



**QUARTERLY POLITICAL AND HUMAN RIGHTS  
VIOLATIONS REPORT  
July - September 2016**

**A Report by the Zimbabwe Human Rights NGO Forum**

**October 2016**

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## **Executive summary**

*The Zimbabwe human rights situation remains unstable, characterised by an escalation of organised violence and torture in a delicate social, political and economic environment. The month of July witnessed a spike in rights violations emanating mainly from police brutality as a result of demonstrations and protests that engulfed cities and towns. Since January 2016, the country has witnessed close to 40 civilian led protests. These protests have questioned the social and economic governance of the country. There has been growing citizen consensus for socio-economic and political reforms and these calls for reforms have been met with State heavy handedness and the violation of people's rights.*

*In a bid to silence dissenting voices, police used brute force to quell the protests resulting in several citizens being arbitrarily arrested and injured. The Zimbabwe Lawyers for Human Rights recorded 600 such arrests during the period. Among the victims were social and political activists; human rights defenders; journalists and citizens who were caught up in the ensuing battles between the police and the protestors. Some of the protestors were denied access to justice spending as much as 82 days in remand prison as in the case of one Linda Masarira. Journalists were either assaulted arrested and detained while conducting their lawful and constitutionally protected responsibility of reporting.*

*Those that were arrested were subjected to severe torture, degrading and inhuman treatment. During the period a total of 336 cases of torture were recorded. The gory images of Ester Mutsiri and Gladys Musingo, with severely lacerated backsides taken on 19 September at the Mbare Magistrate Court are enough evidence of the heinous crime by law enforcement agencies. In addition to the spike in cases of torture, a disturbing trend also emerged during the period where state agents abducted and tortured identified protestors during the night. This is a crime that last had a high incident rate in 2008.*

*Fundamental rights and freedoms of expression, association, assembly and the freedom to demonstrate and petition were severely curtailed during the period. In July, the Zimbabwe National Liberation War Veterans Association (ZNLWVA) leadership was arrested and publicly disparaged for speaking negatively against the political economy and the actions of some government ministers. In a Communiqué, allegedly authored by War Veterans on the 16th of July 2016, they called for President Mugabe to step down from national leadership.*

*So determined was the government to stifle fundamental rights that on 16 September, General Notice 245/2016 was gazetted banning demonstrations and all public processions in Harare Central from 16 September to 15 October 2016. While on 20 September the government invoked Statutory Instrument 184 of 1987 banning the possession manufacture sale, use and possession of replicas of the national flag contrary to Sec 134 (b) of the Constitution that prohibits subsidiary legislation from limiting or infringing upon rights sets out in the declaration of rights*

*Economic, social and cultural rights (ECOSOC) were violated partly through the government's lack of commitment in investing in the realization of these rights. Rights such as the right to health, safe and clean water, education and freedom from*

*arbitrary eviction continued to be violated during the period. The government demonstrated limited commitment to promote and protect ECOSOC rights. It is disturbing that the government has not shown any signs of addressing the worsening national crisis and the ruling elites seem to be pre-occupied with power contestations at the expense of the economy which is in a dire state making it very difficult for citizens to access their constitutionally guaranteed rights. Instead of coming up with solutions to the deteriorating socio- economic environment, the government resorted to arbitrary arrests, torture and abduction of citizens protesting against the continued economic decline.*

*While the government has persistently denied partisan distribution of food, an investigation by the Zimbabwe Human Rights Commission (ZHRC) revealed evidence of partisan distribution of food by District Administrators, village heads, headmen and village secretaries in Bikita East, Mazowe Central, Muzarabani North and South and Buhera North. CSOs such as Heal Zimbabwe and the Zimbabwe Peace Project continued to document cases of partisan food distribution across the country.*

*This continued violation of rights has been worsened by the government's lack of commitment to amend old laws with the Constitution; Government's failure to realign laws with the Constitution provides the state with a justification to continue violating rights at will.*

*In this report the following trends and characteristics were noted on the incidents reported to the Forum and its member and partner organisations:*

- *The Zimbabwe Republic police were the main perpetrators of organised violence and torture;*
- *The violence attributed to State agents (the police, army and members of the Central Intelligence Organisation) demonstrated evidence of systematic abductions and torture;*
- *There is no, or very little evidence, of any attempt by State to proactively deal with the violence; and*
- *There is very little commitment by the government to address social and economic rights violations.*

## **Introduction**

The Zimbabwe Human Rights NGO Forum (the Forum) produces the Quarterly Political and Human Rights Violations Report (QPVR) as a monitoring tool to track and document trends in civil, political, economic, social and cultural rights violations. This report covers the period between July and September 2016 and highlights developments through statistics and, trends in human rights violations. The information used is derived from the Forum's Public Interest Unit (PIU), member and partner organisations and verified press reports. Although this report derives its information from multiple sources it is not intended to be the main and exhaustive source of human rights violations information in Zimbabwe, but a complementary report alongside those produced by other human rights organisations.

## **Forms of Abuse**

Most violations recorded during the period were in the form of torture, abductions harassment and intimidation stemming from the demonstrations and protests that rocked the country beginning July. In the following sections, forms of abuse are divided into two subsections namely, section one which highlights violations relating to civil and political rights and section two, violations relating to economic, social and cultural rights.

