

# Month of horror

*...citizens exercise their right to demonstrate against rights abuses*



United? ...for a worthy cause?...Hundreds of people gathered at the Harare Magistrates Court on Wednesday in solidarity with Pastor Evan Mawarire

HARARE-Zimbabwe has just experienced one of its worst nightmares in recent years, even for a country used to routine human rights abuses by law enforcement agents.

The month of July was full of drama, which has spilled into August.

Sadly, the Zimbabwe Republic Police (ZRP) chose to play the villain and turned the month into a human rights disaster.

Children were detained in filthy cells. In Bulawayo, Beitbridge and Harare, police rounded up hundreds of people.

People in areas such as Epworth and Mabvuku, as well as those doing their shopping in Harare's city centre, suffered indiscriminate brutality.

Evan Mawarire, a popular pastor whose only crime was to use social media to campaign for an end to corruption and human rights abuses, endured detention in police cells before

being released by the courts.

Water cannons, groups of menacing, baton wielding police became a common sight, including at the Harare Magistrates' Court.

In Lupane, police imposed an illegal ban on gatherings, telling a grassroots empowerment group that this was due to "security unrest".

Lawyers representing those caught up in the crackdown were not spared the harassment.

Harrison Nkomo and Andrew Makoni, Zimbabwe Lawyers for Human Rights (ZLHR) members, were blocked by police from entering the courtroom when their war veteran clients were charged with undermining or insulting the authority of the President.



Human rights lawyers Irene Petras and Tinashe Mundawarara



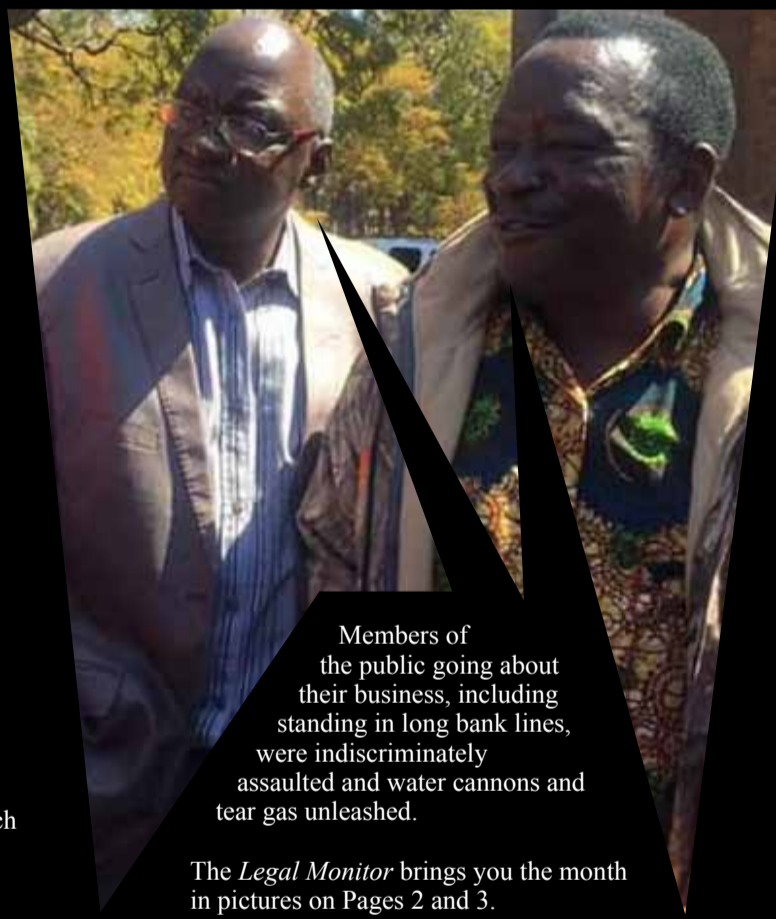
On a positive note, July became the month when Zimbabweans rallied together in solidarity.

Hundreds of people - carrying placards, singing and praying - have become a common feature at court hearings of human rights defenders and activists prosecuted for the role in demanding that government becomes accountable to the people.

## Enter August...

The ZRP seems unrelenting. August opened with horrific scenes in Harare's central business district.

Journalists were assaulted, cameras destroyed, recorders and laptops confiscated and car windows smashed as the police violently crushed a march by groups protesting against joblessness and the imminent introduction of bond notes.



