

From truncheon to triumph

...Brave Chingwizi villagers win compensation after police brutality

CHINGWIZI-Three years after being forcibly removed from their homes, resettled haphazardly and enduring police beatings and nights in the bush, villagers in Masvingo province's Tokwe Mukosi area are treasuring their victory over their perpetrators.

One villager described the situation as "resembling a war zone."

The villagers succeeded in suing the Minister of Home Affairs and the Zimbabwe Republic Police for payment of compensation following the torture they endured as government sought to force them to relocate to an area with worse conditions than those at a transit camp they were staying.

Through Zimbabwe Lawyers for Human Rights (ZLHR)'s anti-impunity drive, Treasury has already begun releasing the money to the recipients.

ZLHR traveled to Chingwizi following the monetary disbursements and witnessed the joys of a marginalised community that has turned into heroes for fighting for their rights.

The experience is bitter sweet for the Chingwizi villagers.

Since the 2014 floods that burst the Tokwe-Mukosi Dam, life has never been the same for the villagers. They endured forced relocation, beatings, arrests and criminal charges while amenities to provide for education, health, food and water were scarce.

Security agencies including the army helped relocate the families to Chingwizi camp on Nuanetsi Ranch.

Trouble started when the government, after shutting down the camp in August 2014, sought to force the families to move to another part of Nuanetsi Ranch. Each family would get a one-hectare plot, which was considerably less than the portions at Chingwizi.



Rejoicing...Chingwizi villagers Zulu Jinya and 87 year-old Kandros Purazeni after receiving compensation for torture

Police officers unleashed dogs on the villagers and indiscriminately assaulted them, resulting in serious injuries.

Fleeing the torture, thousands of the villagers sought refuge in the bush and mountains.

One villager described the situation as "resembling a war zone."

Police arrested dozens of the villagers, who were later acquitted of the trumped up charges. Amid the suffering, the villagers refused to be cowed and, with the help of ZLHR, plotted a fight back to ensure that they received compensation.

The case also highlights the benefits of human rights literacy campaigns to marginalised and vulnerable communities, as such campaigns often empower them to fight for their rights and hold perpetrators to account.

Awarding the compensation claim, Magistrate Tafadzwa Mhlanga said the case should act as a warning that the police cannot act with impunity.

He described the unleashing of dogs on unarmed and innocent villagers as "an unfortunate act by police officers whose duty was to maintain law and order at Chingwizi Transit camp".

"The court will impose damages that will send a message against the wrongfulness of the actions of the police," said Magistrate Mhlanga, sparking jubilation from a community brave enough to stand for its rights amid strife.

On page 3 read about how Chingwizi villagers are uniquely repaying the lawyers who helped them to get compensation from the government as well as sharing their experiences at the hands of the brutal police.

Brutalised and made destitute at 84

CHIREZI-A Magistrate expressed shock at the cruelty meted on young children and the elderly, as he awarded damages to victims of police brutality.

"An 84-old," exclaimed Magistrate Tafadzwa Mhlanga, noting the horrifying torture subjected to Kandros Purazeni, the elderly village head of Chingwizi village.

In the twilight of his life, Purazeni expected government to ensure adequate safety nets for his retirement. Instead, he became near destitute before he was brutalised by police officers who were trying to force the villagers to move from a transit camp. Armed with truncheons and dogs, police on August 3 2014 raided the camp and unleashed a reign of terror against the young and the elderly that even shocked the Magistrate who heard the compensation case.

"Emphasis is that the plaintiff (Purazeni) was aged 84. He was the village head who was subjected to suffering and pain at the hands of the police. There was no justification for his arrest, an 84-old. He was assaulted and detained at triangle Police. He was unlawfully made to endure enormous pain.

Magistrate Mhlanga awarded Purazeni \$950 in compensation. Other victims were minors, whose treatment at the hands of the police was harshly criticised by the Magistrate.

