

ZIMBABWE HUMAN RIGHTS



ALERT

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CONSTITUTIONAL AMENDMENTS, A DECIMATION OF DEMOCRACY

Civil society, opposition political parties and analysts have condemned the recent signing of the Constitution of Zimbabwe Amendment (No.2) Act 2021 (the Constitution) by President Mnangagwa. The amendments contained in the amendment have been described as a step back in the promotion of democratic principles in Zimbabwe.

The constitution amendments will consolidate power in the hands of the president who will appoint and fire senior judges of the Constitutional Court and Supreme Court without the involvement of parliament or the Judicial Services Commission. This, analysts believe, will compromise the independence of the courts as they become answerable to the president who can also appear before them.

“What we are seeing is the concentration of power in



the hands of the president doing away with the system of checks and balances. If the President can choose judges without the involvement of the Judicial Service Commission, the judges are exposed to manipulation and no independence. The citizens may never get the justice they deserve from the courts,”

said Musa Kika, Executive Director of the Forum.

The amendment was also designed to extend Chief Justice Malaba’s term of office. This move was, worryingly, linked to the 2023 elections. Malaba headed the Constitutional Court that awarded victory to President Mnangagwa following a challenge of election results by the opposition MDC Alliance. Malaba was retired by the High Court when it ruled that he had reached the retirement age and his term of office could not be extended.

“Justice Malaba’s planned continued stay in power



“

should worry every Zimbabwean who believes in constitutionalism and democracy. How does the system deny allegations that this is in preparation for the 2023 elections? Justice Malaba’s stay betrays government’s worry of a disputed election and they will need cover in the courts,”

said Rose Hanzi, Director of Zimbabwe Lawyers for Human Rights.

In a statement, Veritas said the Act had been hurried, omitting requirements for the Speaker of Parliament to give at least 90 days’ notice in the Government Gazette. The notice is designed to allow members of the public to scrutinise the proposed amendments and provide input through their various representatives in parliament.

“The haste with which the Bill (now an Act) was being

“

rushed through Parliament is almost indecent. It is certainly inappropriate for a Bill that will amend the Constitution, the country’s supreme law. So rushed has the process been that Members were given no proper notice of the Minister’s amendments, and some additional amendments were made to the Bill that were not notified in the day’s Order Paper – one member pointed out that she had not been allowed time to give proper notice of the amendments she proposed.”

-Veritas statement.

This Act amends various clauses of the Constitution, with the result that it wholesomely undermines separation of powers, checks and balances, citizen participation, Parliamentary oversight and independence of institutions.

Click on this link to [watch video](#) statement on the Constitution Amendments No.2 Bill.

Click on this link to read the [full statement](#) by Veritas.

Click on the link below to access the [full statement](#) by Zimrights.



Photo by Tony Karumba



CALL THE GOVERNMENT TO ORDER, AU URGED

The Forum appealed to the African Commission on Human and People's Rights (ACHPR) to ensure the Government of Zimbabwe applies the basic tenants of democracy and respect for human rights in the country. The appeal was made in a statement presented and read at the recently ended Virtual 68th Ordinary Session of the African Commission on Human and People's Rights (ACHPR).

The statement presented by the Forum highlighted several concerns of ongoing human rights to read violations in Zimbabwe. The Forum raised concern on the exploitation of COVID-19 regulations by the security services sector to effectively clamp down and restrict the constitutionally enshrined rights of citizens. Between January and April 2021, 38 cases of assault and torture involving members of the security sector have been recorded while 59 cases of arbitrary arrest are on record.

“State security agents continue to be at the epicentre of incidents of arrest, torture, abduction and harassment of perceived opposition figures and dissenting voices. Notably, human rights defenders, journalists and opposition party supporters remain the targeted recipients of aggressive retributive justice, frequently under the guise of enforcing COVID-19 regulations,” noted the Forum. “A systematic culture of impunity and lack of political will to address these injustices has resulted in an increase in incidents of organised

violence and torture with 938 cases of organised violence and torture being recorded by the Forum in 2020.”

