political violence**

On 21 June 2023, ZANU-PF legislator, Dexter Nduna was allegedly beaten up at the Chinhoyi Magistrates Court by supporters of Farai Chigavazira who beat Nduna at the primaries. Nduna claims he was attending court for a legal case, but Farai’s supporters believed that he had come to file nomination papers despite losing at the ZANU-PF primary elections.

##### iv. **Inter-party politically motivated violence in Chirumhanzu South**

On 25 June 2023, Zenzo Matambo, a supporter of the opposition CCC was violently attacked by alleged Zanu-PF Supporters, Innocent Gundani and his brothers. The attack took place at Siyahokwe Business Centre in Chirumhanzu, Matambo was attacked for allegedly wearing a CCC T-shirt with the CCC aspiring Member of Parliament for Chirumhanzu South, Honourable Cheza’s picture. The incident was reported at Charandura Police Station, but no arrests were made.

#### Threats/Harassment/Intimidation

##### i. **Mhangura CCC supporters threatened**

On 4 June 2023, the Forum received an alert that four individuals from Mhangura had been threatened by Tendeukai

Makwikwi of Plot 6 Plateau farm, Mhangura. The four Mhangura victims, Clever Mumba, Thomas Mugo-mo (48), Joice Mazingairwa (60) and Zanda Ndabanenga (69) were accused of being CCC members. Zimbabwe is a multiparty democracy and it cannot be an offence for one to support the opposition.

##### ii. **Victimised for supporting CCC**

On 27 June 2023, CITE reported that a woman from Mpofu village in Lupane was expelled from an irrigation scheme over her links to the opposition CCC. Patricia Moyo (42)’s membership in the irrigation scheme was terminated after her husband, Thulani Mlotshwa, successfully filed his nomination papers to represent CCC in Lupane Ward 18 as a councillor in the upcoming elections.

iii. **Alarm over alleged Chipinge East army deployment**

Chipinge East legislator Mathias Mlambo raised alarm at possible attempts to intimidate voters by the ZANU- PF-led government following what he said was the deployment of soldiers in his constituency. While addressing the National Assembly on Friday 9 June 2023, Mlambo indicated that soldiers had been brought to Chikaide School in Chipinge East and then left and proceeded to Glass Flats also in Chipinge East where they camped behind the shops near the flats. The alleged deployment caused some residents to fear that this was now happening due to the President's proclamation of the election date. Such a fear would not be far-fetched considering that the involvement of the military in the country's political processes is a phenomenon that has occurred in the past with bloody results as seen through the 2008 deployment of soldiers in rural Mashonaland provinces ahead of the presidential run-off election in that year, to cause atrocities among people who were suspected to have voted for then opposition leader Morgan Tsvangirai as well as the 1 August 2018 shootings that remain one of the most indelible memories of atrocities in post-independent Zimbabwe.

iv. **Intimidation of Gokwe CCC supporters**

On 12 June 2023, a video went viral on various social media platforms in which a ZANU-PF official could be heard threatening to evict opposition political party CCC supporters in Gokwe. In the video, Vusi Manjonjo, a ZANU-PF Youth League National member could be heard declaring that his major aim is to ensure that CCC does not win in Gokwe. He then goes on to say that if any CCC supporter resides in the region, they should pack their bags and return when elections are



Opposition Citizens Coalition for Change member Tendai Biti at an intra-party campaign where he used hate speech to refer to rival Rusty Markham

over and done with.

Hate speech

i. **Tendai Biti makes use of hate speech**

An escalation in instances of hate speech has been observed months away from Zimbabwe's 2023 harmonised election. By way of example, former Finance Minister Tendai Biti was captured in a video in which he can be heard making use of inflammatory language. He was urging CCC supporters to nominate him as the Member of Parliament for Harare East. On 12 June 2023, Newshawks shared a two minute fifty-one seconds long video clip on their Twitter account in which Biti can be heard saying in reference to his rival Allan Markham:

*"hatisi kuda nyoka muHarare East, hatisi kuda Tsukukuviri... nyoka tirikunoitsika musoro"*

This loosely translates to: "We do not want a snake in Harare East, we do not want a black mamba...we will step on the snake's head". In the video, Biti also discourages CCC supporters from walking with or supporting "vasina mabvi" or "those without knees," which is a derogatory term or racial slur used to describe white people.

ii. **ZANU PF's politicisation of religion**

On 19 June 2023, ZimDaily published a one-minute eighteen seconds clip in which a passage from the Bible is intentionally paraphrased and read out loud to indicate that the sceptre or staff of power will never fall out of President Mnangagwa's hands. In the clip, a religious leader likens ZANU PF to the House of Judah to insinuate that ZANU PF rule is God-ordained. The religious leader further states that joining ZANU PF is the only way to taste how it feels to rule Zimbabwe.