"Police dogs were unleashed on an innocent 12-year-old boy. He was also assaulted by the police and sustained a scar on the left hand and an ulcer on the left leg," said Magistrate Mhlanga.

Ellen Muteiwa was detained with her baby aged one-year and eight months.

The villagers endured more than police torture following the 2014 floods that forced them from their homes.

The conditions under which they were living at the camp were "unacceptable", said the Zimbabwe Human Rights Commission (ZHRC).

The Commission noted "with concern" that the majority of residents were allocated one tent per household regardless of the family size.

"In some families, fathers-in-law were sharing the same tent with their daughters-in-law, a situation that is culturally and socially unacceptable," said the ZHRC in a stinging report.

Families were surviving at the mercy of "Good Samaritans" who provided handouts intermittently.

Economic opportunities at the relocation site were "very little", forcing the flood victims into destitution, said ZHRC.

"The state should ensure that internally displaced persons have access to decent shelter which maintains the family unit and at the same time retain privacy between families. The state has an obligation to provide internally displaced persons with essential food and potable water, basic shelter, housing, appropriate clothing and essential medical services and sanitation," read the ZHRC report.

Government failed to meet all the basic human rights benchmarks regarding Chingwizi flood victims, according to Human Rights Watch (HRW), an influential international human rights organisation which accuses the government of using violence and food aid as weapons to force its will on vulnerable Internally Displaced Persons.

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‘Helpless’ villagers turn into anti-impunity champions

CHINGWIZI- Victims of police brutality are getting millions of dollars in compensation as mobile legal clinics empower previously unaware communities fight for their rights.

Getrude Chinuounda Changweshu thought she was helpless when she was assaulted by the police at Chingwizi Transit Camp in Masvingo province.

“I said well, they are the police, they are the government so they can do what they want with us,” said Changweshu, days after receiving hundreds of dollars in compensation for the brutality she suffered at the hands of the police.

Changweshu had never had sight of the Constitution in her life while any discourse on human rights issues seemed foreign to her – until Zimbabwe Lawyers for Human Rights (ZLHR) began holding meetings in the community.

The villagers took a more active interest in their constitutionally guaranteed rights after ZLHR embarked on a sustained literacy campaign under its mobile legal clinic programme.

Since 2014, with the support of the European Union Delegation to Zimbabwe, ZLHR held a series of mobile legal clinics where programme lawyers and programme officers were accessible to these vulnerable and marginalised members of the community, who because of the government-led forced eviction and relocation, had their social, economic and civil rights violated.

The results: a community bold enough to stand for its rights and hold to account office bearers who perpetrate gross human rights abuses. Today, Chingwizi is one of the country’s most empowered communities, with villagers now counting themselves as competent human rights defenders.

This year, the government began compensating the Chingwizi villagers for the 2014 police brutality after they took the matter to the courts with the help of ZLHR.

Successfully using the law to fight back, the villagers’ victory underscores the importance of taking human rights literacy campaigns to vulnerable and marginalised communities.

“The meetings were aimed at introducing human rights issues and promoting access to justice among



Getrude Chinuounda Changweshu the people of Chingwizi,” said ZLHR’s Peggy Tavagadza, one of the lawyers who participated in the mobile legal clinics.

Publications which included fact sheets on the Right to Education, Right to health, Water and Freedom from arbitrary eviction, The Legal Monitor and the ABCs following arrest were distributed to the villagers during the meetings.

“Mobile legal clinics help communities with enhanced knowledge on available remedies once rights have been violated. This resulted in many people becoming part of the anti-impunity campaign by vigorously asserting their rights and holding office-bearers to account. When people begin to appreciate the power they hold in being able to demand accountability from duty bearers –



Vonai Chikweva says she was accused of burning

and actually use that power – then the Constitution becomes a living document accruing felt gains to the people,” said Tavagadza.

Apart from Chingwizi villagers, people in other rural communities such as Chisumbanje in Manicaland province have also been able to fight impunity by successfully suing the police for compensation after ZLHR held meetings in their areas.