The suspension of election under the guise of COVID-19 was also flagged out as a blatant violation of the citizens' right to representation. The statement referred to the successful holding of elections in Tanzania and Malawi under strict adherence to COVID-19 measures as regional examples that Zimbabwe should follow if the authorities are sincere about upholding democracy and respect for human rights.

“The Forum is concerned with the continued exclusion and disenfranchisement of citizens from representation through electoral processes, particularly as at least 35 parliamentary seats and 165 local council seats are currently vacant. Whilst the Forum commends the resumption of voter registration and some field work by the Zimbabwe Electoral Commission, the continued suspension of by-elections denies citizens representation.”

Other subjects on concern raised with the Commission include imminent threats to civic space through draconian laws; pending constitutional amendments deemed undemocratic and the misuse of the justice system to silence dissenting voices.

See the full statement [here](#).

CIVIL SOCIETY URGED TO PRESS FOR ACCOUNTABILITY

Civil society and other key stakeholders in Zimbabwe have been called upon to remain vigilant in advocating for the respect and promotion of people's rights in the face of inaction by government and other public authorities on matters of concern. The wakeup call comes as several incidences of flagrant human rights violations seem to have fallen off the agenda despite the lack of action by responsible authorities.



Civil society and other pillars of democratic and open societies exist to hold the state accountable and transparent in its mandate to govern the citizens. We are witnessing the deliberate deployment of the delaying tactic where authorities make pronouncements and delay to take action until the country forgets and moves on without justice being served for victims,

said Wilbert Mandinde, Programmes Coordinator at the Forum.

Several incidences of gross human rights violation involving the police have transpired but no result of investigations or punitive measures have been announced.

In October 2020, a police officer fired teargas into a bus full of passengers following skirmishes with the bus crew. Social media video showed elderly women and children jumping out of the bus through windows. Two incidences involving minors were recorded in 2021 when a police officer allegedly struck to death a baby strapped on its mother's back while in another incident two minors were detained in police cells contrary to laws protecting the rights of minors.

Women and Law in Southern Africa Director, Fadzai Traquino, bemoaned the silence around the abuse of women by men in positions of authority with impunity.



We had former Vice President, Kembo Mohadi, resigning following allegations of abusing his office for sexual favours from subordinates. He resigned from government but remains vice president of the ruling party meaning his shameful conduct is somewhat acceptable in the party,

said Ms Traquino.

According to Ms Traquino, incidences of misconduct and violation of people's rights should be accounted for at law. The police and responsible authorities should be accountable and civil society has a major role to keep demands for justice on the table.



THE FREEDOM TO DEMONSTRATE AND PETITION DURING THE COVID-19 LOCKDOWN

By Noble Chinhanu

1. The freedom to demonstrate and petition is vitally important and a critical right in a functional democracy. It is a way in which the public voices their dissent against issues affecting them to the authorities and is kith and kin with other constitutionally guaranteed freedoms of assembly and association as well as freedoms of conscience and expression. The Constitutional Court held in the matter of Democratic Assembly for Restoration and Empowerment and 3 Others v Saunyama N.O and 3 Others (CCZ 9/18, Civil Appeal No. CCZ 5/18) [2018] ZWCC 9 (17 October 2018) the following:

“(P)rotests and mass gatherings remain one of the most vivid ways of the public coming together to express an opinion in support of or in opposition to a position. (...) Long after demonstrations and long after the faces of the demonstrators are forgotten, the messages and the purposes of demonstrations remain as a reminder of public outrage at, or condemnation or support of an issue or policy. (...) Demonstrations have thus become a public platform of public engagement and a medium of communication on issues of a public nature in open societies based on justice and freedom”.

2. Also, in the case of *In re Munhumeso and Others* 1994 (1) ZLR 49 (S), the Supreme Court went to great lengths in emphasising that public assemblies and protests are a highly effective method of bringing grievances to the attention of the authorities and seeking redress for harms. However, it was also held in that case that there was a need to reconcile this vital right with the duty of the State to maintain public order and security.
3. This fine balance between the rights of persons and the duties of the State is to be analysed against the backdrop of the COVID-19 pandemic which has changed societal relations by curtailing freedoms of assembly and association. In essence, what is to be analysed is the manner and extent to which the freedom to demonstrate and petition has been limited by the restrictions imposed under the Public Health Act. In other words, can persons still exercise this right and in what manner and to what extent during the COVID-19 prevailing regulations?

