ZIMBABWE LAWYERS FOR HUMAN RIGHTS
Fostering a culture of human rights

The Legal Monitor

For feedback please email ZLHR on: info@zlhr.org.zw or visit: www.zlhr.org.zw
Zimbabwe Lawyers for Human Rights
@ZLHRLawyers
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ZRP pays US$10 000 for assault of Gweru resident



ZLHR lawyer Reginald Chidawanyika

GWERU-Zimbabwe Republic Police (ZRP) will fork out more than US$10 000 as compensation to a Gweru resident who was severely assaulted by some law enforcement agents while claiming to be enforcing the national lockdown regulations.

In April 2020, some ZRP officers brutally assaulted 48 year-old Amos Siska while he was queuing at Stanbic Bank in Gweru. The ZRP officers approached Siska and other Gweru residents who were at the queue and assaulted him all over his body with truncheons, booted feet and open hands.

As a result of these wanton and savage attacks, Siska suffered serious injuries which included a fractured arm and he engaged Reginald Chidawanyika of Zimbabwe Lawyers for Human Rights who sued ZRP Commissioner-General Godwin Matanga and Home Affairs and Cultural Heritage Minister Hon. Kazembe Kazembe for damages such as shock, pain and suffering and medical expenses.

After a full trial, Gweru Provincial Magistrate Miriam Banda ordered Matanga and Hon. Kazembe to pay US$10 451 to Siska as compensation for damages arising from assault by police officers.

In addition, Magistrate Banda also ordered Matanga and Hon. Kazembe to pay ZWL400 000 to Siska for the shock and pain which he endured.

Tortured and bruised duo set free



Victims of torture...Legwan Mavhunga and Munyaradzi Mafararikwa

HARARE-Two Harare residents have been set free after spending one year on remand without being put on trial on charges of obstructing or endangering free movement of persons or traffic.

Legwan Mavhunga and Munyaradzi Mafararikwa were arrested in April 2021 while attending a court session for Zengeza West legislator Hon. Job Sikhala at Harare Magistrates Court by ZRP officers and charged with obstructing or endangering free movement of persons or traffic as defined in Section 38(C) of the Criminal Law (Codification and Reform) Act.

Mavhunga and Mafararikwa were severely tortured by ZRP officers while in police custody and a Magistrate had to convene a bedside court session for them after they had been hospitalised.

The duo was recently set free after their lawyer Webster Jiti of Zimbabwe Lawyers for Human Rights applied for their removal from remand arguing that their matter had needlessly taken too long with no outcome in the investigations by ZRP officers into the allegations of torture and hence their right to be tried within a reasonable time had been violated.

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Couple sues ZRP, Minister for assault

CHINHOYI-A truckload of truncheon-wielding anti-riot Zimbabwe Republic Police (ZRP) officers and some gun-toting soldiers were the last visitors a Chinhoyi couple expected as they prepared their supper, an evening meal which they would have to eat with bruises and fractured bones.



Under the pretext of enforcing COVID-19 national lockdown regulations, ZRP officers took turns to assault the hapless couple, breaking bones and injuring them, while more targeted their neighbours.

Represented by Zimbabwe Lawyers for Human Rights (ZLHR), Grace Yona and her husband Tawanda Kambuzuma are suing ZRP Commissioner-General Godwin Matanga and Home Affairs and Cultural Heritage Minister Hon. Kazembe Kazembe for the assault they endured at the hands of law enforcement agents.

The couple, which is represented by Tinomuda Shoko and Idirashe Chikomba of ZLHR, is demanding payment of ZWL791 245 for pain, suffering, nervous shock, humiliation, injury, assault and medical expenses.

"Whilst the Plaintiff and her husband were cooking, a large police truck parked outside their house and a group of uniformed police officers armed with truncheons and some uniformed soldiers with guns disembarked from the aforementioned truck. Yona and her husband did not run away as they had not done anything illegal. A group of police officers approached Yona while others went to her neighbour's house. The officers ordered Yona and Kambuzuma to lie down on their stomachs and started beating them," reads part of the summons filed at Chinhoyi Magistrates Court, where Matanga and Hon. Kazembe are currently standing trial.

"The Plaintiff and her husband could not and did not resist the assault neither were they given a chance to explain themselves albeit there was nothing to explain. The assault was done wantonly without regard for legality. Having beaten them up, they were left lying down, helpless.

Now Yona and Kambuzuma want Matanga and Kazembe to be punished for the wayward conduct of their subordinates.

