



**Organised Violence & Torture Report**  
**October 2018**

**By the Zimbabwe Human Rights NGO Forum**

## **ACRONYMS**

CBD	Central Business District
CIO	Central Intelligence Organisation
MDC-A	Movement for Democratic Change- Alliance
OVT	Organized Violence and Torture
ZANU PF	Zimbabwe African National Union – Patriotic Front
ZCTU	Zimbabwe Congress of Trade Union
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police

## **Introduction**

The month of October witnessed an increase in cases of arbitrary arrests and detention. This followed the arrest and detention of 42 members of the Zimbabwe Congress of Trade Unions (ZCTU) following their attempt to organize a demonstration against the government's increase of the Intermediated Money Transfer Tax from 5 cents (5%) per transaction to 2 cents (2%) per dollar transacted, on an already overburdened and impoverished citizenry. In general, the economic situation remained fragile throughout the month with no signs of recovery. The economic crisis manifested in the form of severe shortages of basic commodities and essential drugs, sky rocketing prices and liquidity crunch – a reminiscence of the 2008 economic meltdown when Zimbabwe became the first country to hyper inflate in the 21<sup>st</sup> century.

The Commission of Inquiry public hearings commenced in Harare on 16 October, 2018. The Commission was established in terms of the Commission of Inquiry Act [Chapter 10:07] to investigate the 1<sup>st</sup> of August 2018 post- election violence in Harare. The public hearings in Harare were peaceful. However, in Bulawayo the hearings had to be temporarily adjourned following violent clashes involving the Mthwakazi Republic activists and members of the Zimbabwe Republic Police (ZRP). The disturbances resulted in the arrest and detention of four of Mthwakazi activists who were later released.

Running battles involving the police and vendors in Harare's Central Business District (CBD) continued through out the month of October. Of concern is the continued use of excessive force by the police in dealing with the vendors.

The realization of the right to access to basic health care services as stipulated in section 76 of the Constitution was under threat due to the escalating economic crisis that is making it very difficult for the government to adequately fund the health sector. Essential drugs were not readily available in public hospitals and clinics forcing citizens to resort to private hospitals where they were charged in foreign currency. In relation to this is the cholera crisis, which was first, detected in August 2018. According to the UN Office for the Coordination of Humanitarian Affairs, the cholera outbreak, has as of 10 October 2018 claimed

approximately 54 lives and a total of 8 980 cases were reported in seven provinces across Zimbabwe.<sup>1</sup> Glen View and Budiro suburbs in Harare were the most affected accounting for 46% and 29% of the cases respectively.<sup>2</sup>

## **Summary of Violations**

In October 2018, **59 new** victims of Organized Violence and Torture (OVT) were reported and documented from across the country. The ZRP and ZANU-PF supporters were the main perpetrators of violence. Of concern was the arrest in Bulawayo of the Mthwakazi activists namely Welcome Moyo, Mayor Ncube, Marshall Sibanda and Wisdom Mkwanzani during the public hearings conducted by the Commission of Inquiry investigating the 1<sup>st</sup> of August shooting which culminated in the death of six civilians. Mr. Mkwanzani was arrested for allegedly insulting President Mnangagwa while testifying before the Commission. The arrest raised questions on the ability of the Commission to safeguard the physical security and protection of witnesses before, during and after the hearings.

Further, law enforcement agencies continued to arrest citizens under Section 33 (1) (a) of the Criminal Law (Codification and Reform) Act for undermining authority of or insulting the President. Since President Mnangagwa assumed power in November 2017, three individuals namely Alexander Chidzedzere, John Mahlabera and Munyaradzi Shoko have been arrested on charges of insulting the President- crimes, which were popular during the era of former President Robert Mugabe. Section 33 of the Criminal Code violates section 61 of the Constitution, which guarantees the right to freedom of expression.

The table below summarises cases of OVT for October 2018.

NB: The following notes should be put into consideration when reading these cases:

- *Human rights violations contained in this report are derived from statements made to the Forum's Public Interest Unit, its member and partner organisations.*

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<sup>1</sup>The UN Office for the Coordination of Humanitarian Affairs, Zimbabwe: Cholera outbreak snapshot as of 10 October 2018, <https://reliefweb.int/report/zimbabwe/zimbabwe-cholera-outbreak-snapshot-10-october-2018>

<sup>2</sup> Ibid

- *The identities of victims whose names have not been published in the press and are not public officials are protected. This is done in order to protect the victim from further violence, intimidation and possible reprisals.*
- *The Report cannot be considered as the exhaustive record of all incidents of politically-motivated violence in Zimbabwe in the period under review. Nevertheless, every incident reported to the Forum directly or through its members is meticulously documented and included in the report.*

