

Freedom in Beitbridge

BEITBRIDGE—More than 30 Beitbridge residents arrested and detained for allegedly participating in an anti-government demonstration are now all free, three months after they were initially charged with committing public violence.

Zimbabwe Lawyers for Human Rights (ZLHR) members Reason Mutimba and Patrick Tererai secured the release of seven residents who were still on remand on 25 October. They were the last batch of 31 Beitbridge residents arrested in connection with the July 1 demonstration to be acquitted.

Beitbridge Magistrate Gloria Takundwa acquitted the seven residents after a full trial. She ruled that the State's case was too weak to warrant a conviction.

"The State failed to discharge the burden of disproving the alibi of the accused and the court leans in favour of the accused," said Magistrate Takundwa, ending months of agony for the residents.

The other 24 residents rounded up by police and charged following the demonstrations that rocked the border town in July had already been acquitted following the intervention of ZLHR. They all had been charged with public violence in contravention of Section 36 (1) (a) of the Criminal Law (Codification and Reform) Act [Chapter 9:23].

Prosecutors had claimed that the residents were part of a group of people who staged a protest at Beitbridge border post through barricading roads, vandalising traffic control lights, looting clothes, blankets, television sets and set ablaze a Zimbabwe Revenue Authority warehouse.

The demonstration, which precipitated similar actions countrywide, was in response to the government decision to gazette a Statutory Instrument banning the importation of a wide range of basic commodities that are in short supply in Zimbabwe.

Freedom for the Beitbridge residents did not come easy. After being rounded up in a dragnet arrest, some of the residents were detained in police cells for days. Others were locked in remand prison for weeks before they were freed on bail and subsequently acquitted.

Human rights lawyer Reason Mutimba described the situation as deplorable. He condemned the harassment innocent people.

For example, Tawanda Mukamwe, Donald Mukupe, Mike Nyamhanga and Alois Jinga spent close to a month in remand prison, only to be freed on bail on July 25. They were subsequently acquitted. Magistrate Takundwa

had initially denied them bail on the basis that they were facing a serious offence which would influence them to abscond and that investigations were still pending among other reasons.

She later granted them \$50 bail each and ordered them to report to Zimbabwe Republic Police station once a week and not to interfere with witnesses among other conditions.

Other residents arrested during the same period had earlier been granted bail by the High Court after Magistrate Takundwa had denied them bail.

Mutimba said human rights lawyers would, however, continue defending human rights defenders despite the stumbling blocks placed their way.

"We are committed to see human being enjoy and have his or her rights respected and enjoyed to the fullest and we will never leave any stone unturned for the attainment of these rights for a better and New Zimbabwe," Mutimba told *The Legal Monitor* after the acquittal of the last batch of the Beitbridge residents.



Free at last...Some of the Beitbridge residents acquitted last week with their lawyers

All set for Zim review

GENEVA, Switzerland—Zimbabwean government is this Wednesday set to present to United Nations Human Rights Council (UNHRC) progress it has made in improving the human rights situation in the country since 2011.

Vice President Emmerson Mnangagwa is expected to lead the Zimbabwean delegation to the Universal Periodic Review Mechanism (UPRM), a process established by the United Nations Human Rights Council. It is a peer country to country review mechanism of the overall human rights situation of UN member states.

Zimbabwe participated in the process for the first time in 2011 and accepted various recommendations to improve the human rights situation in the country.

Since the last review, Human Rights Defenders, citing the disappearance of activist Itai Dzamara and police's brutality on protestors, among other examples, say the human rights situation in Zimbabwe remains dire.

This is despite the fact that the country enacted a new Constitution in May 2013, which has an expanded Bill of Rights, incorporating all generations of rights.

Please note: Proceedings of the UPR at the United Nations Human Rights Council (UNHRC)'s headquarters in Geneva, Switzerland can be watched live by simply following the link: <http://webtv.un.org/>

As part of its efforts to raise awareness of the UPR process in the country, Zimbabwe Lawyers for Human Rights on behalf of the civil society's UPR Steering Committee representatives the National Association of Non Governmental Organisations, the Zimbabwe Human Rights NGO Forum and ZLHR itself, will host a Zimbabwe UPR Interactive Dialogue Public Screening last week on Wednesday in Harare, Bulawayo and Mutare, where people can followed live the screening of proceedings of the interactive dialogue during the review of Zimbabwe.



ZLHR Mourns Dr Zinhumwe



Then NANGO Chief Executive Officer, Cephas Zinhumwe, with United Nations Human Rights High Commissioner Navi Pillay at the offices of ZLHR in Harare in May 2012. Commissioner Pillay held discussions with representatives of Zimbabwe's civil society in the ZLHR boardroom, with Zinhumwe playing a leading role

ZIMBABWE Lawyers for Human Rights (ZLHR) has learned with deep sadness of the loss of Dr Cephas Zinhumwe, the Chief Executive Officer of the National Association of Non Governmental Organisations (NANGO) on Saturday 29 October 2016.