"When law enforcement agents can come up to people who are in the comfort of their properties and assault them without legal justification, the conduct of the officers leaves a lot to be desired and should be rightfully met with the contempt it deserves. The unlawful assault, harassment and ill-treatment of Yona and Kambuzuma was made without reasonable grounds. At all material times, the uniformed members of ZRP who unlawfully assaulted, harassed and ill-treated Yona and Kambuzuma, were acting within the course and scope of their employment," said Shoko and Chikomba.

Over the past years, ZRP has been castigated for its heavy handedness which at times has resulted in loss of lives. This has seen ZLHR intensifying its anti-impunity campaign which has been critical in ensuring access to justice for several people who have fallen victim to the delinquent behaviour of some police officers.

ZLHR Statement on International Workers Day

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ON this International Workers Day, Zimbabwe Lawyers for Human Rights (ZLHR) salutes all workers in Zimbabwe for their immense contributions to the country and their resilience in the face of the economic challenges in the country.

ZLHR urges the Zimbabwean government to implement robust measures that are designed to stop the escalating inflation in order to protect the purchasing power of workers across the country.

ZLHR also urges the authorities to desist from eroding worker's income through excessive taxes and high mandatory contributions. The authorities are also urged to respect, protect and promote the right of all workers to demonstrate for better working conditions and their right to freedom of assembly and association.

International Workers Day (also known as May Day) is commemorated annually on 1 May across the globe. It is an opportunity to honour and celebrate the achievements of various labour movements that fought to improve the welfare of workers all over the world. It is also an opportunity for members of the public to reflect on the sacrifices of various union leaders, labour activists and ordinary workers who propelled the labour movements forward. Zimbabwean workers, union leaders and labour activists have also valiantly fought for the protection of workers' rights and workers' welfare.

ZLHR salutes all Zimbabwean workers, union leaders and activists who continue to champion the rights of workers in both the public and private sector. ZLHR also salutes workers for their resilience and tenacity in the face of challenges they encounter in their quest to improve the welfare of all workers and their families.

It is unfortunate that workers and labour activists in Zimbabwe are often persecuted by the authorities for advocating for improvements in workers' welfare. The authorities routinely arrest workers and union leaders for protesting for better wages and improved working conditions in violation of workers' right to freedom to demonstrate and petition, which is enshrined in the Constitution of Zimbabwe. ZLHR strongly condemns the authorities' blatant disregard for the supreme law of the country.

The disregard for workers' right to demonstrate persists to this day, despite the fact that the Constitution entrenched the right to demonstrate and petition in 2013. This practice infringes on workers' fundamental rights. ZLHR urges the authorities to desist from indiscriminately charging demonstrating workers with flimsy offences, in contravention of their fundamental right to demonstrate and petition in a peaceful manner.

Zimbabwean workers, in the public and private sector, face immense challenges in a difficult economic environment with high inflation and a weakening local currency. It is imperative that the authorities implement comprehensive policies that will arrest the unsustainable levels of inflation in the country, in order to protect the purchasing power of workers.

The authorities are also urged to desist from burdening workers in the country with excessive taxes and other mandatory contributions that are adding to the economic woes of workers. ZLHR notes with regret that in April 2022, the National Social Security Authority (NSSA) mandatory contributions were increased by over 300 percent. This steep increase in contributions will significantly reduce the disposable income of workers in the country. Such a drastic increase in mandatory contributions is particularly devastating to workers who are already grappling with high inflation and a weak economy. ZLHR therefore urges the authorities to prioritise the welfare of workers by desisting from imposing excessive taxes and high mandatory contributions.

On this International Workers Day, ZLHR calls upon:

- The authorities to respect, protect and promote workers' rights to demonstrate and petition peacefully and their right to freedom of assembly and association;
- The authorities to desist from imposing excessive taxes and other high mandatory contributions;
- The authorities to implement robust measures that are designed to arrest the escalating inflation and local currency instability in Zimbabwe, in order to protect the purchasing power of workers.

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Guard on trial over squalid jail conditions

HARARE-A Zimbabwe Prisons and Correctional Services ZPCS) officer is on trial on charges of breaching the correctional facility's regulations by exposing the squalid living conditions which inmates are subjected to.

Pilate Chirume, a ZPCS officer, is accused of unlawfully and negligently performing his duties at Chikurubi Maximum Security Prison resulting in pictures of Brian Makomichi, an isolated inmate, being taken and circulated on social media.

