



A Zimbabwe Human Rights NGO Forum Communique

on

Reign of Terror – The Escalation in instances of intolerance as a Threat to Democratic Consolidation

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The Zimbabwe Human Rights NGO Forum (the Forum) registers its concerns regarding the discomfiting and shocking recent wave of political intolerance that has manifested in abductions/enforced disappearances of dissenting voices in the post-election phase. In one recent instance, this unchecked wave has culminated in an unnecessary and unfortunate loss of life.

1. Background

Tolerance is a basic pillar of democracy and the bulwark against totalitarian action and regimes. It connotes acceptance and mutual regard of the rights of others, including of persons and groups whose opinions and beliefs differ from one's own. From an African cultural standpoint, tolerance speaks to Ubuntu – an age-old Bantu adage which means “humanity to others” or “humanity towards others” thereby reminding us that ‘I am what I am because of who we all are’. Tolerance is a universally recognised concept and it is in this regard that in 1996 the United Nations General Assembly adopted Resolution No. 51/95 adopted on 12 December 1995, which called upon all member states to observe the Day for Tolerance on 16 November. This was done in appreciation of the fact that people are naturally diverse and that tolerance recognises the universal human rights and fundamental freedoms of others. Since then, 16 November has been celebrated annually across the globe as International Day for Tolerance.

This year's commemorations are worriedly being conducted at a time when the post-election phase of the recently ended 2023 Harmonised Elections in Zimbabwe presents a myriad of challenges that blatantly go against tolerance of divergent political views. Despite the promises and commitments made by President Emmerson Dambudzo Mnangagwa towards the realisation of constitutionalism and rule of law in the inaugural speech he gave on 4 September 2023, August to November 2023 speak a different language. An appalling language that is evinced by acute democratic regression and constitutional disregard that have manifested through closure of the civic space, abductions and torture of political opponents, threats in the exercise of civil and political rights and bastardisation of the right to vote which is characterised by multiple parliamentary and local authority “recalls.”

The Forum has noted with grave concern a trend in the post-electoral landscape has seen the notable increase in instances of abductions and/or enforced disappearances that subsequently result in torture. The Forum first raised alarm over the multiple human rights violations that

were taking place immediately after the 2023 harmonised elections, including a rising spate of politically determined involuntary disappearances in *The New "Error" – A preliminary report on post-election organised violence and torture*. This research publication documents election related Organised Violence and Torture (OVT) cases between the period 24 August to 24 September 2023. In this report, the Forum documented a total of **316** cases of post-election related human rights violations of which eight of these were abductions. These include the 27 August 2023 abduction of former opposition Citizens Coalition for Change (CCC) councillor for Marondera West, Nelson Mokoena who was forcibly taken from his home by unidentified persons in unregistered vehicles. Mokoena was later found on 28 August 2023 in a very bad condition as a result of being tortured. He had been thoroughly physically assaulted and beaten to the extent of requiring hospitalisation. Other equally concerning cases highlighted were the abduction and torture of elected CCC councillor for Glen Norah (Ward 27), Womberaishe Nhende and his relative Sanele Mkhuhlane on Saturday 2 September 2023 in Belvedere, Harare at around 1600hrs. The duo was assaulted, tortured and thereafter injected with an unknown substance to belater dumped in Mapinga (about 73km from Harare). The report further highlighted the 21 September 2023 abduction of CCC councillor for Ward 4 in Epworth, Nowell Rungano. Rungano was reportedly abducted by four men, two of whom were wearing army clothing at around midnight. He was seriously assaulted resulting in him having to be urgently hospitalized. There have been neither acknowledgement of triggering an investigation by the Zimbabwe Republic Police (ZRP) nor record of suspects being arrested in connection with any of these abductions.

As a result, the recent shocking wave of retributive post-election violence is not abating but instead intensifying unchecked to the point of impunity. The recent abductions and subsequent torture of former CCC Member of Parliament for Mabvuku Tafara James Chidhakwa, CCC Member of Parliament (Youth Quota) Takudzwa Ngadziore and, worriedly the recent abduction and subsequent murder of opposition political activist and theologian, Bishop Tapfumaneyi Masaya all point towards a nation in a cavernous crisis and a reign of terror through use of involuntary disappearances and abductions as a tools to instil fear and sustain political control and authority retention or consolidation by the ruling party.