The following notes should be put into consideration when reading this report:

- *Human rights violations contained in this report are derived from statements made to the Forum's Public Interest Unit, its member and partner organisations. Reference is also made to press reports.*
- *The identities of victims whose names have not been published in the press and are not public officials are protected. This is done in order to protect the victim from further violence, intimidation and possible reprisals.*
- *One incident may contain multiple cases.*
- *The Report cannot be considered as the exhaustive record of all incidents of politically-motivated violence in Zimbabwe in the period under review. Nevertheless,*

*every incident reported to the Forum directly or through its members is meticulously documented and included in the report.*

## **Section 1: Civil and Political Rights**

### **Violation of rights relating to the security of the person**

#### ***Unlawful deprivation of life***

This refers to the arbitrary and intentional deprivation of life outside the provisions of local and international law. It excludes the imposition of the death penalty as a result of a judicial process, and this does not contravene certain minimum safeguards imposed by human rights law and the Constitution of Zimbabwe. The right to life is safeguarded in Section 48 of the Constitution of Zimbabwe, Article 3 of the Universal Declaration of Human Rights (UDHR) Article 4 of the African Commission on Human and Peoples' Rights (ACHPR), Article 6 of the Convention on the Rights of the Child as well as Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to which Zimbabwe is a state party. During the quarter, **one (1)** case of murder involving the police was reported. In this incident police fired teargas in a closed environment heightening the risk of death by suffocation.

- On 6 July Tapuwanashe Mutasa, a three months old baby, died at Burombo Flats, Makokoba, after inhaling teargas sprayed into his residential block of flats by the police. Police clamping down on protestors who participated in the 06 July #Shutdown Zimbabwe Campaign organized by #Thisflag<sup>1</sup>. Under international law, the use of teargas is prohibited in closed environments.

#### ***Enforced or Involuntary Disappearances***

Enforced disappearance refers to,

*The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law”<sup>2</sup>*

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<sup>1</sup> Abameli Human Rights Lawyers

<sup>2</sup> See Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance

Although Zimbabwe has not ratified any convention relating to enforced disappearances the Constitution, under Chapter 4, has provisions that articulate the protection of fundamental human rights and freedoms.<sup>3</sup>

During the Third Quarter of the year, a total of **11** cases of abductions were recorded, the highest prevalence since 2008 where a total of 137<sup>4</sup> cases were recorded. The manner in which all the victims were abducted is synonymous with State security agents' operations and more so the abduction of human rights activist, Itai Dzamara on 9 March 2015.

Below is a table of abductions that occurred during the quarter

**Table 1: List of Abductions July- September 2016**

Name	Date of Abduction	Location	Perpetrator	Details of Abduction
1.GS	26 Aug-16	Harare CBD	Suspected State Agents	Four men and a woman abducted him; they took him to The ZANU-PF HQ where he was tortured. He was forced to have sex with a woman who was there and he resisted. He was then taken to Harare Central Police Station.
2.Gift Ostallos	26 Aug-16	Harare, CBD	ZANU PF	Men travelling in a car abducted him at the corner of Kaguvi and Raleigh street. The abductors took him to ZANU-PF HQ where he was severely tortured. Unknown people finally handed him over to Harare Central Police Station.
3. JM	26 Aug-16	Harare CBD	Suspected State Agents	She was force marched at gunpoint to ZANU-PF HQ. She was tortured and forced to have sex with an elderly man. She was taken to The Harare Central Police Station
4. KC	26 Aug-16	Rotten Row area/ Freedom Square, Harare	Suspected State Agents	He was abducted by two armed men while coming from a NERA rally venue. He was taken to the ZANU-PF HQ where he was tortured. He was handed over to the police at Harare Central Police Station.
5. Kerina Dewah	27 August	Glenview	Suspected State Agents	Unknown assailants at around 1am abducted the MDC-T Harare Provincial Vice

<sup>3</sup> See Sections 48-53 and sections 69 and 70 of the Constitution of Zimbabwe

<sup>4</sup> See the Zimbabwe Human Rights NGO Forum, Political Violence Report, December 2008

				Chairperson from her Harare home. She was later located at Harare Central Police Station at around 8.30am following the Intervention of ZLHR
6.MN	29 Aug-16	Harare CBD	Suspected State Agents	The victim was grabbed by three men and bundled into a car along Harare Street in the CBD. They drove around Harare interrogating him asking why he had been to the courts and his links with Evans Mawarire. He was finally left at his home and was advised to stay away from politics.
7.Tafadzwa Masawara	08 Sept-16	Kambuzuma, Harare	CIO	Four armed men abducted him from his home at around 2000hrs. They tortured him and dumped him at a farm in Norton. He was assisted by some farm workers with accommodation and bus fare
8.Sylvanos Mudzvova	13 Sept-16	Crowborough, Harare	CIO	Armed men abducted the victim from his home. He was severely tortured and dumped in Norton. He was assisted by local people to call for help
9.Manjegwa	17 Sept-16	Kabuyuni, Gokwe North	Suspected State Agents	Four armed men abducted an MDC-T ward chairman from his home at 0200hrs. He was severely assaulted and detained in a make shift structure where he managed to escape.
10. Kudakwashe Kambakunje	27 Sept-16	Harare, CBD	CIO	Armed men travelling in two double cab trucks abducted him from the city centre at around 2100hrs.He was tortured and dumped in Mazowe 22 Km from Harare
11.AT	27 Sept-16	Dzivarasekwa Harare	CIO	Armed men who were looking for her husband abducted her. They broke into her house and took her away. They tortured her and dumped her in Westgate Harare.

NB: *Initials have used for victims whose names are not yet in the public domain.*



## **b. Violation of rights relating to respect for the integrity of the person**

As the political environment remained turbulent, significant cases of torture, assault, harassment and intimidation were noted during the period.

### ***Torture and other cruel, inhuman or degrading treatment or punishment***

*Torture is “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed; such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.*<sup>5</sup>

Section 53 of the Constitution guarantees freedom from torture, cruel, inhuman or degrading treatment or punishment. Zimbabwe has not acceded to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Members of the police resorted to the use of torture to silence dissenting voices, for punishment and in order to obtain a confession. Following the wave of protests, the use of torture, cruel, inhuman or degrading treatment, with significant cases going unreported, became a central element of state agents’ treatment of citizens attempting to exercise their fundamental freedoms. Those who were arrested and detained were subjected to torture in custody as some appeared in courts limping, others with visible wounds and some with dog wounds. The gory images of Ester Mutsiri and Gladys Musingo, with severely lacerated backsides taken on 19 September at the Mbare Magistrate Court are enough evidence of the heinous crime by law enforcement agencies<sup>6</sup> (see images below) The Forum recorded a total of **336** cases of torture were recorded during the period. Figure 1 below shows cases of torture that were documented by the Forum from January-September 2016.