Dr Zinhumwe steered NANGO during a tumultuous period for civil society in Zimbabwe. His humility, commitment and passion for assisting his fellow citizens, stood out as reflected by the persecution he endured including being arrested and detained at one time for allegedly breaching some provisions of the draconian Public Order and Security Act.

It is no surprise that through his commitment to the human rights discourse and to justice for all, NANGO at one point played a key role in the leadership and management of the SADC Council of Non Governmental Organisations, an independent apex organisation of umbrella NGO formations in all the 15 SADC members states, where NANGO played a key role in facilitating civil society contribution to regional integration, for sustainable people-centred development, open and accountable governance and participatory democracy.

His advice and support were always sought out and will be treasured for years to come. His loss will leave a marked void in the organisation and in our hearts.

The ZLHR Board, membership, management and secretariat extend their deepest condolences to Cephas's family and relatives, colleagues and staff at NANGO; and his friends both within and outside the non-profit making sector. He will be greatly and deeply missed. May His Dear Soul Rest in Eternal Peace.

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Condolence message for Dr Cephas Zinhumwe

4 November 2016



Zimbabwe Peace Project (ZPP) condoles the untimely death of Dr Cephas Zinhumwe. He was the Executive Director of the National Association on Non-Governmental Organisation (NANGO). Dr Zinhumwe passed away on 29 October 2016.

ZPP board and secretariat express their deepest sympathy to his family, NANGO staff and all those who witnessed the commitment and effort he dedicated towards influencing observation of human rights in Zimbabwe. He will always be in the thoughts and prayers of progressive Zimbabweans.

May his soul rest in eternal peace.

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= CRIME AGAINST HUMANITY**



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Missing since 2015**



**Paul Chizuze
Missing since 2012**

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Opposition official ‘punished’ for police comments

HARARE- A senior opposition member has been arrested and charged for allegedly inciting party supporters to retaliate against Zimbabwe Republic Police (ZRP) officers in the face of mounting cases of police brutality.

Shakespear Mukoyi, the MDC-T political party’s youth deputy chairperson, was arrested last week on Wednesday and charged with contravening

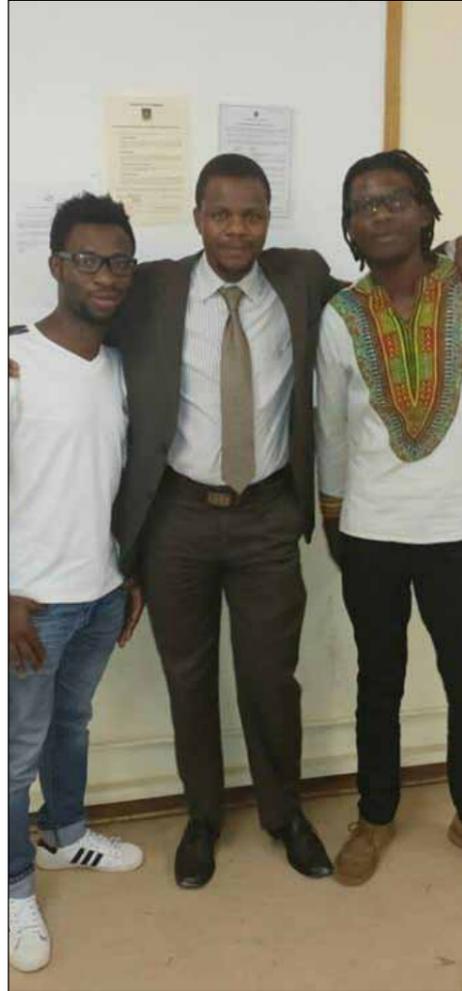
Section Section 187 as read with Section 36 (1) (a) of the Criminal Law (Codification and Reform) Act Chapter 09:23.

State prosecutors accused the 40 year-old Mukoyi of inciting members of the public during a rally held on Sunday 23 October 2016 at Mukandabhutsu Open Space in Harare’s Msasa suburb. According to the State, Mukoyi allegedly uttered the words:

“Kana mupurisa afarisa anenge angotirova ngaachigara kuChikurubi camp nekuti tikazomuona aine uniform achifamba famba tichazomurovawo”, which the State translated to mean: “Overzealous cops who beat us up must remain at their Chikurubi workplace as we will retaliate if we met them walking in town.”

Lawyers for Human Rights member Gift Mtisi. He appeared before Harare Magistrate Arnold Maburo, a day after his arrest and was released on \$100 bail. He was ordered to report once every week on Fridays to police and continue to reside at the given residential address and not to commit similar offences.

Mukoyi is being represented by Zimbabwe Lawyers for Human Rights member Gift Mtisi. Mukoyi’s trial was been set for 24 November 2016.