ZPCS authorities charged that Chirume, who is represented by Charles Kwaramba of Zimbabwe Lawyers for Human Rights, contravened Section 3(46) of the Prisons (Staff) (Discipline) Regulations 1984.



Fighting injustice... Charles Kwaramba of ZLHR

ZLHR Statement on Africa Day

On Africa Day, nourish the continent to strengthen resilience and food security

ON Africa Day, Zimbabwe Lawyers for Human Rights (ZLHR) calls upon all African Union (AU) member states to strengthen their commitment to eradicate chronic malnutrition and ending hunger in all its forms across the continent.

As we reflect on the achievements and the hurdles that the resilient African people have overcome, ZLHR also takes the opportunity to celebrate the rich culture, diversity, wealth and beauty that exists across the continent.

Commemorated annually on 25 May, Africa Day was established in order to mark the founding of the Organisation of African Unity (OAU) on 25 May 1963 and to promote cooperation and mutual understanding among African nations.

The AU theme for 2022 is "The year of Nutrition. Strengthening resilience in nutrition and food security on the African continent: Strengthening agro-food systems, health and social protection systems for the acceleration of human, social and economic capital development."

The theme seeks to highlight the importance of good nutrition to the socio-economic development on the continent. Good nutrition is fundamental to the physical and cognitive development of children, who are the future human capital. Poor nutrition leads to stunted children, who have limited potential to meaningfully contribute to the advancement of their communities. Therefore, malnutrition poses a serious risk to the quality of Africa's human capital and its future development.

Zimbabwe is not spared from the effects of malnutrition and hunger, two vices which pose a grave threat to the mental and physical development of children.

Recent observations by Hilal Elver, the United Nations Special Rapporteur on the right to food who visited Zimbabwe in 2019 on an assessment mission, are worth reflecting upon as she reported that despite the constitutional protection of the right to food and a sophisticated set of human-rights based national laws and policies, there is man-made starvation in the country. Elver called on government to live up to its zero hunger commitment without any discrimination.

To address the widespread problem of malnutrition, government must step up efforts to tackle poverty in the country, which is inextricably linked to the issue of poor nutrition. Many families across the country have been plunged into poverty by the worsening economic crisis that is bedevilling the nation. The challenges of hyperinflation, unemployment, local currency instability have made it difficult for many Zimbabweans to afford basic and decent nutrition. Therefore, government should urgently implement effective policies that are aimed at arresting the escalating economic crisis which threatens the nourishment of people and the future socio-economic development of the country.

As we build back better from the COVID-19 pandemic and in order to nourish the country and eradicate malnutrition, ZLHR calls upon government to:

- Fulfil the obligation of progressively realising the right to food and water by providing food assistance to vulnerable and less privileged people and ensure that social safety nets are established for the most deprived segments of the population;
- Adopt and implement policies and measures that are aimed at addressing the malnutrition crisis in the country;
- Implement effective policies that are aimed at addressing the economic challenges which threaten the nourishment of children and the future socio-economic development of the country;
- Stop partisan distribution of food aid, favouring those who support the ruling ZANU PF political party against those perceived to belong to opposition political parties or deemed insufficiently loyal to ZANU PF party.

ZLHR Statement on World Press Freedom Day

ON World Press Freedom Day, Zimbabwe Lawyers for Human Rights (ZLHR) pays tribute to the brave media practitioners in Zimbabwe and across the globe, who continue to pursue the truth despite the persecution they often endure from autocratic governments.

As we reflect on the importance of a free press to Zimbabwe's democracy, ZLHR calls upon government to uphold and promote media freedom in the country, in accordance with the constitutional obligations and to desist from the practice of persecuting journalists and other media practitioners.

Commemorated annually on 3 May, World Press Freedom Day, was established by a proclamation of the United Nations General Assembly in December 1993 and is an opportunity for everyone to show solidarity with members of the press, journalists and other media professionals. It is also an opportunity for members of the public to salute and honour the journalists and media professionals who have lost their lives while working to disseminate information to the public. World Press Freedom Day is also an opportunity for the public to demand press freedom and the protection of journalists from their governments.

The theme for World Press Freedom Day in 2022 is "Journalism under digital siege." The theme highlights the risks that digital surveillance and internet hacking pose to press freedom. Governments across the world are using digital surveillance to target journalists who are working to expose abuses of power, human rights violations, corruption and administrative incompetence. This targeting of journalists through digital platforms has a chilling effect on the journalists who work tirelessly to ensure government accountability and transparency. The targeted journalists are often tracked down, arrested and detained by the authorities. The digital surveillance of journalists and other members of the press violates democratic principles, which prioritise press freedom and freedom of expression.

