

Judge orders police to pay pro-democracy campaigner

HARARE-The High Court has ordered the Minister of Home Affairs, Zimbabwe Republic Police (ZRP) Commissioner-General and the Prosecutor-General's Office to pay damages to pro-democracy campaigner Cynthia Manjoro for the trauma she faced after being wrongly arrested and charged for the murder of a policeman.

High Court Judge Justice Mary Zimba-Dube on March 21 ruled that the government agencies should pay \$17 075 in damages for wrongful arrest, detention and malicious prosecution over claims she participated in the murder of a ZRP officer in 2011.

Manjoro was represented by Zimbabwe Lawyers for Human Rights lawyers, Jeremiah Bamu and Fiona Iliff. Manjoro was kept in remand prison until she was freed by High Court Judge Justice Chinembiri Bhunu in a 2013 ruling that harshly criticised the police for doing shoddy work.

Justice Bhunu also acquitted several opposition political party activists charged together with Manjoro. Justice Bhunu's ruling followed an application for discharge filed by the defence team comprising Beatrice Mtetwa, Charles Kwaramba, Gift Mtisi and Jeremiah Bamu, all members of Zimbabwe Lawyers for Human Rights.

In his ruling, Justice Bhunu described the police action as naive, unprofessional and heavy handed, saying many of the residents had been arrested and left to rot in remand prison when police had confirmed their alibis. In some cases, police didn't bother to confirm alibis given by the residents.

Justice Bhunu said it was a gross travesty of justice to arrest and put through trial people like Cynthia Manjoro when the police officers knew she was innocent.

In the case of Manjoro, she was arrested on allegations that a vehicle registered in her name was seen at the scene of the crime. It however emerged that she was nowhere near the scene of the crime at the material time.

Her brother called as a state witness during her trial confirmed her defence that she was at church while her vehicle was in the possession of her boyfriend when the offence was allegedly committed. Police officers decided to arrest and charge her as bait to capture Manjoro's boyfriend in actions described by Justice Bhunu as unprofessional.

Manjoro proceeded to sue resulting in Justice Mary Zimba-Dube awarding her damages amounting to \$17 075 broken down as \$2 000 for unlawful arrest, \$2 000 for unlawful assault and \$5 000 for malicious prosecution.

\$3 000 will cover Manjoro's past and future medical expense, \$3 000 for pain and suffering while \$2 075 will cater for the loss of income during the time she spent while in detention.



ZLHR lawyers Jeremiah Bamu and Fiona Iliff with Cynthia Manjoro at the High Court

Public service strikes reveal govt's failure

On March 27, 2018 Zimbabwean teachers under the banner of the Federation of Zimbabwean Educators Union (FZEU) held a march in Harare in protest against poor remuneration as well as poor working conditions, joining public doctors that had been on strike for the past few weeks.

“The Commission notes with concern that due to inadequate and poor facilities in most public health institutions, the leaders within the government of Zimbabwe generally shun the services that are a product of their policies and decisions. Instead, they seek treatment in private health facilities and even travel beyond Zimbabwean borders for health services,”

-ZHRC

The teachers demanded a salary increment and threatened to go on industrial action if their concerns are not addressed. This threatens the opening of the 2018 schools' second term.

Over the years, the Zimbabwean government has failed to address the plight of teachers and the generality of civil servants and this has crippled critical sectors such as education and health.

The failure by the government to address the plight of civil servants is indicative of its general failure in all sectors.

The recent threat by teaching staff comes at a time Zimbabwean doctors have embarked on a countrywide strike that has paralyzed operations at public hospitals around the country.

Resultantly, ordinary Zimbabweans who cannot afford to seek medical treatment at private hospitals have to bear the brunt of the government's continued failure to address the concerns of the striking doctors.

Crisis in Zimbabwe Coalition says it is concerned that instead of addressing the doctors' concerns, the government has resorted to cheap propaganda and intimidation tactics to force the health personnel to return to work.

On March 19, 2018 Health and Child Care Minister, David Parirenyatwa misrepresented to the nation that the government had reached an agreement with striking doctors and the health personnel were set to return to work.

It later emerged that Honorable Parirenyatwa's announcement was totally untrue.

