



**Political and Human Rights  
Violations Report April to  
September 2020**

**By**

**The Zimbabwe Human Rights NGO Forum**

**October 2020**



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## About this report

The Zimbabwe Human Rights NGO Forum (the Forum) consistently monitors the human rights environment in Zimbabwe and analyses national trends, in line with its mandate of coordinating the human rights agenda in Zimbabwe. Through its various members, the Forum collates and verifies human rights violations and designs advocacy strategies in order to promote a culture of human rights for all. The information in this report is derived from verified media reports, information from members of the Forum, civil society reports, information reported to the Forum Public Interest Unit (PIU) and the Forum's Research Unit (RU). This information is not exhaustive of human rights violations that occurred during the period under review but presents a documented picture of the state of human rights in Zimbabwe. The basis of this report is understanding the supremacy of the Constitution of Zimbabwe, 2013 (the Constitution) and acknowledging the founding values of Zimbabwe that include respect for fundamental human rights and freedoms, and the rule of law.

*The following should be considered when reading this report:*

- ✦ *The identities of victims whose names have not been published in the press and are not public officials are protected. This is done to protect the victims from further violence, intimidation and possible reprisals.*
- ✦ *A single incident may contain multiple cases.*
- ✦ *Given the interlinkages between COVID-19 and the political environment, statistics captured in this report may also be COVID-19 related.*
- ✦ *The Report cannot be considered as an exhaustive record of all incidents of violence in Zimbabwe during the period under review.*

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## Introduction

Zimbabwe has an unenviable history of gross human rights violations and Organised Violence and Torture (OVT), and the history of the country, both pre and post-Independence in 1980, is a sequence of OVT followed by impunity. Every period has been documented by civil society and church organisations, but the period since 1998 has been documented in enormous detail. The preponderance of the data on gross human rights violations and OVT has been provided by the Zimbabwe Human Rights NGO Forum (the “Human Rights Forum), but also verified by the independent reports of Amnesty International, the International Rehabilitation Council for Torture Victims (IRCT), and Human Rights Watch, amongst many others. It can be said with considerable pride that the Human Rights Forum has left no stone unturned in its efforts to counter human rights abuses, seek accountability for these, and provide redress for the victims and survivors.<sup>1</sup>

Against this background, there were high hopes after the removal of Robert Mugabe in the 2017 coup, that the “new dispensation” would reverse this trend, but, as the Human Rights Forum pointed out in 2019, this was a forlorn hope.<sup>2</sup> The mounting evidence is rather that things are incrementally getting worse, and this is the focus of this report, the situation in 2020.

The human rights, socio-economic and political context in Zimbabwe have continued to deteriorate between the period of April 2020 to September 2020. Citizens continued to be haunted by unremitting State-sponsored violence, carried out with impunity against a backdrop of inadequate infrastructure and insufficient political will to deal with the violence. Since 2017, the daily deployment of armed soldiers in suburbs, towns, growth points and every street corner in the central business district has been a constant worry for civil society organisations and human rights defenders.

Human rights violations, primarily abductions, torture, assault and unlawful arrest of journalists, human rights defenders and opposition party activists, are also on the increase. The Zimbabwe National Army, the Zimbabwe Republic Police and the Central Intelligence Organisation have been identified as the major perpetrators of these heinous crimes.<sup>3</sup>

Presently, the nation is experiencing a high inflationary environment wherein income is being eroded and many are living in abject poverty.<sup>4</sup> Labour movements and citizens exercising their rights to demonstrate and petition face assault and unlawful arrests, and are subject to cycles of structural violence. The State has continued to respond to dissent through unwarranted attacks on civil society organisations, the church and opposition parties. Toxic politics that is

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<sup>1</sup> ZHRNGOF (2016), *Transitional Justice in Pre-Transitional Times: Are there any lessons for Zimbabwe?* July 2016. Harare: Zimbabwe Human Rights NGO Forum. [<https://ntjwg.uwazi.io/en/document/rgiju4tosfm>]