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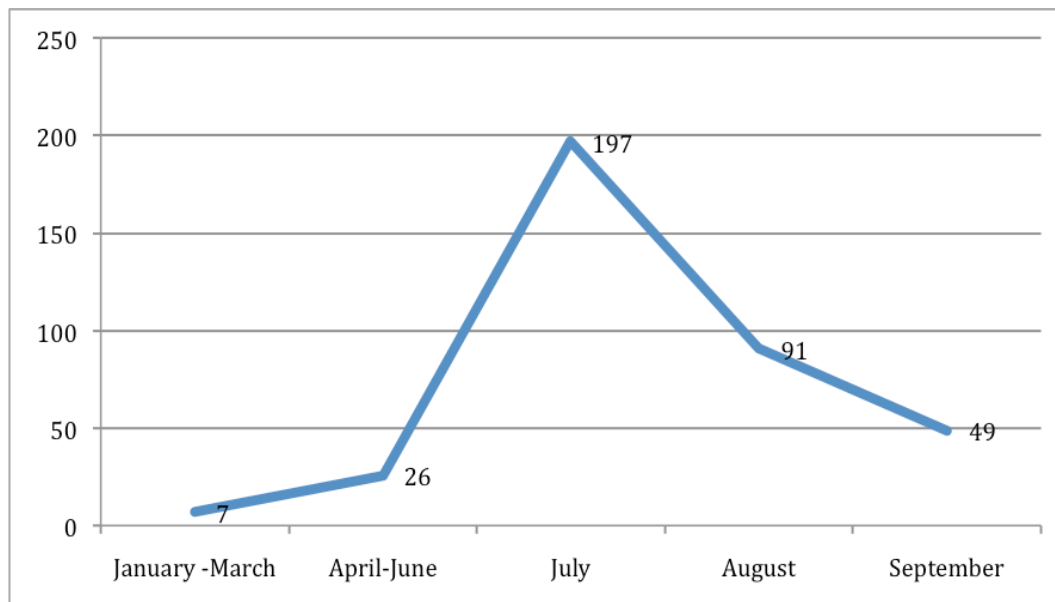
<sup>5</sup> See Article 1 of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1985) <http://www.hrweb.org/legal/cat.html>

<sup>6</sup> The two women were part of the six activists who were arrested in Glen View following the NERA demonstration on 17 September 2016.



Ester Mutsiri and Gladys Musingo were severely assaulted by police officers while in police custody<sup>7</sup>.

**Fig1: Cases of Torture January-September 2016**



As shown in Fig 1 above there was a steep increase in cases of torture in the month of July culminating from the excessive use of force by the police in quelling demonstrations that rocked the nation. The social unrest emanated from unresolved national grievances over corruption and the deteriorating social and economic conditions. It is an indictment against the state that torture continues to exist in Zimbabwe despite it being prohibited in the Constitution.

<sup>7</sup> The *Newsday* Zimbabwe 21 September 2016, <https://www.newsday.co.zw/2016/09/21/shocking-police-brutality-exposed/>

### ***Arbitrary arrest or detention***

Arbitrary arrest or detention is the arrest or detention of an individual in a case in which there is no likelihood or evidence that they committed a crime against legal statute, or in which there has been no proper due process of law. The government continued to use arbitrary arrest and detention as tools of intimidation and judicial harassment. During the period under review, over **600** citizens were arbitrarily arrested nationwide following social unrest in the country. Most of the victims were represented by ZLHR, which deployed its lawyers throughout the country to represent and secure the release of those caught up by police in the ensuing malaise. Some of the arrested protestors were denied access to justice spending as much as 82 days in remand prison as in the case of one Linda Masarira.

### ***Assault***

This refers to an act of “*unlawfully and intentionally applying force to a person of another, or inspiring a belief in that other person that force is immediately to be applied to him*”.<sup>8</sup> Cases of assault were on the increase during the quarter partly due to factional fights in ZANU PF and political intolerance. A total of **149** cases of physical assault were recorded and documented by the Forum and its member and partner organisations during the period. Some notable examples include:

- On 25 September, six Zimbabwe People First officials including Retired Brigadier Agrippa Mutambara were assaulted by ZANU PF supporters in Guruve in a case of inter party violence triggered by ZANU PF youths who had invaded Obert Mutasa’s Dunaventv Farm.<sup>9</sup>
- On 05 September, ZANU PF youths assaulted an MDC-T supporter with an iron bar and hammer at a funeral in Unit D Chitungwiza. He reported the case to the police, who did not take any action.
- On 01 September, ZANU PF youths attacked an MDC-T activist in St Mary’s, Chitungwiza. They kicked him and hit him on the head with an empty bottle.