ZLHR’s work in the community is meant to equip communities with knowledge of their constitutional rights and obligations.

This not only contributes to increased rights literacy within society, but also empowers individuals and communities to become active citizens who can engage in local and national affairs, and who can assert and demand their civil, economic and social rights.

Through such community interventions, lawyers are also better able to understand the human rights

issues affecting communities, compile first-hand evidence of socio-economic issues affecting a particular societal group, and better showcase the value of policy and legal interventions in addressing such challenges.

Community activities thus contribute to ZLHR increasing access to social and economic justice, rights literacy and an active, engaged and mobilised citizenry.

ZLHR further developed its ‘mobile legal clinics’ initiative to better respond to beneficiary needs. These mobile legal clinics provide a one-stop accessible service for community members at the local level, with activities focusing on the provision of human rights and constitutional literacy sessions, legal support services and the creation of a platform for community members to network, dialogue and debate, and learn together about fundamental and other rights issues affecting their welfare and how they can be addressed.



Joy at last...

Brutalised and made destitute at 84

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The UN Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa identify the most relevant minimum pre-conditions for undertaking resettlement as:

- The voluntariness of the decision of IDPs to resettle
- Provision of support to resettle IDPs on land only where there is the full acquiescence of all parties, including the government and others actively claiming an interest in the land
- Prior to resettlement, IDPs are provided with the minimum land tenure and civil status documentation and resource requirements reflecting that the situation or proposed solution is indeed durable.

International aid agencies working in Zimbabwe in 2011 adopted a Framework for the Resettlement of IDPs based on these principles, while Zimbabwe is a party to the UN and AU treaties.

“In the case of the arbitrary resettlement of flood victims, the government has failed to satisfy all the conditions, nor has it assured health, shelter, food, and water to the displaced, in breach of its constitutional obligations,” noted HRW in the 57-page report. “Zimbabwe is failing to fulfil its obligation to assist and protect IDPs in the country. In addition, the government is coercing the displaced into resettlement in violation of its domestic and international obligations.”

Villagers name livestock, property after lawyers and police

CHINGWIZI-After receiving their compensation, villagers in Chingwizi went on a property buying spree, and they are using their newly acquired possessions to repay human rights lawyers in a unique way.

Livestock, scotch carts and bicycles that are acting as a reminder of the hard times the villagers endured at the hands of the police and prosecuting authorities have assumed a new significance.

The names say it all.

Zulu Jinya did not have much property to his name before the compensation was paid. After receiving an initial amount of \$550, he is now a proud owner of a few livestock he hopes to use as breeding stock.

"I bought a goat from the compensation and named it Bamu. That is how I am going to remember the help he rendered to me," he told The Legal Monitor. Jeremiah Bamu is one of the ZLHR lawyers who intervened to help the villagers when they were arrested and brought to court on trumped up charges.

"I also bought a cockerel and named it Court because I spent so much time before the courts attending to the case," he said.

Zulu also bought a bicycle. "I have health issues but I used to walk 20km on foot," he said.

Gertrude Chinounda Changwesa was arrested after the police mistook her for someone else. They still arrested her despite showing proof of her real identity, saying she was ransom for her brother allegedly on the run. She received \$450.

"I had just arrived from South Africa where I worked and was arrested because my brother was allegedly on the run. I was informed that I was going to be released as soon as my brother was arrested. He was eventually arrested but still the police did not release me and I feared I would not be able to retain my job in South Africa. I was financially prejudiced by the arrest. I was thoroughly beaten only to be saved by the Zimbabwe Lawyers for Human Rights," she said. Gertrude bought two cows from the \$450 she received.

"I named them Police and Baton Stick. I was thoroughly beaten only to be saved by the Zimbabwe Lawyers for Human Rights. I named one of the cows Police because they are the ones who disturbed my life and the other Baton Stick to remind me of the beatings I endured at the hands of the police," she said.