2. Timeline of abductions

i. James Chidhakwa

On 23 October 2023, James Chidhakwa left home around 1800 hrs in the evening to pick up his wife from work completely oblivious of the horror that was to subsequently unfold. He parked at his wife's workplace while waiting for her to knock off. A metallic blue Toyota Fortuner then came and parked besides him towards 1900 hrs. The assailants came out of this vehicle and forced Chidhakwa out of his own car and proceeded to force him into the Toyota Fortuner. According to Chidhakwa's own account, there were three assailants in the front of the vehicle and about three at the back with him. A sack was then placed over his head and the assailants proceeded to thoroughly beat him as the vehicle drove away with him. Eventually, the vehicle stopped and he was instructed to disembark. A knife was used to cut off his clothes from his body and his shoes were thrown away into the a nearby bush. One of the assailants then injected him with an unknown substance after which Chidhakwa was thoroughly physically assaulted and beaten. Chidhakwa alleges that throughout this whole ordeal, his assailants kept accusing him of being a Change Champion – a term commonly used to refer to opposition party, CCC activists. Chidhakwa suffered extensive injuries as a result of this gruesome ordeal. These include a fractured leg after the vehicle was used to drive over his leg, a fractured pelvis, lacerated back and he had to have

stiches to the skull after his dreadlocks were shaved off using a sharp object resulting in him sustaining deep cuts on his skull. Gruesome images of the injuries he sustained in the ordeal were smeared on multiple social media platforms. Chidhakwa was later found dumped in Acturus by small-scale artisanal miners who then took him to a local police station where a report was filed.

ii. *Takudzwa Ngadziore*

On 1 November 2023, a harrowing video surfaced on social media in which opposition CCC Member of Parliament (Youth Quota) Takudzwa Ngadziore went live on Facebook recording his own abduction. Ngadziore, the country's youngest Member of Parliament recorded a seven-minute-long video on Facebook in which he raised an alarm that he was being followed. The video clearly showed two individuals, one of whom was brandishing an AK-47 rifle, hastily making their way to him moments before the live video abruptly ended. It did not take long for the video recording to go viral on various social medial platforms. This quick thinking on Ngadziore's part reportedly saved his life. It is alleged that the perpetrators got wind of the fact that they had been exposed and were trending on all social media platforms. Ngadziore was found tortured and naked, allegedly injected with an unknown substance before being dumped at Christon Bank, Mazowe a few kilometers from Harare.

Meanwhile, the response on the part of the ZRP regarding this matter has been nothing short of deplorable. Assistant Police Commissioner Paul Nyathi merely averred that Ngadziore has not made a report to the police and further that the police were making efforts to "*elicit facts beyond what is on social media*". It is well established that victims of abduction are themselves turned into accused persons when they attempt to file reports with the police. The *victim turned accused* trend has been deployed in some cases to revictimize victims of abductions and torture in Zimbabwe. Examples of this is in the case of Cecilia Chimberi, Netsai Marova and Joanna Mamombe (Member of Parliament, Harare West) after they were abducted on 13 May 2020 but were later charged with faking and falsifying their own abduction. High Court judge Justice Nyaradzo Munangati Manongwa subsequently acquitted Mamombe and Chimberi of charges of publishing or communicating false statements prejudicial to the state as defined in Section 31(a) of the Criminal Law Codification and Reform Act (Chapter 9:23). The two were accused of communicating falsehoods to their relatives, friends and legal practitioners that they were abducted and tortured by suspected state security agents in 2020. Justice Manongwa ruled that the state's evidence was "grossly unreasonable, irrational characterized by bias and malice and cannot be in accordance with real and substantial justice".

Ngadziore's assailants were later identified as Central Intelligence operatives stationed at Harare Central Police Station. Despite the fact that the face of one of the perpetrators is clearly visible in Ngadziore's video, there have been no known attempts on the part of the ZRP to apprehend and/or question the identified individuals in connection to the case.

It is not far-fetched to wonder if the opposition CCC Member of Parliament would have been found alive had he not managed to go live on Facebook at the time of the abduction. His abduction as an opposition political party figure and Member of Parliament raises questions regarding the collective safety and security of ordinary civilians who are not cushioned by prominence in the public eye or domain and thus stand a higher chance of meeting an even worsor fate when abducted.

iii. *Tapfumaneyi Masaya*

This is the fate that was met by man of the cloth, Bishop Tapfumaneyi Masaya who was abducted on 11 November 2023. Bishop Masaya was abducted while campaigning in Mabvuku, Harare on behalf of CCC's main candidate for the scheduled 9 December by-elections. The by-elections have been triggered by the recent wave of massive recalls of opposition CCC legislators and local authority representatives. He was bundled into a vehicle by unknown men and was never seen or heard from again. His body was found three days after his abduction. The Zimbabwe Republic Police (ZRP) spokesperson Assistant Commissioner Paul Nyathi said a body had been found at the intersection of Arcturus and Lobho Road in the Cleveland area in Harare but was yet to be identified. However, CCC Harare Ward 16 councillor Denford Ngadziore on X said the unidentified body was that of Masaya. The question as to the threat posed by Bishop Masaya such that his life had to be callously taken for exercising his civil and political right to peacefully campaign on behalf of a political party of his choice leaves a lot to be desired.