<sup>2</sup> ZHRNGOF (2019), *The New Deception: What has Changed? A Baseline Study on the Record of the ‘New Dispensation’ in Upholding Human Rights.* August 2019. [<http://www.hrforumzim.org/wp-content/uploads/2019/08/The-New-Deception-What-has-changed.pdf>]

<sup>3</sup> Here see recent reports of the Forum: Harare: Zimbabwe Human Rights NGO Forum; ZHRNGOF & CSU (2020), *Ruled by Violence; An Analysis of the Nature, Patterns and Execution of Violence in Zimbabwe since 1998.* June 2020. Harare: Zimbabwe Human Rights NGO Forum & Counselling Services Unit [<https://www.ntjwg.org.zw/wp-content/uploads/2020/07/Ruled-By-Violence.pdf>]; ZHRNGOF (2020), *Guns Run Amok, A Review of the 1 August 2018 and 14 January 2019 Crackdown on Civilians by the Security Forces.* June 2020. Harare: Zimbabwe Human Rights NGO Forum. [<https://www.ntjwg.org.zw/wp-content/uploads/2020/07/Guns-Run-Amok.pdf>].

<sup>4</sup> *Zimbabwe Annual Inflation Soars to 837%, Statistics Agency Says, Bloomberg, 15 August 2020.* [<https://www.bloomberg.com/news/articles/2020-08-15/zimbabwe-annual-inflation-soars-to-837-statistics-agency-says>]

characterised by hate speech, intolerance and disregard for the will of the people remained the order of the day in the period under review.

Many of the violations recorded from April 2020 to September 2020 were in the form of harassment and intimidation. The reports made ran the gamut from assault, torture, harassment, intimidation, malicious damage to property, partisan distribution of food and farming implements and arbitrary arrests. The total number of recorded national politically motivated human rights violations for the period under consideration is one thousand and forty (1 202). The violations were predominantly perpetrated by members of the ZNA, ZRP and certain ZANU-PF personnel. The violations occurred in all 10 provinces, but more particularly so in Mashonaland Central, Mashonaland East, Harare, Bulawayo and Midlands.

## **Background**

The period under review was characterised by the COVID-19 pandemic, which resulted in the pronouncement of a state of disaster by President Emmerson Mnangagwa on 17 March 2020. The declaration, which was in terms of section 27 of the Civil Protection Act [*Chapter 10:06*], was followed by the imposition of a nationwide lockdown on 30 March 2020. The declaration saw the government formulate and implement emergency disaster response regulations and allocate financial and human resources in response to the pandemic. Consequently, the Minister of Health and Child Care, acting in terms of section 68 of the Public Health Act [*Chapter 15:17*], promulgated over thirty-five (35) regulations to implement public health measures to curb the pandemic. The President invoked the Temporary Measures (Presidential Powers) Act [*Chapter 10:20*]<sup>5</sup> which gave him plenary power to implement unilateral regulations with the complete oversight of Parliament. The Presidential Powers (Temporary Measures) (Deferral of Rent and Mortgage Payments During National Lockdown) Regulations, 2020 is a typical example of the unilateral implementation of regulations by the President.

On 16 May 2020, President Mnangagwa announced an indefinite extension of the national lockdown and introduced a raft of ancillary measures thereto, some of which were still in effect as of September 2020. The President indicated that the national lockdown would continue indefinitely in order to allow the nation to gradually ease out of the lockdown while minimising the risk of sudden spikes in the number of COVID-19 cases. The following measures were part of the national lockdown, level 2:

- Business hours were adjusted to 8 a.m. to 4.30 p.m. in August;
- Public examination classes within schools and final-year students at colleges and universities were permitted to continue with their studies and subsequent examinations in compliance with stipulated COVID-19 prevention measures;
- Mandatory testing of haulage truck drivers and other high-risk populations, though initially all employees from both the public and private sector were mandated to be tested;
- Private sector testing and isolation centres were encouraged;
- Low-risk sporting activities were allowed to take place;
- The wearing of face masks, as well as the washing of hands and/or the use of alcohol-based sanitizers in all public areas, remained mandatory;
- Shops and supermarkets were instructed to continue the enforcement of social distancing regulations with respect to their customers;
- Citizens were mandated to maintain protective measures, including social distancing;

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<sup>5</sup> The Act is unconstitutional by virtue of section 2(1) of the constitution.