Members of the public going about their business, including standing in long bank lines, were indiscriminately assaulted and water cannons and tear gas unleashed.

The *Legal Monitor* brings you the month in pictures on Pages 2 and 3.

ZNLWVA leaders Douglas Nagoya and Victor Matemadanda outside Harare Magistrates Court



Some of the lawyers who attended Pastor Mawarire's court case

# Season of

*...July in pictures as arrests, vio*



Human rights lawyers Beatrice Metes and Tinashe Mundawarara with Cde Karen after she had been summoned to report at Harare Central Police Station



Some of the ZNLWVA leaders



Dozens of people started trooping to the court as early as 6am. By midday, the number had grown to hundreds of people, who prayed and sang in unison for Pastor Evan Mawarire



Bulawayo...some Women of Zimbabwe Arise (WOZA) members protested against the government's failure to address the country's socio-economic meltdown



Among them... ZLHR lawyer Sharon Hofisi at the protest against introduction of bond notes last week



David Drury one of the lawyers representing the liberation war combatants

# Protests

## Violence dominate dramatic month



Despite the case going well into the night, the crowd remained at the court, unshaken in their support for Pastor Mawarire and the fight for democracy



Protestors from Epworth and Mabvuku – facing public violence charge – with their lawyers at Harare Magistrates Court last week. They were arrested for protesting against police brutality and general deteriorating conditions in Zimbabwe



This picture shows more than 80 Bulawayo residents who were rounded up and charged for allegedly participating in an anti-government protest being held in Bulawayo. They endured time in remand prison until ZLHR intervened to secure them bail. Dozens of other people have been released in Beitbridge but more are still languishing in remand prison



Former Vice President Joice Mujuru meets Irene Petras and Dzimbabwe Chimbga of ZLHR during court proceedings for ZNLWVA leaders



That one is a great picture of Harrison Nkomo, who together with Andrew Malibu represented Douglas Mahiya, one of the ZNLWVA leaders seen outside Harare Magistrates Court

# Tear gas, water cannons and assaults...

## State responds to people's demands for a better life with violence

HARARE-In Zimbabwe, it is always a struggle for individuals and organisations to enjoy many of their constitutionally guaranteed rights without being molested by the police.

Just last week, Transform Zimbabwe, a political organisation, had to petition the High Court to ensure that it enjoyed the right to demonstrate - never mind that this is a right enshrined in the country's Constitution. The demonstration only proceeded because Zimbabwe Lawyers for Human Rights (ZLHR) successfully petitioned the High Court on instructions from Transform Zimbabwe.

"The third respondent has no jurisdiction to determine how the avenues that the Applicants should use to enable them to exercise their right to demonstrate and petition in a peaceful manner," said Sharon Hofisi and Kennedy Masiye of ZLHR in their successful court application challenging the decision by police to ban the protest.

They cited Minister of Home Affairs, Ignatius Chombo, Commissioner-General of the Zimbabwe Republic Police (ZRP) Augustine Chihuri and ZRP Officer Commanding Harare Central District, Newbert Saunyama as first, second and third respondent respectively. Even with court

authorisation, the protestors' calls for an end to corruption, human rights abuses and unemployment were met with a violent reaction by the police.

Heavily armed police descended on thousands of protestors who were marching towards Parliament

to present a petition listing their grievances and demands. Several journalists were among those assaulted by the police with batons, and some had their equipment destroyed.

State organs have over the years continued to violate

rights which are guaranteed in the Constitution, including the right to demonstrate.

Human rights lawyers say they will also continue fighting such actions by ensuring that perpetrators of human rights are held accountable.

## Press freedom a pipedream ...as police is accused of 'barbaric' action

HARARE-The "barbaric" actions of the Zimbabwe Republic Police (ZRP) officials last week, which left several journalists injured while executing their duties, has left many pro-democracy organisations and individuals in shock.

Journalists Idah Mhetu, Lawrence Chimunhu, Haru Mutasa, Christopher Mahove, Tony Manyangadze and Tendai Musiyazviriyo were attacked by police while covering citizens' protests in Harare. ZRP officials were caught on camera while destroying Musiyazviriyo's camera.

Mahove said his recorder was taken away while Mhetu said her camera was broken after she refused to delete photos of police brutally attacking Zimbabweans demonstrating against the pending introduction of bond notes in October.