Click on this link to see full opinion”

<https://drive.google.com/file/d/1peMQAgVipLds8xnaQAmm3RrEFWkHNuKS/view?usp=sharing>

GALLERY

WHY SHOULD ZIMBABWEANS REJECT THE UNPATRIOTIC PATRIOT BILL?

THE GOVERNMENT WANTS TO CRIMINALISE WHAT IT CALLS UNACCEPTABLE PRIVATE CORRESPONDENCE WITH FOREIGN GOVERNMENTS. WITHOUT CLARIFYING WHAT THIS MEANS, THIS WILL BE ABUSED AND USED AGAINST OPPOSITION ACTIVISTS AND HUMAN RIGHTS ACTIVISTS AND ORDINARY CITIZENS WHO SPEAK UP AGAINST THE GOVERNMENT'S EXCESSES. THE PROPOSED PATRIOTIC BILL WILL GAG US, WE DO NOT WANT IT'



PUBLIC NOTICE

Wilful Transmission of COVID-19

Stay Safe

The Zimbabwe Human Rights NGO Forum urges the public to exercise caution and engage in self-quarantine and isolation if they display symptoms of COVID-19 or have tested positive for COVID-19. The public is reminded that the virus is easily transmittable and poses a serious public health risk.

DID YOU KNOW?

In terms of section 32 of the Public Health Act [Chapter 15:17] everyone has a duty to:

- (a) exercise due diligence and take reasonable precautions under their control to avoid, control or mitigate a public health risk; and
- (b) report a suspected health risk to the relevant health authority as soon as he or she becomes aware of it; and

Be Reminded

It remains a crime to put other members of the public at risk of contracting an infectious disease in terms of section 57 of the Public Health Act. This section provides that any person while knowingly suffering from any infectious disease, wilfully or negligently exposes himself or herself in such manner as to be likely or liable to spread such disease in any public place, commits an offence.

DID YOU KNOW? The UNPATRIOTIC PATRIOT BILL

THE PARLIAMENT OF ZIMBABWE IS DRAWING INSPIRATION FROM AN OBSOLETE LOGAN ACT FROM THE UNITED STATES OF AMERICA TO DRAFT THE PROPOSED PATRIOTIC BILL. THE LOGAN ACT WAS PROMULGATED IN 1799, MORE THAN 220 YEARS AGO. THE ACT HAS ONLY BEEN UTILISED IN TWO CRIMINAL CHARGES. THERE HAS NEVER BEEN A SINGLE SUCCESSFUL PROSECUTION IN THE PAST 200 YEARS.'




WHY SHOULD ZIMBABWEANS REJECT THE UNPATRIOTIC PATRIOT BILL?


THE PROPOSED PATRIOT BILL IS OPEN TO ABUSE TO SAFEGUARD INTERESTS OF SELECT GROUPS OR INDIVIDUALS UNDER THE GUISE OF PROMOTING NATIONAL INTEREST. GIVEN THE TRACK RECORD OF THE ZIMBABWEAN GOVERNMENT, CITIZENS WILL BE ARRESTED AND PROSECUTED FOR CRITICISING AND/OR RAISING ALARM AGAINST GOVERNMENT POLICIES AND ACTIONS. EVERY SOVEREIGN NATION IS ENTITLED TO PROTECT ITS DOMESTIC INTEGRITY FROM EXTERNAL INTERFERENCE AND EQUALLY IMPORTANT, CITIZENS SHOULD ENJOY THE RIGHT TO FREELY EXPRESS THEMSELVES.




ACTION ALERTS



The Forum represented Mrs Vongai Tome at the courts following her arrest on charges of disorderly conduct. Mrs Tome was arrested after she raised alarm that a police officer had fondled her breast during a melee between police and crowds that had gathered in solidarity with opposition activist Makomborero Haruzivishe who was being sentenced at the Magistrates Court in Harare. Mrs Tome endured 22 days in prison and was subsequently granted bail.