### ***Harassment and intimidation***

Incidents of harassment remained high during the period. According to consolidated statistics from the Forum, Heal Zimbabwe and ZPP, there were **360** incidents of harassment and intimidation. The following are illustrations of documented cases

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<sup>8</sup> G. Feltoe, A guide to the criminal law in Zimbabwe, 3<sup>rd</sup> edition, Legal Resources Foundation, Harare, Zimbabwe, 2004

<sup>9</sup> The Zimbabwe Human Rights NGO Forum September OVT report

- On 01 September, suspected state security agents questioned Crisis in Zimbabwe Coalition (CIZC) Programmes Manager, Thulani Mswelanto over the organization's involvement in protests that have rocked the country over the past months. This followed the publication of a statement in which CIZC expressed its solidarity with peaceful protestors around the country. Thulani Mswelanto received an anonymous call from an unidentified man who later went on to threaten him with unspecified action over Crisis in Zimbabwe Coalition's role in coordinating protests over misgovernance in Zimbabwe. Prior to that, two unidentified men in an unmarked Isuzu vehicle had visited his home enquiring about his whereabouts.
- In a similar incident CIZC Information Officer, Edgar Gweshe received similar threats from unidentified people who wanted to enquire over Crisis in Zimbabwe Coalition's involvement in civil protests that have rocked Zimbabwe over the past months. The anonymous caller blamed Crisis in Zimbabwe for coordinating the #Tasvinura protest campaign in Masvingo as well as coordinating the activities of social movements that have been blamed for the chaos currently rocking Zimbabwe.
- In August teachers from Mwenezi West schools namely, Mwenezi Government School, Chingami Primary School, Masogwe High School, Chesvingo Primary School, Mavambo Primary School, Tsungirirai High School, Neshuro Secondary School and Matande School were ordered to pay at least \$5 towards Heroes Day celebrations. In addition, headmasters from these schools threatened those who refused to contribute with exclusion from being election agents for 2018 elections.<sup>10</sup>
- On 19 July, in Gutu ward 6, Mr. Michael Bhema, a ZANU PF elected Councillor threatened villagers who attended the Zimbabwe People First rally at Mucheke Stadium in Masvingo to have their names submitted to the Central Intelligence Officers and dealt with before the 2018 elections."<sup>11</sup>

### **c. Respect for civil liberties**

This section covers freedom of assembly and association; freedom of assembly and association; freedom to demonstrate and petition; freedom of conscience; and freedom of expression and freedom of the media. These rights are all constitutionally guaranteed in sections 58, 59, 60 and 61 respectively. Although these rights are constitutionally provided, the law limits the exercise of these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health."

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<sup>10</sup> See Heal Zimbabwe Human Rights Violations Report, August 2016.

<sup>11</sup> See Heal Zimbabwe Human Rights Violations Monthly Update Report July - August 2016

### ***Violation of freedom of assembly, expression and association***

Freedom of assembly and association is safeguarded in section 58 (1) of the Constitution and also in the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, to which Zimbabwe is a party. A total of **17** cases were recorded during the period. The following are some examples in which the government restricted these rights during the period under review:

- On 29 September, Tonderai Dombo, Zibusiso Tshuma and Andile Mqenqele were arrested during the University of Zimbabwe graduation ceremony after waving placards demanding jobs from the President. The three were charged with criminal nuisance under Section 46 of the Criminal Law (Codification and Reform) Act. They were represented by ZLHR and were released after paying \$10 fine each as an admission of guilty.
- On 24 September, police disrupted the Zimbabwe National Students Union (ZINASU) 21st General Council, at Forestry Industry Training Centre in Mutare. About 135 General Councillors were taken into custody. The ZINASU General Council is a constitutional convention set out in the ZINASU Constitution. The meeting sought to reflect and discuss the state of tertiary education in Zimbabwe.
- On 31 August, a group of MDC-T supporters who included Simon Jingo and Jonathan Malindati harassed a ZANU- PF supporter for wearing his party's regalia in St Marys, Chitungwiza<sup>12</sup>.
- On 04 July, around 1800hrs police in Masvingo disrupted a CSO meeting convened by COTRAD Trust at New Gate Lodge to discuss and chart the way forward with regards to the rampant corruption and the wave of protests in Zimbabwe. Organisations such as Masvingo Residents Trust, Masvingo Research Institute, ICOD Zimbabwe, Masvingo United Residents and Ratepayers Alliance participated. Heavy police details stormed the meeting and arrested Brighton Ramusi, Ishamel Kupfuwa Tatenda Maposa, Johannes Muzenda the organisers of the meeting. The four were detained, harassed and assaulted and no charges were leveled against them.<sup>13</sup>

### ***Violation of freedom of the media***

Freedom of the media is a key component of democracy and is provided for in Section 61 of the Constitution. The nation-wide protests witnessed an onslaught on journalists who were either assaulted or arrested while conducting their lawful and constitutionally protected responsibility of reporting. A total of **19** journalists were

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<sup>12</sup> See the Zimbabwe Peace Project Human Rights Violations, Monthly Monitoring Report, August 2016

<sup>13</sup> See Press statement from COTRAD Trust: Masvingo Riot police Storm CSO Meeting arrest and detain four Human Rights Defenders, 05 July 2016

either assaulted arrested and detained during the period while social media, whatsapp was briefly interrupted. MISA-Zimbabwe recorded the following cases of violation of freedom of the media during the quarter.