"This clueless government only knows how to attack innocent people. Today was assaulted by poor and hungry looking police officers who are trying to protect a government that doesn't even care about them..... ndafunga kujamuka kana neni nxa," Mhetu later posted on her facebook page.

Last month, a journalist from The Daily News, Mugove Tafirenyika, was assaulted by ZANU-PF supporters while covering a meeting at the party's headquarters in Harare.

The meeting, attended by the party's supporters, had been convened in solidarity with President Robert Mugabe's leadership following a communiqué issued last week by the Zimbabwe National Liberation War Veterans Association attacking the ZANU-PF leader.

Other Zimbabweans and organisations joined in expressing anger on the police actions last week, especially given that section 61 of the Constitution of Zimbabwe guarantees media freedoms.

"A clear sign of the failure by the Mugabe led government to deal with the current crisis, it shows that the government has no regard whatsoever to the freedom of expression and access to information as enshrined in the national Constitution. We condemn in strongest terms this barbaric act and call upon the international community to reign in on the satanic regime. #journalisminotacrime," said Mlondolozzi Ndlovu.

MISA Zimbabwe said the safety and security of journalists is now at great risk as evidenced by the increasing number of cases involving the assault of journalists while conducting their lawful professional duties.

"It is indeed worrying that the police as custodians of the law should themselves be on the forefront of these wanton unlawful assaults of journalists whose work and right to cover and report events as they unfold is protected by the Constitution," said MISA-Zimbabwe in a statement.

### Know Your Rights

#### Constitution of Zimbabwe Section 59 Freedom to demonstrate and petition

Every person has the right to demonstrate and to present petitions, but these rights must be exercised peacefully.

# Lawyers fight ban

## ..Lupane police loses bid to stop public gatherings

LUPANE-The Zimbabwe Republic Police (ZRP) has banned public gatherings in this Matabeleland North Province, a move that tramples on fundamental rights enshrined in the Constitution.

According to the police in Lupane district, the ban has been necessitated by "security unrest".

But there is some good news.

Zimbabwe Lawyers for Human Rights (ZLHR) intervened to ensure that the illegal ban was overturned and residents enjoy their fundamental rights unhindered.

"The ban was illegal. It is our job to fight such actions," said Lizwe Jamela, the ZLHR Matabeleland Regional Manager.

"The conduct of the police was unlawful. It

is arbitrary hence unacceptable," he told *The Legal Monitor*.

The courts overturned the ban after the intervention by ZLHR.

Nosimilo Chanaiwa of ZLHR now approached the Bulawayo Magistrates Court challenging the ban, which was announced last month after a community group organised a public meeting on socio-economic rights.

The Rural Communities Empowerment Trust (RUCET) had on July 23 notified the police of its intention to hold a public meeting at Lupane Women's Centre when it was informed of the ban.

On 29 July, the police told the organisation that the meeting could not go ahead because there are "no gatherings because of security unrest".



Prisca Dube and Lizwe Jamela of ZLHR spent time with villagers in Lupane in Matabeleland North province at a mobile legal clinic last week. ZLHR partner, Rural Communities Empowerment Trust, assisted in making ZLHR projects lawyers and projects officers accessible to communities at no cost. The meeting only took place after lawyers challenged a police ban of public gatherings in the area

As a non-political group, RUCET's meeting was aimed at educating the public on socio-economic rights as entrenched in the Constitution.

This is in line with the organisations constitutional mandate to educate the public on provisions of the Constitution as provided for in section 7 (c) of the Constitution.

"The conduct (of the police) is a clear violation of Applicant's rights to freedom of assembly and association entrenched in section 58 of the Constitution as well as freedom of expression entrenched in section 61 of the Constitution," said

Chanaiwa in the court application challenging the ban.

"Human rights entrenched in the Bill of Rights are so important that they cannot be arbitrarily or unreasonably taken away by any person including the police. It is Applicant's democratic right to freely convene public meetings without being hindered by anyone," she said.

Chanaiwa argued that RUCET had notified the police of the meeting out of courtesy because no law obliges them to and police have no powers to stop the meeting.

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**HRDs**

**WITNESS AGAINST VIOLENCE**

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**Itai Dzamara**  
Missing since 2015



**Paul Chizuze**  
Missing since 2012