**TABLE 1: Reported Incidents of OVT October 2018**

<b>Date</b>	<b>Violation</b>	<b>Violation Narration</b>	<b>Number of victims</b>	<b>Perpetrator</b>
02 Oct	Torture	The ZRP anti-riot Police reportedly severely assaulted Isheanesu Chigwededza during a clampdown on vendors along Chinhoyi street in Harare's CBD. Chigwededza sustained injuries on his back and face and received medical assistance from Counseling Services Unit.	1	ZRP
04 Oct	Torture	James Chidhakwa, a vendor Harare was severely assaulted by Riot Police in Harare CBD for selling wares in town. He succumbed to serious injuries, which resulted in him being admitted at Parirenyatwa hospital intensive care unit and is receiving legal assistance from the Forum lawyers.	1	ZRP
04 Oct	Assault	Suspected ZANU PF activists in Ward 1, Hopley in Harare South, allegedly attacked MDC Alliance's (MDC-A) Harare ward 1 councilor, Tendai Katsaria. Tendai Katsaria also sustained head injuries caused by Harare City department of works employees, who were seeking to find ways to regularize the residential stands in that area	1	ZANU PF Supporters
09 Oct	Torture	A suspected Zimbabwe National Army (ZNA) officer, allegedly assaulted Esnath Mbedzi and Miriam Moyo of Chipangwe village in Beitbridge for refusing to pay a bribe. Esnath Mbedzi sustained injuries to her right leg and received treatment at Beitbridge District Hospital. The case was reported to the Police RRB 3278330.	1	
11 Oct	Politicization of food aid	Former ZANU PF Councilor for Ward 13 in Chief Nelukoba-Dingani area in Hwange, Spiwe Mapfuwa reportedly diverted a truck ferrying inputs for the Presidential Inputs Distribution Scheme to a ZANU PF base.	Unknown	ZANU PF Supporters

		This resulted in contestations amongst villagers, the majority of which are purported MDC Alliance supporters. The former Councilor argued that only ZANU PF sympathizers should benefit from national programmes.		
11 Oct	Arbitrary arrest	A total of 42 ZCTU leaders were arrested in Harare, Mutare and for planning a demonstration against the recently introduced 2% per dollar tax imposed by government.	42	ZRP
17 Oct	Violation of freedom of the media	Police in ward 1, Masvingo threatened Godfrey Mutimba a journalist who writes for The Worker, a print publication run by the Zimbabwe Congress of Trade Unions for filming the arrest of illegal foreign currency dealers at the Masvingo Main post Office. Despite Mutimba showing his press accreditation to the police officers, they threatened to arrest him if he did not delete the footage. The Police Officers also confiscated his press card.	1	ZRP
18 Oct	Violation of freedom of the media	A ZRP officer in civilian clothing allegedly assaulted Panashe Makufa a local journalist for an online publication Mail & Telegraph in Harare CBD at Road Port regional bus terminus for filming a violent police arrests against illegal foreign currency dealers.	1	ZRP
19 Oct	Torture	In Mutasa Central Ward 11, three soldiers (Farai Siduli, Rufaro Mashayanembwa and an unidentified soldier threatened to assault Mrs. Eunice Tombo who is a shopkeeper at God's Will General Dealer, if she did not reduce prices of her wares. It is further alleged that Alois Njopera who is also a shopkeeper in the same establishment received similar threats for not reducing prices to commodities that the soldiers wanted to buy. The matter was reported to ZRP Mutasa.	2	ZNA
20 Oct	Politicization of food aid	ZANU PF and MDC Alliance supporters clashed in Chimanimani West Constituency over the alleged partisan distribution of presidential agricultural inputs. Five MDC Alliance activists Ward 3 Councilor Douglas Tsandukwa, Solomon Machisi, Itai Mutereko, Benjamin Mutereko and Danmore Makamunzi were arrested for allegedly engaging in violence during the distribution of the inputs. Douglas Tsandukwa accused ZANU PF of partisan distribution of inputs and claimed that although ZANU PF's Lovemore Viyayi is still in charge of distributing government inputs despite losing the 30 July local government elections.	Unknown	ZANUPF & MDC-A