The Forum represented Nyasha Chiramba, a law student, who filed a court application seeking an order to compel the Minister of Home Affairs and Cultural Heritage and the Attorney General to facilitate a process for the enactment of a law that prescribes a code of conduct for senior government officials. The court application followed the widespread circulation of video and audio clips alleging the abuse of office by former Vice President Kembo Mohadi to obtain sexual favours from his subordinates. The Constitution of Zimbabwe requires the regulation of the conduct of Vice President, Ministers and Deputy Ministers but the law has been delayed for over eight years.



The Forum attended a remand hearing for three clients who were arrested in Chinhoyi in December 2020 on charges of public violence. The three were part of a group that had gathered for a meeting to prepare for a ZANU PF district elections when they were accosted by members of the police who assaulted them and ordered them to disband. Upon making a police report on the assault they were arrested and charged. The trial date has been set for 20 May 2021.

FORUM MEMBERS IN ACTION



Zimbabwe Peace Project

- Watch these two creative and insightful videos from the Zimbabwe Peace Project; ZIMBABWE@41 “All we need is to benefit from our mineral resources. Instead, they are looted to foreign countries.” [Watch video](#). Did you know you have guarantees to your right to personal security and freedom from ALL FORMS OF VIOLENCE? Watch the know your constitution [video](#). The monitoring and documentation organisation also launched a special report on the impact of COVID-19 on socio-economic rights in Zimbabwe.



Transparency International Zimbabwe

launched two reports detailing the scourge of corruption in the public health sector - “A [report](#) on the Corruption in the health care sector in Zimbabwe” and “An [analysis](#) of the illicit financing in the health sector.” State anti corruption agencies including the police, National Prosecuting Authority, Judicial Services Commission and the Special Anti-Corruption Unit were also gathered for a breakfast round table to discuss ways to tackle the plague of corruption.



Amnesty International Zimbabwe

launched a report titled ‘We Are Like “Stray Animals”: Thousands Living On The Margins Due To Statelessness in Zimbabwe’. The report highlights the marginalization of particular population groups in Zimbabwe where there are over 300 000 people at risk of being stateless. See full report on this [link](#).



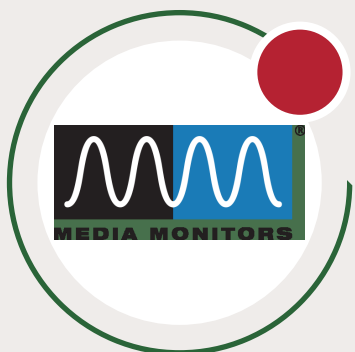
Research and Advocacy Unit

continued with the reflection meetings on the devolution agenda through engagement with community stakeholders. Meetings were conducted in Bulawayo, Bindura and Gwanda where local representatives, youths organisations and residents organisations tackled issues of child marriages, the impact of COVID-19 and women empowerment.

“For women empowerment to have far reaching impact there is need for men to support the cause.” – Madrin Chiku, RAU Director.



Zimbabwe Association of Doctors for Human Rights supported Gweru Isolation Facilities with PPE & hygiene material towards the fight against Covid-19. The donation included infrared thermometers, B/50 surgical face masks, reusable face masks, face shields, B/100 latex gloves, medical gowns, gumboots, N95 masks, caps, goggles, sanitisers, handwashing soap, brooms, water buckets, mops and methylated spirit.



Media Monitors convened community meetings in Harare South, Mashonaland Central and Mashonaland West to discuss information needs and accessibility. According to citizens guarantees of freedom expression are important before they openly engage with media.



Zimbabwe Lawyers for Human Rights continued its sterling work representing various clients at the Magistrates Courts. The ongoing weaponization of the courts has seen an increase in the arrest of opposition activists and citizens especially within the premises of the Magistrates Court. ZLHR secured freedom for journalist Hopewell Chin'ono after the High Court ruled that he had been charged through a non-existing law. Ngonidzashe Mupfumba, Patrick Shumba and Kudakwashe Butau were released on bail while other clients represented by ZLHR include Tereraí sithole, Lengwani Mavhunga and Munyaradzi Mafarikwa.

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TOLL FREE NUMBERS

Econet 08080242; Netone 08012020

**Have you been harassed?
Have you been assaulted?**

**TO REPORT CASES
AND RECEIVE FREE ASSISTANCE**

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