**Table 2: Cases of Violation of freedom of the media**

Name	Date	Narration of violation
1. Elias Mambo, Tafadzwa Ufumeli, Richard Chidza ( <i>Alpha Media Holdings journalists</i> ) and Godwin Mangudya ( <i>freelance journalist</i> )	06 Jul-16	The four (4) journalists were briefly detained at Marimba Police Station while covering protests in the high-density suburb of Mufakose. They were released after being ordered to delete images of the protests
Whatsapp	06 Jul-16	Whatsapp briefly went down in the wake of a national stay away protest
2. Mugove Tafirenyika ( <i>The Daily News</i> )	27 Jul-16	The daily news journalist was assaulted by ZANU PF supporters while covering President Mugabe's a meeting with war veterans and ZANU PF youths at the party headquarters in Harare
3. <i>Journalists</i> Lawrence Chimunhu, Haru Mutasa, Tsvangirai Mukwazhi, Christopher Mahove, Tendai Musiya, Bridget Mananavire and Imelda Mhetu	03 Aug-16	The seven (7) journalists were assaulted by riot police while covering demonstrations against the government's plans to introduce bond notes
Richard Chidza, ( <i>Senior reporter with Newsday</i> )	11-Aug-16	Chidza was questioned by the police in connection with the source of a communiqué issued by Zimbabwe's war veterans denouncing President Mugabe as a dictator
Lucy Yasin ( <i>Freelance journalists</i> )	24 Aug-16	Yasin was assaulted by riot police while covering a march by opposition MDC-T youths in Harare
Tendai Mandimika ( <i>Freelance journalist</i> )	24 Aug-16	Mandimika was arrested and detained while covering a march by opposition MDC-T youths in Harare. He was charged with public violence.
Obey Manayiti ( <i>Newsday</i> ) and Robert Tapfumaneyi ( <i>freelance journalist</i> )	24 Aug-16	The two (2) were briefly detained by the police while covering a demonstration by church leaders in Harare.
James Jemwa ( <i>Freelance journalists</i> )	26 Aug-16	He was arrested, detained and charged with public violence while covering protests in Harare.
Crispen Ndlovu ( <i>Photojournalist</i> )	31 Aug-16	He was assaulted, arrested, detained and charged with public nuisance for taking pictures of the police as they reportedly assaulted Bulawayo Youths Arise spokesperson Alfred Dzirutwe during protests in Bulawayo.

SOURCE: MISA- Zimbabwe

As the cases of unlawful assaults and arrests of journalists escalated, on 16 September, MISA-Zimbabwe convened a meeting attended by Senior Assistant Commissioner Charity Charamba, journalists, representatives of the Zimbabwe Union of Journalists and Media Alliance of Zimbabwe where a petition signed by over 150 journalists expressing media practitioners' displeasure over their treatment by the police was handed to Commissioner Charamba. The meeting resolved to eliminate suspicion between the police and journalists

### ***Violation of the freedom to demonstrate and petition***

The right to protest is enshrined in the Constitution. Section 59, under freedom to demonstrate and petition specifically states that, *“Every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully.”*

Zimbabwe's current law, policy and practice neither guarantees the right to peaceful protest, nor does it have intrinsic safeguards to ensure that protesters' human rights are protected in all circumstances. During the quarter, social movements, and citizens held a total of 31 demonstrations. (See Appendix 1) Since the beginning of July, Zimbabwe witnessed a sharp increase in demonstrations and protests, which were met with police heavy handedness in a bid to silence dissenting voices.

More so on 1 September, the police banned marches and peaceful protests in central Harare with the issuance of Statutory Instrument 101 A of 2016. This order was challenged in the High Court and declared unconstitutional, and the ban was lifted a week later. However, on 13 September, the ban was re-imposed on the Central Business District of Harare using the Public Order and Security Act, until December 2016. Nevertheless, activists and opposition parties continued to maintain steady pressure on the government.

### **d. Malicious Damage to Property**

This occurs when a person knowing that the other person is entitled to own, possess or control any property, damages or destroys that very property. It includes scenarios whereby a home is burnt to the ground or otherwise made uninhabitable in such a manner, as the only option toward making the home habitable is to completely rebuild

it. During the quarter **44** cases of malicious damage to property were recorded during the quarter.

- On 25 September, Titus Manyika's Ford Ranger vehicle was vandalized during inter-party clashes between ZimPF and ZANU PF supporters at Dunaventu Farm, in Guruve, Mashonaland Central.
- On 24 August, A Zimbabwe Broadcasting Corporation vehicle and a ZRP vehicle were torched in Harare central business district during a march by MDC-T youths marking the launch of a campaign dubbed #MyZimbabwe
- On 24 August, suspected ZANU PF supporters at around 11:30pm burned down the house of the MDC-T Masvingo provincial youth Chairman Philip Chingini. The victim lost property worth \$9000. The arson attack was reported at Nerupiri police station under RRB Number 2758755.<sup>14</sup>
- On 6 July at house number 2219 First Street in Makokoba a policeman threw a teargas canister into Gogo Dube's house causing a fire, which burnt the house and destroyed all household property.<sup>15</sup>

### **Presentation of cases of political violence**

A total of 1568 cases were recorded during the quarter. These cases of civil and political violations during the period are tabulated below.

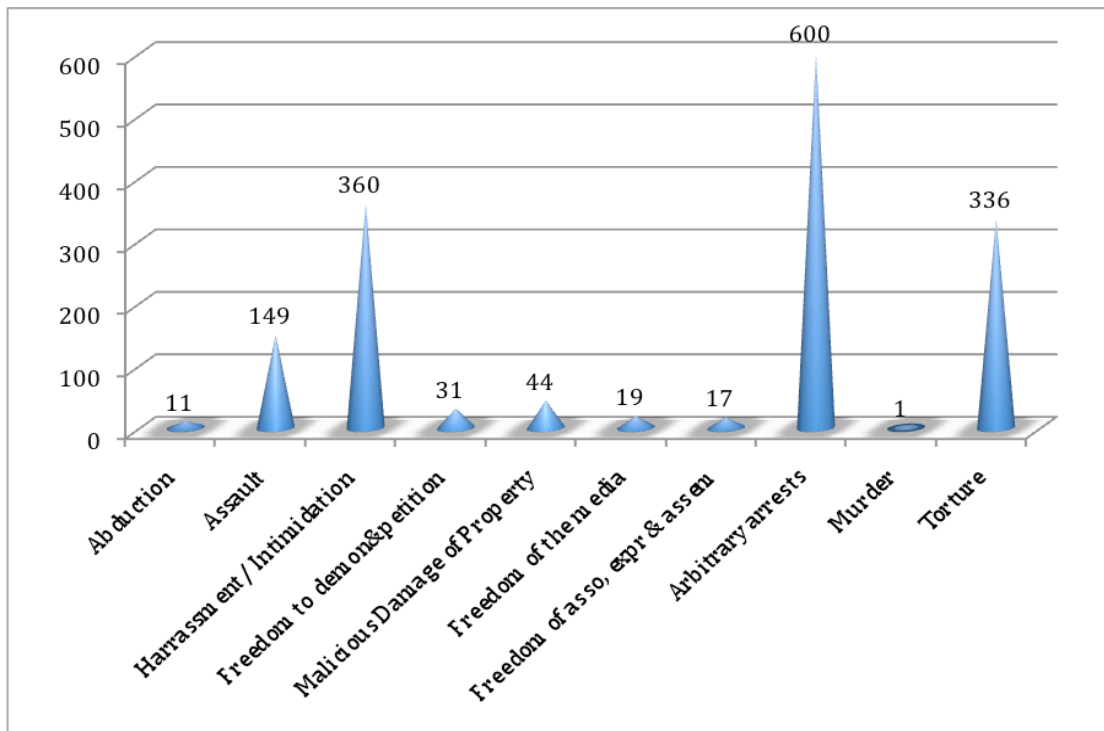
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<sup>14</sup> The Newsday 28 August 2016