Zimbabwe has a long history of enforced disappearances that lead to torture and deaths of political activists including the 9 March 2015 abduction of well-known activist Itai Dzamara, who has, to date, not been heard from for eight years. The Zimbabwe government claims it is still investigating Dzamara's case. In the same token, Zimbabwe government is also yet to formally condemn or comment any of the highlighted cases outlined above of the political persecution of dissenting voices through enforced disappearances.

Conclusion and Key Demands

The 2013 Constitution of Zimbabwe espouses a value-system that is centred on diversity, plurality and tolerance. This much is evident in the very first line of the Constitution's Preamble which declares: "We the people of Zimbabwe, United in our diversity". The use of the phrase "We" in the introduction to the country's Constitution makes it clear that the protections provided for under the Constitution are not just for a select or elite group of Zimbabwean citizens, but that the Constitution and the rights it provides for are for all Zimbabweans, regardless of their political affiliation. Towards this end, the Constitution further provides under section 3(2) (a) and (d) that Zimbabwe is a multi-party democratic system founded on principles of good governance which include respect for the rights of all political parties. It is therefore highly disconcerting that the 27th anniversary of the International Day of Tolerance is being celebrated against a backdrop of an alarming increase in levels of political intolerance in Zimbabwe as seen through the abductions and torture of mostly opposition political party figures that has, recently resulted in a fatality. Peaceful and law-abiding Zimbabweans should not be persecuted for merely choosing a political party to support. It is against the spirit of tolerance to say only one political party and its members or supporters in the country should enjoy freedom to openly support or campaign on behalf of their political party.

Further, enforced disappearance is a practice that is strictly prohibited under international human rights law in all circumstances. It is an abhorrent practice that amounts to a serious violation of several freedoms and rights protected under international human rights law. These include the right to liberty and security of the person; the right to bodily integrity which entails the right not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment where the enforced disappearance leads to torture as well as the right to life where the victim is subsequently killed as has reportedly occurred in Masaya's case. Given the potentially explosive situation we now find ourselves in as a country, it is imperative that collective responsibility be summoned towards restoring law and order in Zimbabwe. In particular, the Forum strongly urges the following:

1. The Government of Zimbabwe to,

- ❖ Stand firm by its commitment during the 77th Ordinary Session of the African Commission on Human and People's Rights in Arusha, Tanzania, that it welcomes a fact-finding mission to look into human rights issues of concern raised by Zimbabwe CSOs and various regional human rights organizations that are inclusive of but not limited to abductions/enforced disappearances
- ❖ Immediately act to reaffirm its commitment to peace and nonviolence by ratifying and domesticating the International Convention on Protection of All Persons from Enforced Disappearances and
- ❖ Urgently constitute and operationalize the independent complaints mechanism envisioned under section 210 of the 2013 Constitution of Zimbabwe which will enable victims and survivors of human rights violations and abuses by of members of the security services to lodge complaints and have an avenue for redress.
- ❖ Publicly display political will in the comprehensive address and eradication of the crisis of abductions or enforced disappearances.

To urgently develop guiding principles for the search for disappeared persons and identify mechanisms, procedures and methods for carrying out the legal duty to search for the disappeared persons.

- ❖ To assume responsibility, and immediately reverse lack of progress in the search for disappeared persons including to desist from its ongoing efforts to change and or manipulate the narrative on enforced disappearances diluting responsibility for the crimes committed by the State actors or agents through blaming and intimidating victims of enforced disappearances.

2. The Zimbabwe Republic Police to,

- ❖ Undertake thorough, efficient and expeditious investigations into all documented instances of politically motivated and/or electoral-related human rights violations in the post-election phase and above all to make the findings of their investigations known to the public;
- ❖ to bring all perpetrators of post-election related violence to justice regardless of their political stature and/or position, beliefs or affiliation and to
- ❖ be diligent in safeguarding the lives of ordinary Zimbabweans and to prioritize the saving of human life, regardless of one's political beliefs or affiliation
- ❖ Be apolitical in the discharge of their duty and or mandate.

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3. The Zimbabwe Human Rights Commission to,

- ❖ Immediately act to fulfil its constitutional mandate by investigating alleged violations of fundamental human rights or freedoms including directing the Commissioner-General of Police to investigate all suspected cases of post-electoral retributive violence.

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