Zimbabwe Lawyers for Human Rights lawyers Denford Halimani, Jeremiah Bamu and Dorcas Chitiyo on Thursday 27 October 2016 successfully represented some University of Zimbabwe (UZ) students and ex-students, who had been summoned to appear for a disciplinary hearing for allegedly breaching the state-run university’s rules. Tonderai Dombo, Thembinkosi Rushwaya, Alexander Mukamba, Tinotenda Mhangu and Hlalanilathi Khosa were accused of staging a protest against President Robert Mugabe during the institution’s graduation ceremony held in September. Only Dombo was found guilty and given a final warning and fined \$50



For demanding electoral reforms, Human Rights Defenders Pfungwa Gunda and Wayne Rukweza were forced to endure a month in prison.

The two were part of 68 people charged with committing public violence after participating in a demonstration demanding urgent reforms to the country’s electoral system.

They were freed on 21 October after High Court Judge Justice Clement Phiri granted a bail application filed by their lawyer Dorcas Chitiyo of Zimbabwe Lawyers for Human Rights. In this picture, Chitiyo stands outside the High Court with the wives of the two HRDs soon after Justice Phiri’s ruling

Policeman charged over Mugabe jibe

HARARE- The ongoing trial of a Zimbabwe Republic Police (ZRP) officer before his own superiors for allegedly accusing President Robert Mugabe of being “too old to rule” and questioning the nonagenarian’s leader’s marriage choice has raised questions.

Sergeant Thompson Joseph Mloyie is undergoing a ZRP trial for allegedly contravening paragraph 35 of the Schedule of the Police Act (Chapter 11:10), that is, acting in an unbecoming or disorderly manner prejudicial to the good order or discipline or reasonably likely to bring discredit to the Police Force.

The ZRP accuses Mloyie of uttering the words: “President Mugabe achembera haachakwanisi kutonga nyika ino. Ndiye arikuonzera (sic) kutambura munyika ino uye akarooru hure Grace Mugabe,” which ZRP translated to mean

“President Mugabe is old and incapable of leading this country. He is the cause of the suffering going on in this country and is married to a prostitute, Grace Mugabe.”

David Hofisi of Zimbabwe Lawyers for Human Rights (ZLHR) is representing Mloyie. The police officer was arrested early March and charged with contravening Section 33 (2) (a) of the Criminal Law (Codification and Reform) Act Chapter 9:23 for undermining the authority of or insulting the President.

Prosecutors claimed that Mloyie uttered the words “President Robert Mugabe is too old to rule and married a prostitute Grace Mugabe.”

While his trial is pending at Harare Magistrates Courts, ZRP has instituted a police trial before Superintendent Makunike.

Hofisi, of ZLHR, Mloyie petitioned the Constitutional Court .

On 14 November the ConCourt is expected to determine the constitutional application filed by the ZRP officer. He is contesting why low ranking officers do not have the option of being tried by a Magistrate for offences allegedly committed under the Police Act like higher ranking officers in ZRP.

Hofisi is arguing that Mloyie is entitled to enjoy the right to equal protection and benefit of the law as provided in the Constitution under Section 56 (1) and freedom of thought under Section 60 (1) and freedom of expression under Section 61 (1) of the Governance Carter.

Since 2010, ZLHR has attended to close to 200 cases where clients have fallen foul of this law and the bulk of the victims are residents and villagers

residing in the politically volatile Mashonaland Central province.

ZLHR has challenged the constitutionality of Section 33 of the Criminal Law (Codification and Reform) Act (Chapter 9:23) on several occasions, on the basis that it infringes on freedom of expression, particularly of a public figure, and one who must be subjected to scrutiny as a political candidate.

In courts, the National Prosecuting Authority has in recent years and months been withdrawing charges against several suspects after declining prosecution and conceding before Constitutional Court judges that the allegations do not disclose the commission of an offence. This would be after ZLHR would have petitioned the country’s apex court seeking orders challenging the constitutionality of the insult laws.



Zimbabwe Lawyers for Human Rights (ZLHR) was honoured and delighted to have taken part in proceedings held on Saturday 29 October 2016 during the first ever Moot Court competition on Statelessness in Africa by law students held at University of Zimbabwe. The event was organised by the United Nations High Commission for Refugees Zimbabwe Office. ZLHR Acting Executive Director Rose Hanzi and ZLHR member Dr Tarisai Mutangi were part of the Judges, together with Esther Kirimi, a protection officer at UNHCR while ZLHR Programmes Manager Dzimabwa Chimnga, who is also a law lecturer at UZ, was the Director of Ceremonies. Also in the pictures are UZ Acting Dean Professor Julie Stewart and the winners and runners up of the Moot Court competition. Congratulations to the winners and the runners up. At ZLHR, we are in support of UNHCR’s #IBELONG campaign aimed at ending statelessness. #ZLHR@20