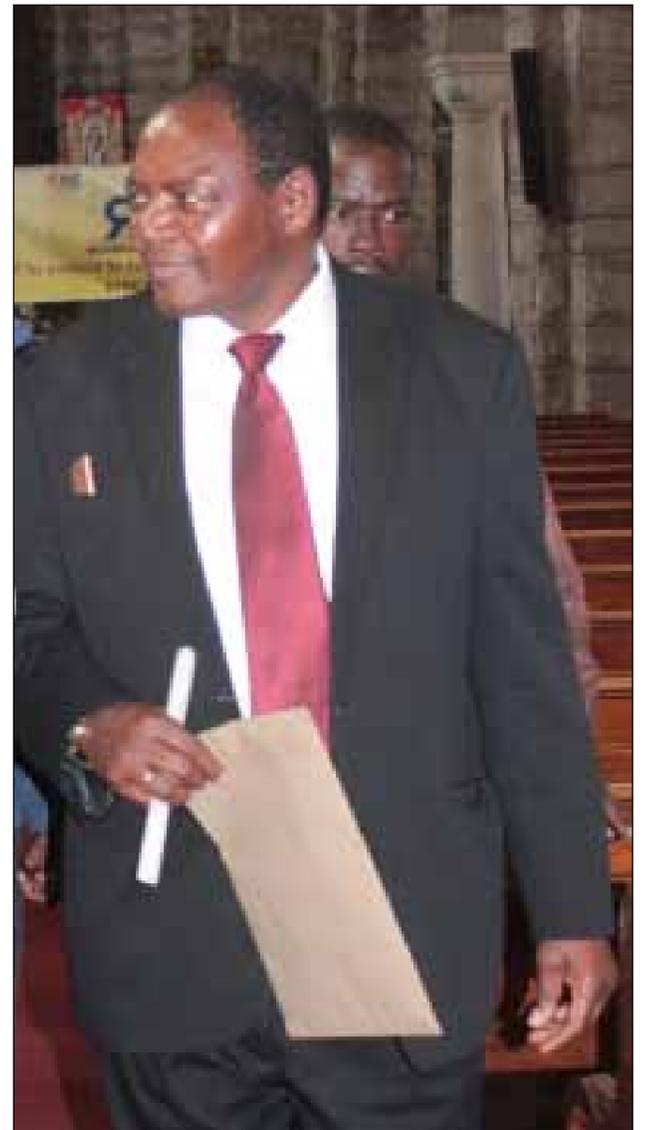
According to the Zimbabwe Hospital Doctors Association (ZHDA), the government simply does not care for its poor citizens, “They (government) do not value ordinary citizens' lives and have lied to the press and the public several times. Negotiations are being done in bad faith with gross misrepresentation of facts by the Ministry and Minister.”

The Zimbabwe Christian Alliance (ZCA) said that the doctors' strike was a national crisis and a litmus test on the government's commitment to address national issues.

“We can no longer continue with this deadly impasse and the government should resolve this important issue. We call upon President Emmerson Mnangagwa and the Minister of Health and Child Care, Dr. David Parirenyatwa to intervene and come up with a permanent solution to this problem,” said ZCA.

CiZC, however, commended the Zimbabwe Human Rights Commission (ZHRC) for its bold stance over the government's failure to prioritize the health sector.

“The Commission notes with concern that due to inadequate and poor facilities in most public health institutions, the leaders within the government of Zimbabwe generally shun the services that are a product of their policies and decisions. Instead, they seek treatment in private health facilities and even travel beyond Zimbabwean borders for health services,” said ZHRC in a statement.



ZHRC Chairperson Elasto Mugwadi



GOVERNMENT'S DECISION TO RATIFY AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOOD GOVERNANCE - A PROGRESSIVE STEP



The Zimbabwe Lawyers for Human Rights (ZLHR) and Zimbabwe Election Support Network (ZESN) welcome the decision by President Emmerson Mnangagwa to sign the African Charter on Democracy, Elections and Good Governance (The Charter) and urges the government to quickly move on to ratify, domesticate and implement its provisions ahead of the 2018 elections.

President Mnangagwa signed the African Charter On Democracy, Elections and Governance on Wednesday 21 March 2018 in Rwanda, where he was attending the African Union (AU) Extraordinary Summit.

Before appending his signature to the African Charter On Democracy, Elections and Governance, Zimbabwe had stood out as one of the few countries in Africa that had neither signed nor ratified the Charter, hence this is a welcome development in

the country's efforts to hold democratic elections.

The African Charter on Democracy Elections and Governance, which came into force in February 2012 seeks to promote adherence by African states to the universal values and principles of democracy and respect for human rights premised upon the supremacy of the constitution and respect for the rule of law.