<sup>15</sup> See Zimbabwe Peace Project, Human Rights Violations, Monthly Monitoring Report, July 2016



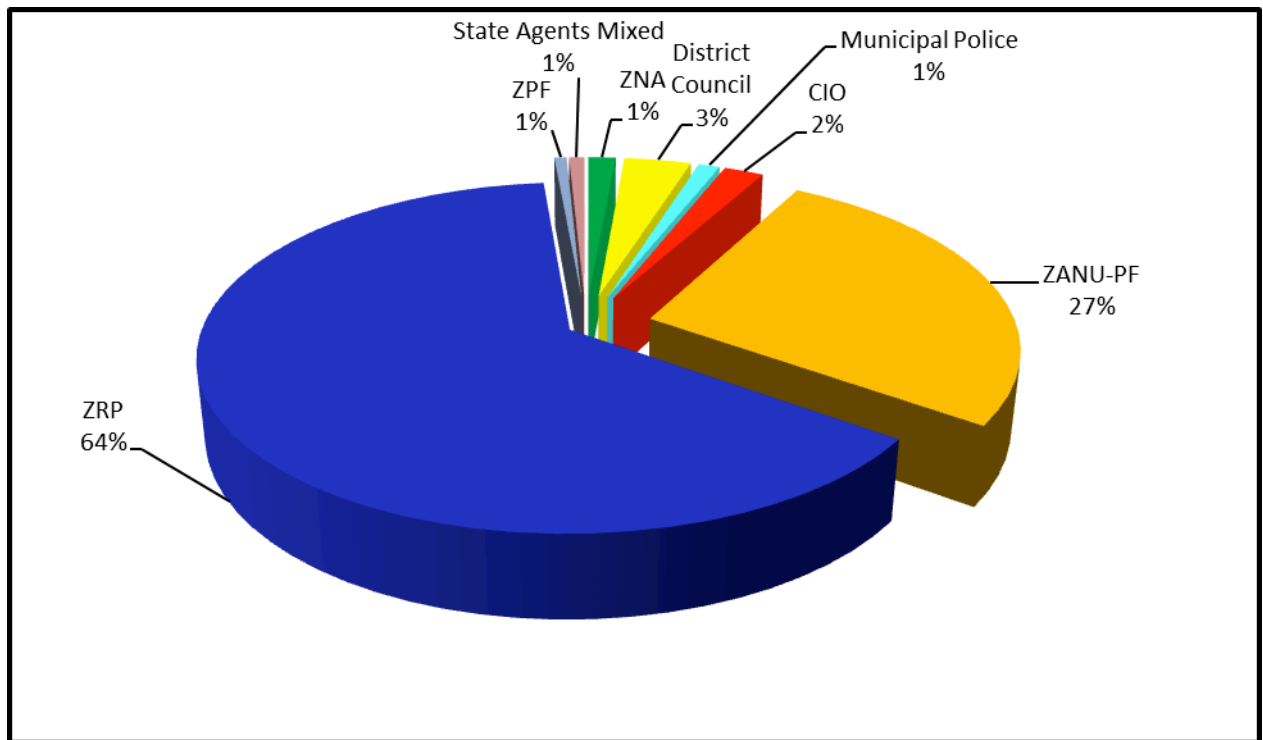
Figure 2: Cases of political violence July to September 2016



SOURCE: Consolidated statistics from the Forum, member and partner organisations and verified press reports

The violence surge observed during the quarter was mainly associated with demonstrations against deteriorating socio-economic and political conditions in the country, resulting in state-sponsored violence through attacks on peaceful demonstrations by riot police. Key violence episodes were linked to police violent repressions of peaceful demonstrations and attacks of participants at MDC-T and Zimbabwe People First rallies by ZANU PF youths. An unerving characteristic of the violations was abductions. A total of 11 abductions were recorded.

**FIGURE 3: Distribution of Perpetrators by Violator Institution 1 January to 30 September 2016**



ZRP was responsible for 64 % of the violations. ZANU-PF supporters were named as perpetrators in 27 % of the cases of violence reported since the beginning of the year.

## **Section 2: Economic, Social and Cultural rights**

The Constitution has a broad human rights matrix with new entitlements that include, the right to health, education, clean and safe water, food, language and culture, labour rights, environmental rights and trade or occupation. These rights are progressively realized over time.

### **a. The right to education**

The right to education is recognised in domestic, regional and international human rights instruments to which Zimbabwe is a State party. The Constitution provides for the right to education for all citizens and permanent residents, and calls for State resources to be made available in order to fulfill this right. Further the State must take reasonable legislative and other measures within the limits of resources available to

make the right to education progressively realized. The Convention on the Rights of the Child, to which Zimbabwe is a State Party, emphasises the need for young persons to reach the highest level of education of which they are capable. However, school heads disregarded the right to education by sending pupils away over non-payment of fees and levies. It is illegal for schools to chase school children away from classrooms over outstanding school fees. Parents should however not ride on that legal provision to avoid paying fees.