Arnold Nhada named his new scotch cart Chingwizi Disaster.

"That disaster just turned my life upside down," he said.

Below, *The Legal Monitor* talks to some of the villagers on their experiences and the amounts they received.

Vonai Chikweva says she was accused of burning a police vehicle.

"We were treated like dogs but today we are celebrating. Life is good now. I bought maize and pearl millet from the \$650 I got as compensation. I sold them and made \$840. The next step for me is to use part of that money to buy livestock," she said.

Ellen Muteiwa - The 32-year-old received \$950. She was arrested and detained with the other villagers despite having an infant child, Precious Mapanzure, aged 10 months. She was denied the opportunity to carry baby clothes to the police station and also to change the baby overnight diapers for three days. "I was also denied the right to food. The child developed some wounds in her mouth and failed to breastfeed for a day. The baby also developed breathing problems, diarrhoea and the baby's health was severely affected," she said.

Thomas Bhingwani received \$650 Bhingwani described life as "unbearable" after the relocation.

"We were harassed, the police would invade our tents and assault us. Sometimes they would pour hot water over us but we engaged lawyers who helped us to fight back. Today we are free. We are happy that we are receiving this money as compensation. We still need help because the one hectare plots we have are not enough for our needs. Our families are big so we need more land," said Bhingwani.

Edison Magwenzi was arrested at Chingwizi and what followed was hell. "The police assaulted me while I was in custody before taking me to court. It was because of these human rights lawyers that I managed to win the case. On top of that, they ensured that I received compensation," he said.

Prince Chikore - Prince was 12 when he was assaulted by police. He said he saw the police officers throwing teargas and decided to run away. But a uniformed police officer grabbed him and made inquiries about a certain woman named Maggie. When Prince expressed ignorance, the police officer set dogs on him, accusing him of having set fire on the police vehicle. Together with other villagers, he was forced to sit under the sun and ordered to cry and mourn the "deceased vehicle". He was not allowed to go to the toilet. He also asked if he could go to school and collect his report but was denied the opportunity even though he was not under arrest. ZLHR partnered with a local organisation, Counselling Services Unit, to have him medically examined as he had untreated dog bites.

Edison Mateveke is a 60-year-old. He received \$700. He was arrested because he is a traditional leader and as such he was alleged to have incited people to be violent. Police said he should have used his powers to control "your people". Most of his property was destroyed.

Tineyi Mapope said he stayed in tents at Chingwizi camp for three months.

"After three months they were forcing us to move to an area where we would receive one hectare each yet we had been promised five hectares per family. Some of us refused to move so to punish us, the authorities ordered the clinic to be shut down,

saying only those who volunteered to settle at the one hectare plots deserved health services. We were fast asleep when the police descended on us. They would storm the tents and assault us indiscriminately. He received \$500.

Tobias Machachacha said he was forced to relocate to an area he had not agreed to leading to his arrest after he protested.

"They were arresting everyone in sight, they didn't discriminate. We are grateful to our lawyers from ZLHR. They showed us the way and cured our ignorance. We didn't know how to respond to human rights violations, we didn't even know we had certain rights that we are supposed to enjoy. We were once harassed but look, today we are receiving compensation, and we are receiving money that many of us have put to good use by buying livestock. This relationship should not end simply because we have now received compensation. The lawyers should continue increasing our knowledge of human rights. On our part, we should spread the knowledge we receive. We should be the guiding lights and impart human rights knowledge to other communities we interact with," he said. He received \$450.

Nyengeterai Tagwirei, aged 42, received \$360.

"I can positively identify one of the police officers who assaulted me as Machona as he was stationed at Chingwizi camp. I was denied bathing facilities for two days and was forced to share a blanket with eight other inmates. The floor in the police holding cell was very wet but I had to sleep on such a floor," said Tagwirei.



Zulu Jinya riding a bicycle which he bought from the proceeds of his compensation



Some of the Chingwizi villagers

Victorious villagers