ZLHR and ZESN lauds President Mnangagwa for signing the African Charter on Democracy, Elections and Good Governance, which is one of the key instruments that will advance democracy, peace and security in Zimbabwe, the region, and the continent as a whole.

Considering Zimbabwe's well documented history of electoral irregularities such as hate language, violence and intimidation of voters amongst others, the decision to sign the African Charter on Democracy, Elections and Governance, is a

progressive step to take to promote democracy in Zimbabwe. As organisations that are deeply committed to fostering a culture of human rights and promoting democratic elections in Zimbabwe, ZESN and ZLHR urges the government to move beyond just signing the African Charter on Democracy Elections and Governance but to ratify and domesticate its provisions.

The African Charter On Democracy, Elections and Governance can only be meaningful in the running of elections in Zimbabwe if the government ratifies and domesticates it as the country prepares for the holding of the 2018 elections.

ZLHR and ZESN are also worried about continued procrastination by the government in implementing recommendations of the African Union organs such as the African Commission on Human and Peoples' Rights, which five years ago delivered a landmark ruling directing the government to allow its citizens living in the diaspora to vote in national

elections.

The government needs to ensure that the right to vote for all citizens is upheld as guaranteed in Section 67 of the Constitution and several regional instruments of which it is a state party.

With general elections scheduled for this year, ZLHR and ZESN call upon the government to create a conducive electoral environment that guarantees the respect and enjoyment of universal suffrage and fundamental freedoms.

We urge the government to prioritise the alignment of electoral related laws particularly the Electoral Act with the Constitution and ensure adherence to principles of constitutionalism, put in place mechanisms and legal reforms to address issues of voter intimidation, violence and ensure that political party candidates and supporters campaign and participate in all electoral processes freely.

NGOs demand end to illegal evictions

HARARE-Human rights groups have warned against the deepening culture of arbitrary evictions, noting that authorities kicked out thousands of people from their homes without following due process in 2017.

Some people were evicted from land they had called home for decades, while others were removed from urban residential stands they had bought using money painstakingly saved for years, said Zimbabwe Peace Project (ZPP) and the Zimbabwe Human Rights NGO Forum (the Forum) in a report released end of March this year.

The report, which showed results of surveys carried out by the two human rights organisations, highlighted the dire experiences of victims of arbitrary evictions.

Left with no shelter, many people were forced to endure harsh weather in the open, others lost property while school children abandoned classes.

“Evictions in Zimbabwe usually take the form of destruction of property through arson or demolition. Some of these evictions have been unlawful resulting in homelessness, disintegration, displacement of families and communities,” said the two organisations in a report that recommended that the state should intervene and assist the already displaced families and communities through aid, protection and compensation.

The surveys showed that approximately 933 households across three provinces were forcefully evicted in 2017 alone.

The Forum and ZPP documented evictions in Mashonaland Central province in Mazowe South at Arnold farm; Mashonaland East province in Marondera West province at Maganga farm, Mashonaland West province in Norton at Kingsdale housing cooperative as well as in Harare province’s Arcadia, Chitungwiza and Dzivarasekwa residential areas.

“The results of this survey demonstrate a culture of arbitrary evictions,” said the organisations in the 18-page report.

The problem of evictions has also been exacerbated by the so-called land barons and some housing cooperatives that illegally parcel out State land.

Section 74 of the Constitution of Zimbabwe stipulates that “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.”

Further, Zimbabwe’s obligation to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments that protect the human right to adequate housing and other related human rights.

These include the Universal Declaration of Human Rights, the



Evicted family and their property



women washing dishes after their homes were destroyed

International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and Article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.

These conventions were ignored when Zimbabwean authorities carried out evictions in 2017, notes the Forum and ZPP. In the case of Manzou Farm in Mashonaland Central province, court orders were defied to facilitate evictions.

Zimbabwe Republic Police (ZRP) officers raided and demolished the Mazowe villagers’ homesteads at Manzou Farm without obtaining court orders to justify the forced evictions between 2015 and 2017. The police said they were acting on behalf of the former first lady, Grace Mugabe.

The ZRP officers destroyed homesteads, household furniture and the villagers’ crop produce including maize grain and groundnuts. Others

were arrested and only freed after the intervention of Zimbabwe Lawyers for Human Rights (ZLHR). ZLHR also intervened to ensure that evicted families receive alternative land as well as monetary compensation from the state.