### **b. The right to food**

The distribution of food aid continued to be politicised, selective and discriminatory. While the government has persistently denied partisan distribution of food, an investigation conducted by the Zimbabwe Human Rights Commission (ZHRC) between May and August 2016 revealed evidence of partisan distribution of food by District Administrators, village heads, headmen and village secretaries in Bikita East, Mazowe Central, Muzarabani North and South and Buhera North. The investigations also unearthed unbridled maladministration on the part of District Administrators in contravention of SI 1/2000, which requires public officials to be apolitical. Ruling party members were the major perpetrators of violations in food distribution and in areas such as Bikita East and Mazowe Central constituencies, ZANU PF youths who are not even part of the distribution committees were involved in the distribution of food aid and agricultural inputs. About four million (a third of the population) is in need of food aid following the ELNino induced drought.

During the months of July and August, Heal Zimbabwe recorded a total of **91** cases of unfair food aid distribution. Although partisan distribution of food was recorded in most parts of the country, the most affected provinces were Masvingo, Mashonaland Manicaland and Mashonaland East, The violations were committed through issuance of politically motivated threats during food aid distribution (20), corruption during food distribution (11) and discrimination on the basis of political affiliation (37) or based on food for work activities (23). While the Zimbabwe Peace Project recorded a total of 105 cases from July to September<sup>16</sup>

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<sup>16</sup> See the Zimbabwe Peace Project, Human Rights Violations, Monthly Monitoring Reports for July, August & September 2016

### **c. The right to safe and clean water**

Access to clean and safe water is a universal right of every citizen and is enshrined in Section 77 of the Constitution of Zimbabwe. Despite this constitutionally guaranteed right, there are persistent severe water shortages, partly as a result of disconnection of water services to households and public institutions. Areas such as Mabvuku in Harare, for example have not had running water for the past 16 years. This results from government's lack of commitment to fulfill the right to water through the budgeting process as well as poor administrative procedures and arrangements. Water shortages have been exacerbated by the ELNino induced drought that has seen national dam levels falling as low as 41, 9 percent as of 20 October 2016. Daily routines have been affected by the shortages as citizens now spend most of their time searching for water. In some areas like Chitungwiza, water is being sold at \$1 for three 20litre buckets while others are selling at \$1 per bucket. Cases of typhoid were reported in Mabvuku and Chitungwiza.

### **d. Violation of the right to health**

The right to health is guaranteed in domestic, regional and international conventions to which Zimbabwe is a state party. These include, the Constitution of Zimbabwe (Sec 76 (1)), the African Charter and Peoples' Right (Article 16) and the International Covenant on Economic, Social and Cultural Rights (Article 12) (ICESCR) During the period, mental health institutions such as Ingutsheni Hospital were facing severe drug shortages as a result of financial constraints to purchase the essential drugs. Harare and United Bulawayo hospitals also suspended surgical operations due to drug shortages.

The stock out of essential drugs at public hospitals is depriving Zimbabweans of the right to life by causing premature deaths. According to the Director of family health, Bernard Madzima, about **10** maternal deaths were recorded every week with most occurring in hospitals and clinics contrary to the common belief that maternal deaths happen during home deliveries. In 2015, of the 582 maternal deaths that were recorded, 500 were in hospitals and clinics.

### **e. Freedom from arbitrary eviction**

Freedom from arbitrary eviction is protected in section 74 of the Constitution which states; “*No person may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances*”. Contrary to this, the government has carried out demolitions even it is aware of constitutional guarantees of freedom from arbitrary evictions. The following are some illustrations of cases of arbitrary evictions that were carried out during the period.

- In August, Harare City council warned illegal settlers on council land to stop further developments and keep their building materials or risk having their properties demolished. A total of 13 settlements were targeted for demolitions and these are in the following areas Glen View, Kuwadzana, Mufakose, Glen Norah, Hatcliffe and Dzivarasekwa.<sup>17</sup>
- On 08 September, over 50 farm workers and their families were evicted from Paradise Farm in Darwendale. A one Ernest Chikambi purporting to be to be closely linked to President Robert Mugabe carried out the evictions with the help of the police. The evictions and property demolitions were done without any notice or a high court order. The farm workers had some of their goods and furniture dumped out on the road while the remaining property was set ablaze.<sup>18</sup>
- On 27 July, Harare City Council with the help of riot police demolished houses at Eyestone, Waterfalls, and Harare. No notice was given and neither were residents allowed to remove their belongings.

### **Conclusion**

There has been an alarming spate of abductions and arbitrary arrests and detentions during the quarter. Abductions alienate victims from the protection of the law and enable the state to feign ignorance of the whereabouts of disappeared persons. Abductions, arbitrary arrests and detentions can be used for committing and concealing a series of other violations that include unlawful killings, torture and inhuman and degrading treatment and punishment. There was apparent connivance between the ZRP, ZNA and CIO in these violations. No reasonable attempts were made by the state to proactively deal with the causes of public discontent with government culminating in social unrest. Government did not show commitment

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<sup>17</sup> <http://nehandaradio.com/2016/08/20/harare-city-threatens-demolish-illegal-houses/>

<sup>18</sup> See statement by the Zimbabwe Peace Project, Darwendale farm workers forced into destitution, accessible at <http://www.zimpeaceproject.com/?p=466>,

towards addressing social and economic rights violations. The State President actually castigated the ZHRC for working under the terms of its mandate and expressing concern over partisan food distribution, instead of conceding to the anomaly by government and undertaking to address the concern. In the outlook, deteriorating social and economic conditions is fuelling public discontent with government and this was expressed through social protests. Government's failure to address these deteriorating conditions will ignite more social protests that government may repress with more heavy-handed tactics including torture. It is likely that if the public is not cowed into submission and government remains unresponsive to public complaints organised violence and torture may remain prevalent in the future.