Press freedom is also being undermined by internet hacking. Autocratic governments across the globe are hacking journalists communication systems in order to expose their information sources and whistle-blowers within governments. Such hacks violate the fundamental principle of source protection, which requires the authorities to desist from exposing the sources that are relied upon by journalists when they are performing their work. This fundamental principle is considered to be essential for press freedom by many countries across the globe. The hacking of journalists in order to expose whistle-blowers undermines effective journalism because it discourages ordinary citizens from exposing malpractices by governments, out of fear of being persecuted and arrested for revealing the truth.

In Zimbabwe, journalists continue to be targeted, arrested and detained by the authorities for their work. The authorities accuse journalists of being anti-government whenever they expose administrative malpractices, corruption and gross human rights violations by the government. These systematic attacks on journalists and other media personnel for their work violates the constitutionally-protected right to freedom of expression and freedom of the media. In terms of section 61(2) of the Constitution of Zimbabwe, every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.

The Zimbabwean authorities also undermine press freedom in the country by failing to ensure impartiality within the state-controlled media. The state-controlled media promotes the causes of the ruling party, to the exclusion of opposing views. This state of affairs continues to prevail despite the fact that the state has a constitutional obligation to ensure impartiality and equal opportunity within state-owned media. All state-owned media must be impartial and provide a fair opportunity for the presentation of divergent views and dissenting opinions, in terms of section 61(4) of the Constitution of Zimbabwe. ZLHR urges the authorities to comply with their constitutional obligation to ensure impartiality within state-owned media.

On this World Press Freedom Day, ZLHR calls upon:

- The public to salute the brave journalists in Zimbabwe and across the globe; who continue to pursue the truth despite the persecution they often face from autocratic governments;
- Government to uphold and promote press freedom in Zimbabwe, in accordance with their constitutional obligations;
- Government to comply with its constitutional obligation to ensure impartiality within state-owned media.

Know Your Rights

Section 51 of the Constitution:

Right to human dignity

Every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected.

Section 53 of the Constitution: Freedom from torture or cruel, inhuman or degrading treatment or punishment

No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

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Woman acquitted for contravening COVID-19 curfew

CHIVHU-A Zimbabwean court has set free a 31 year-old Chivhu resident, who had been on trial on charges of contravening curfew regulations imposed by government in 2020 in a bid to curb the spread of coronavirus.

Enerty Chimedza, who works as a vendor in Chivhu in Mashonaland East province, had been on trial since April answering to charges of violating curfew as defined in Section 26E(2)(a) of Statutory
Instrument 200 of 2020 as read with Section 2 of Statutory Instrument 214 of 2021.

During trial, prosecutors accused alleged that Chimedza, who was arrested at 1900 hours at Green Market in Chivhu on 21 August 2021, unlawfully and intentionally violated the national curfew restrictions by loitering in public in contravention of the set curfew period from 1830 hours to 0600 hours.

But an aggrieved Chimedza, who was represented by Tinashe Chinopfukutwa of Zimbabwe Lawyers for Human Rights, challenged her prosecution by filing an application excepting to the charges on the basis that the charges did not disclose an offence at law.

In the application, Chimedza argued that Statutory Instrument 200 of 2021 showed that Section 26 of the legislation does not have a subsection 2 and paragraph a. Furthermore, Section 26 of Statutory Instrument 200 of 2020 does not contain provisions dealing with the curfew time but rather provides for the seizure of vehicles used to contravene the coronavirus regulations.

Chimedza also argued that she was charged in terms of a non-existent law and that in terms of Section 25 of Statutory Instrument 200 of 2020, the curfew time was set from 2000 hours to 0600 hours hence she was arrested an hour before the scheduled curfew time, when people were restricted from moving around unnecessarily.

Chivhu Magistrate Henry Sande upheld Chimedza's application for exception and ruled that the charge does not disclose an offence before acquitting her for contravening curfew regulations as had been alleged by prosecutors during trial.