Another video also published on 19 June 2023 by ZimDaily shows a ZANU PF official making use of inflammatory language. In the twenty-one seconds long clip, the official heatedly refers to the elections as "war" and declares that the war now is no longer between ZANU PF and other opposition parties but between God and the devil. In his words "ZANU PF represents God". The insinuation therefore is that all other opposition political parties in Zimbabwe are from the devil. Multi-party democracy is, however guaranteed in Zimbabwe's 2013 Constitution under section 3 (2) (a) and (d), which declares that Zimbabwe is a multi-party democratic political system governed by respect of the rights of all political parties. Such utterances thus raise serious concern about whether the ruling party will

peacefully relinquish power should they emerge non-victorious in the upcoming August harmonised elections.

iii. **Political intolerance on the part of the President**

While addressing miners in Gweru on 28 June 2023 during a Miners for ED interface meeting, President Emmerson Mnangagwa used hate language against perceived foreign enemies whom he claimed wanted to teach him about democracy. He said those foreign governments that have predicted an opposition victory can “Go to Hell” while scolding those who want to teach Zimbabwe democracy saying “*Musoro wambuya vako*”, which in the vernacular is an insult against one’s grandmother.

Zimbabwe  
HUMAN RIGHTS  
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25 YEARS OF FIGHTING FOR  
HUMAN DIGNITY



## Conclusion and Recommendations

While democracy is a contested idea, a basic idea of democracy is that people affected by decisions must be allowed to make political choices in an environment free from fear, intimidation, threats, harassment, arbitrary arrests, assault and/or torture. What emerges from the accounts described above, however, is that Zimbabwe is heading into yet another election characterised by a struggling electorate with the indications of yet another violent and bloody footprint being left behind in the wake of the conduction of the August 2023 general election. It is in this light that the Forum makes the following urgent recommendations to Government and other stakeholders:

1.1 The Forum urges the Government of Zimbabwe to respect the need for transparency, due process, and the protection of basic human rights in the lead-up to the elections.

1.2 The Forum also urges the Government to stop all forms of retributive violence perpetrated on citizens and real and perceived supporters of the opposition political parties. It must further act to restore its integrity and commitment to peace.

1.3 The Forum further urges the Government of Zimbabwe to, as a matter of urgency, show a genuine desire to implement critical governance reforms and to show a genuine desire to do so by stopping forthwith the promulgation of repressive legislative instruments such as the Patriot Bill and the Private Voluntary Organizations Amendment Bill in particular and to condemn continued use of the repressive Maintenance of Peace and Order (MOPO) Act which is being invoked to curtail enjoyment of freedoms of assembly and association as well as civil and political guarantees.

1.4 The Government of Zimbabwe is further urged to put in place viable social security measures to cushion the Zimbabwean populace through, as a matter of urgent priority, giving serious consideration to benchmarking civil service salaries to the wage bills in the region as well as putting in place measures aimed at curbing artificial demand for forex.

1.5 The Forum urges ZEC to raise confidence in its independence as an Election Management Body institution and endeavour to give the appearance of impartiality in discharging its mandate.

1.6 That the Government of Zimbabwe takes immediate steps to safeguard the constitutionally protected independence and impartiality of the judiciary by giving space to the judiciary to do their work professionally and independently.

1.7 That ZEC and the ZRP immediately take action and hold all suspected perpetrators of intimidation, alleged illegal meddling in the inspection of the voter's roll, as well as the assault of opposition political members and/or supporters by influence or pressure groups accountable.

1.8 That the courts, as the custodians of the Constitution, uphold its precepts by safeguarding the constitutionally guaranteed right of every accused person to bail where they qualify and by treating bail applications as urgent.