## Appendix 1

### Demonstrations and petitions 01 July-30 September 2016

Date	Location	Organisations	Narration of events	Number of victims
01-Jul-16	Beitbridge	Cross-Border Traders	People angered by the import limitations of SI64 protested at the border post, setting a warehouse alight.	0
04-Jul-16	Bulawayo; Epworth; Hatfield; Mabvuku; Ruwa; Zimre Park	Commuter Omnibus Operators	Commuter omnibuses went on strike in Bulawayo and Harare. In high-density suburbs in Harare, they barricaded the roads with bricks and burning tires. In many areas the police responded violently.	42
06-Jul-16	Nationwide Stay Away	#ThisFlag	A July a national stay away coincided with a civil servants strike against their delayed pay dates. In some areas the Stay Away was successful and peaceful. However, in Budiriro and Mufakose the police attacked and assaulted participants in the Stay Away, in Bulawayo people were severely assaulted and tear gassed. In Bulawayo some protesters established barricades to block roads into town.	104
13-Jul-16	Harare	#ThisFlag, Tajamuka, OAUS	Following the arrest of the #ThisFlag figurehead, Pastor Evan Mawarire, thousands of people gathered at the Harare Magistrate Court in solidarity with him.	0
15-Jul-16			NAVUZ demonstrated against the worsening economic conditions and growing restrictions on vendors by the police. The Riot Police violently broke up the demonstration, firing large amounts of teargas.	5

	Harare CBD	NAVUZ		
16-Jul-16	Bulawayo; Kwekwe; Chitungwiza	MDC-T	MDC-T women protested the deteriorating economy and growing hunger by beating their cooking pots.	0
26-Jul-16	Bulawayo	WOZA	WOZA staged a protest against police brutality and the deteriorating state of the economy.	0
03-Aug-16	Harare	Tajamuka	Tajamuka activists protested the government's threat to introduce bond notes to the economy. Riot Police broke up the protest violently, injuring journalists as well as activists.	10
11-Aug-16	Africa Unity Square, Harare	OAUS, Tajamuka	OAUS and Tajamuka activists gathered in Africa Unity Square to demand the return of Itai Dzamara. They offered cake and flowers to the Riot Police.	0
13-Aug-16	Gweru	MDC-T, ZPF	MDC-T held a demonstration to protest Robert Mugabe's failure to solve the economic crisis. The leadership and supporters of ZPF, who were in Gweru for a party rally, joined them.	0
15-Aug-16	Uzumba Maramba Pfungwe	RTUZ	Teachers from RTUZ began a 200km, 10-day march to protest the poor pay of rural teachers and to protest police violence. Later in the week they were arrested and threatened, so cut the march short.	0
17-Aug-16	Harare CBD	Tajamuka	The Riot Police fired teargas and attacked protesters from Tajamuka, who were demanding that Mugabe step down.	3
18-Aug-16		WOZA	WOZA held a peaceful demonstration in Bulawayo to demand that government scrap	0



	Bulawayo		school levies.	
18-Aug-16	Harare Central Police Station, Harare	NAVUZ, Tajamuka	Activists marched to Harare Central Police Station, where they handed the police flowers as a peace offering. The leader was severely beaten.	1
18-Aug-16	UNICEF Offices, Harare	OAUS	Members of OAUS demonstrated outside the UNICEF offices, following a statement from UNICEF supporting the state media's criticism of OAUS allowing children to be present at peaceful demonstrations.	0
24-Aug-16	Harare CBD	MDC-T	MDC-T activists held a march to protest police brutality. The march was violently broken up by the Riot Police, using teargas and water cannons.	18
25-Aug-16	Harare CBD	Zimbabwe Pastors' Conference	Heavily armed police disrupted a peaceful march by church leaders to protest misrule and police brutality.	0
26-Aug-16	Harare CBD	NERA	People from the activist groups and from the political parties working together under the NERA platform attempted to hold a march asking for electoral reforms. The march was violently thwarted by the Riot Police, who then fought running battles with small groups of protesters in the CBD. Over 70 people were arrested.	43
12-Sept-16	Harare CBD	NAVUZ	NATIONAL Vendors' Union of Zimbabwe (NAVUZ) leader Standrick Zvorwadza led a group of protesters against cash shortages by addressing people in Queues at banking halls.	0
17-Sept-16		NERA	On 17 September, Following the ban on protests in the central Harare, NERA called for protests in all constituencies. Many of	23

	National		these protests were violently broken up by the riot police, resulting in arbitrary arrests of many people.	
21 Sept-16	British Embassy, Hare	#Tajamuka	Members of #Tajamuka protested at the British Embassy in Harare calling for the British Government to recall Ambassador Catriona Laing from Zimbabwe for allegedly protecting President Mugabe's government	0
26-Sept-16	Harare CBD	NAVUZ	Vendors protested against the municipal police in Harare. The municipal police were confiscating the vendor's wares and this resulted in a violent reaction by the vendors who chased away the municipal police officers and deflated the council tractor tyres. The ZRP anti-riot squad moved in with teargas and dispersed the protesters.	0
26-Sept- 16	Chiredzi Town	Sugar Production and Milling Industry Workers Union of Zimbabwe	Workers from the sugar plantations protested against the Land seizures by the Provincial Governor and other senior state officials. They were concerned that the move was resulting in many workers losing employment as production stops as soon as the land is taken over. Some ZANU-PF supporters who are against the land expropriations also joined the workers.	0
27-Sept-16		NAVUZ, ZANU-PF youths	ZANU-PF allegedly attacked NATIONAL Vendors' Union of Zimbabwe (Navuz) offices in Harare. Members of the union reacted and there were clashes in the street. A member of NAVUZ leadership was abducted in the	1

	Harare CBD		evening of the same day.	
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