Tinashe Chinopfukutwa of ZLHR rescued Enerty Chimedza

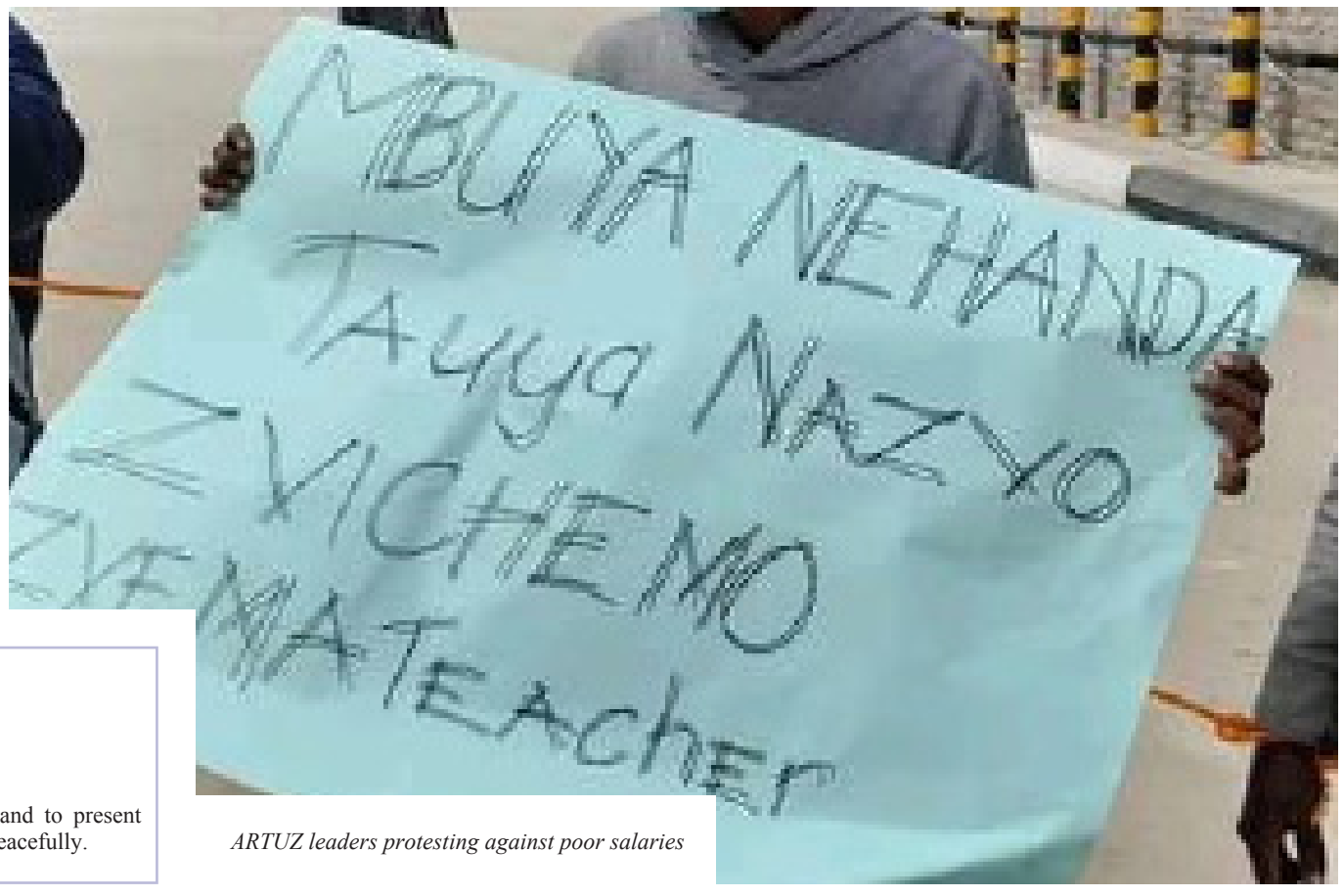
Teachers on trial over poor salary protest

HARARE-Sixteen leaders and members of Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) are set to stand trial after they were arrested recently by Zimbabwe Republic Police (ZRP) officers during an anti-government protest held in Harare.

The trial of ARTUZ leaders and members who include Obert Masaraure, who heads the teachers union comes after they were arrested in January and charged with participating in a gathering with intention to promote public violence, bigotry and breaches of peace as defined in Section 37(1)(a) of the Criminal Law (Codification and Reform) Act.

The unionists were arrested outside the offices of the National Social Security Authority, the state-run pension fund, where ZRP officers claim that they were staging an anti-government protest demanding to be paid their salaries at the figures, which obtained before October 2018, when they were paid US$540 per month.

The ARTUZ leaders and members are represented by Trust Maanda, Idirashe Chikomba and Tinashe Chinopfukutwa of Zimbabwe Lawyers for Human Rights.



ARTUZ leaders protesting against poor salaries

Know Your Rights

Section 59 of the Constitution:

Freedom to demonstrate and petition

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