In Harare’s Glen View suburb, people with disabilities were left homeless after their house was demolished. In Maganga in Mashonaland East province, approximately 51 houses were burnt to the ground including food, property and clothing belonging to the residents.

Notwithstanding the psychological and emotional challenges faced by the evicted families, they were also left homeless, without shelter and most of their property was destroyed.

The families were left vulnerable to environmental threats such as weather and wild animals and susceptible to airborne and waterborne diseases due to overcrowded makeshift shelter and there was a violation of the right to education as children were forced to drop out of school.

ZLHR CALLS FOR COMPREHENSIVE ELECTORAL LAW REFORMS



ZIMBABWE Lawyers for Human Rights (ZLHR) calls upon the Minister of Justice, Legal and Parliamentary Affairs to initiate a process of wholesale reform of electoral laws to ensure the conformity of the Electoral Act [Chapter 2:13] to the Constitution.

The Portfolio Committee on Justice, Legal and Parliamentary Affairs presented before Parliament a report on the Electoral Amendment Bill after considering the provisions of the Bill. The committee had convened several public hearings to canvass people’s views.

The Electoral Amendment Bill (H. B. 6, 2017) seeks to introduce amendments that specifically deal with the voter registration process and the proposed amendments largely cater for the introduction of

the Biometric Voters Registration (BVR) system. ZLHR is concerned that the reform of the Electoral Act continues to be inadequate and falls short of the threshold of free, fair and credible elections.

In addition to the concerns expressed by Parliament, ZLHR is particularly troubled by the absence of regulations on management of data collected through the Biometric Voter Registration (BVR) process.

In the absence of regulations on information security and data storage, the accessibility and security of information collected, there can be no guarantee of free and fair elections.

ZLHR calls upon the Minister of Justice, Legal and Parliamentary

Affairs, in consultation with Zimbabwe Electoral Commission to take urgent action and table before Parliament a Bill which addresses these and other concerns raised by the Portfolio Committee on Justice, Legal and Parliamentary Affairs, which ZLHR and other civic society organisations have been calling for since the enactment of the new Constitution.

It is imperative to bring the Electoral Act in line with the letter and spirit of the electoral principles enshrined in the Constitution of Zimbabwe, the SADC Principles and Guidelines Governing Democratic Elections and the African Charter on Democracy, Elections and Governance (signed by the President in March 2018) and other regional and international human rights instruments to which Zimbabwe is a state party.

De-militarisation of Zec Urgent

The de-militarisation of the Zimbabwe Electoral Commission (ZEC), the only body charged with conducting all elections in the country, is of paramount importance if the outcome of the 2018 is to be universally as displeasure over the appointment of Utoile Silaigwana as ZEC Acting Chief Elections Officer intensifies.

With regional and international observers falling each other to visit Zimbabwe ahead of the polls tentatively set for July 2018, the Crisis in Zimbabwe Coalition (CIZC) has implored the observers to pay particular attention to the composition of the ZEC staff.

The leading civil society organisation charged that the appointment of Silaigwana is another unfortunate incident which continues to put into doubt the credibility of ZEC through acts of brazen militarisation.

“CIZC would like to draw the attention of the visiting pre-election assessment teams to take note of crucial matters which might be a hindrance to free, fair and credible elections in Zimbabwe. De-militarization of ZEC as well as ensuring that ZEC Secretariat is apolitical is critical to ensure free, fair and credible elections,” said the group, adding that it must be noted that Silaigwana, a former member of the Zimbabwe National Army (ZNA), was part of the 2008 ZEC secretariat that withheld the March 2008 election results for close to a month.

“It must also be noted that he was appointed to ZEC when he was still a serving member of the ZNA and was thus among the people that led to the militarization of ZEC and eventually presided over the 2008 elections whose outcomes were heavily contested.”

It alleged that Silaigwana’s image is tainted with accusations of election rigging and his latest appointment raises eyebrows on the credibility of the ZEC Secretariat and ultimately the credibility of the 2018 polls.

“It is becoming quite apparent that Interim President Emmerson Mnangagwa’s promise of a free, fair and credible election is mere rhetoric. Mr. Silaigwana’s appointment comes after President Mnangagwa’s declaration that the bloody 2008 elections which resulted in the death of close to 300 opposition supporters were free and fair.

“To add on to this, Justice Minister, Ziyambi Ziyambi is on record saying there is no need for reforms ahead of the 2018 elections.”



ZEC Chairperson Priscilla Chigumba

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