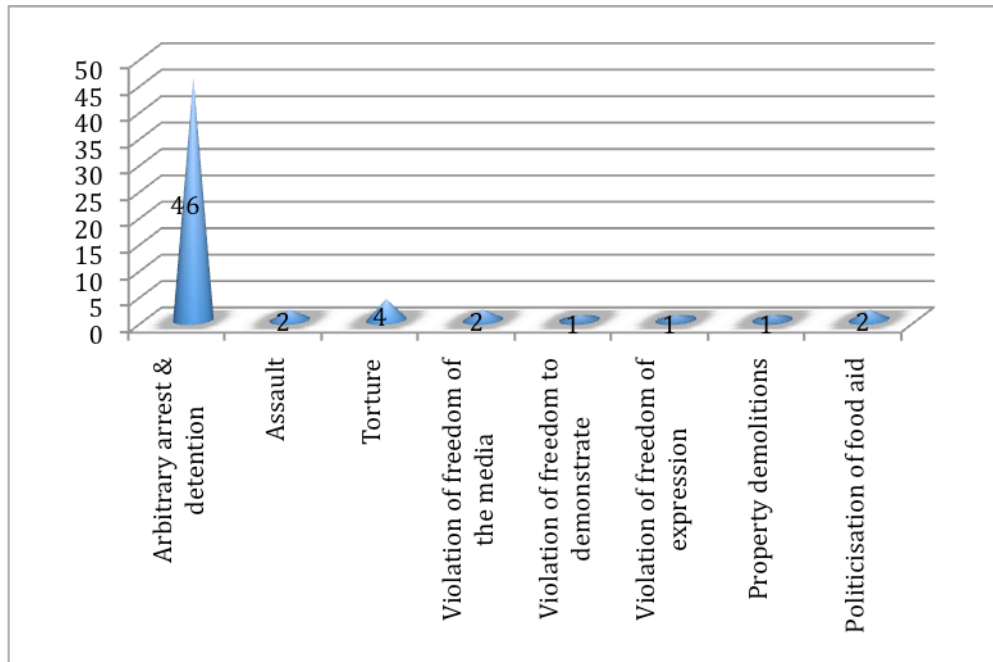
21 Oct	Assault	Unidentified ZANU PF supporters driving a marked ZANU PF vehicle assaulted MDC Chairman for ZIMCO Chiedza Compound Ward 34 in Banket. It has been reported that the victim was taken to Banket District Hospital in an unconscious state.	1	ZANU PF Supporters
22 Oct	Violation of freedom to demonstrate & petition and violation of freedom of expression	Kudzai Zimwara from ward 6, Gweru who is a Geography and Environmental Science student from Midlands State University (MSU) was suspended by the Acting Vice-Chancellor, Zandile Doreen Moyo for allegedly calling on students to embark on an illegal demonstration against poor service delivery and exorbitant fees.	1	MSU authorities
24 Oct	Demolitions	The Harare City Council demolished houses at Glen Eagles Farm in Budiriro 5 Township following a land dispute between the City of Harare and a Housing Cooperative under the banner of Hannah Consortium who occupied the site in July 2018. Families who were not part of the dispute were left homeless. Some of the victims received legal assistance from the Forum lawyers.	Unknown	Harare City Council
26 Oct	Arbitrary arrest & detention	Welcome Moyo, Mayor Ncube, Marshall Sibanda and Terrence Wisdom Mkhwananzi of the Mthwakazi Republic were arrested & detained at Bulawayo Central Police and charged with public violence following disturbances during the hearings by the Commission of Inquiry into the 1 <sup>st</sup> of August shootings.	4	ZRP

### Nature of violations

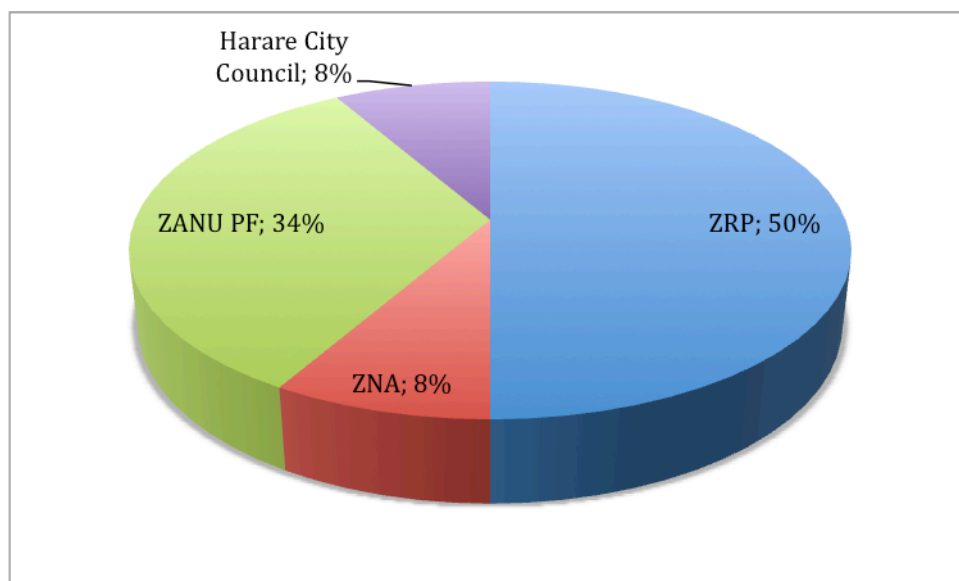
Violations during the month of October were mostly arbitrary arrest and detention torture; assault; violation of freedom of the media; and property demolitions among other human rights violations.

**FIGURE 1: Violations for October 2018**

Figure one below summarizes human rights violations documented during the month of October.



**FIGURE 2: Distribution of Perpetrators by Violator Institution October 2018**





The ZRP was the main perpetrators of violence, accounting for 50% of the violence, followed by ZANU PF, which accounted for 34% of the violence, the Harare City Council and ZNA both accounted for 8% of the violations documented during the month.

## **Conclusion**

The continued violation of human rights is partly exacerbated by the government's disregard of constitutionalism and the rule of law reflected in the lack of progress in the alignment of domestic laws with the Constitution. As such the government as outlined by the President in his State of the Nation Address (SONA) in September 2018, must prioritize the realignment of all domestic laws to enable citizens to fully enjoy their constitutional rights.