- Bans on public gatherings of more than 50 people, including gatherings for worship, weddings, funerals, political rallies and other such gatherings were implemented;
- Inter and intra provincial and district travel was banned, although this was later lifted in September;
- Designated food markets were permitted to open whilst consultations on the phased re-opening of the informal sector remain ongoing;
- Private transport including commuter omnibuses, combis, and unregistered taxis remain banned. Only ZUPCO buses and ZUPCO contracted commuter omnibuses with the stipulated number of passengers were permitted; and
- Restaurants and food outlets were permitted to operate in respect of takeaways and deliveries.

Within the context of the COVID-19 induced state of disaster, the State took advantage of the national lockdown in ways that led to the violation of numerous civil and political rights, as well as economic, social and cultural rights. The State also took advantage of the national lockdown to clamp down on dissent and opposition parties.

In general, civil society organisations, human rights defenders, the church and regional and international communities realised and gave voice to the fact that Zimbabwe was in an economic, political and social crisis. In stark contrast, the government lambasted these claims and labelled dissenting voices as purveyors of falsehoods and agents of the West<sup>6</sup>.

## Violations at a glance

Here we provide brief detail on the violations since April 2020.

**Table 1: Violations recorded by the Zimbabwe Human Rights NGO Forum (May to September 2020)**

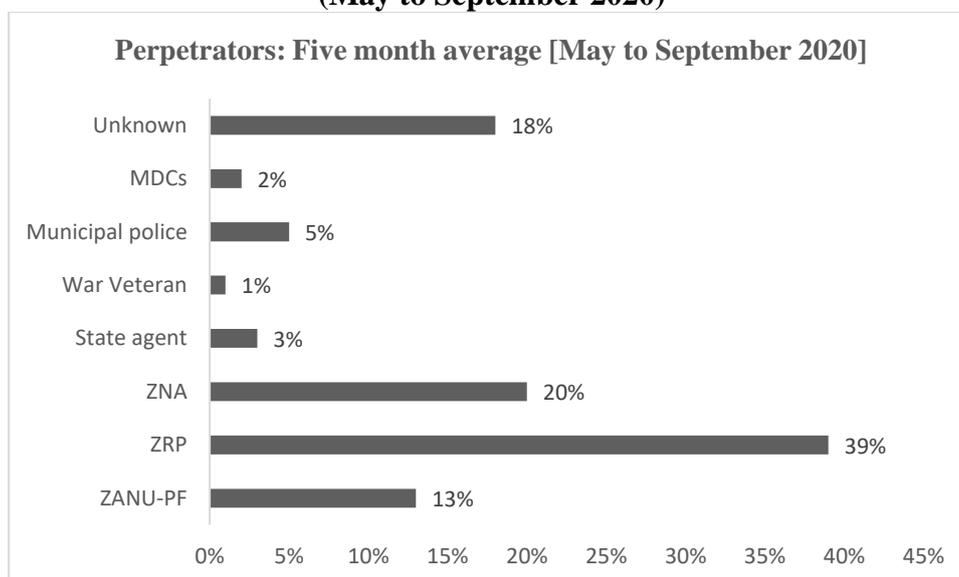
	May	June	July	August	September	Total
Killing	2	0	0	0	5	7
Rape/Sexual harassment	1	1	0	0	0	2
Abduction	1	2	15	14	3	35
Assault	40	29	58	37	23	187
Theft	0	17	24	21	15	77
Discrimination	14	24	17	14	32	101
MDP	21	1	10	6	8	46
Torture	4	2	0	7	11	24
Unlawful detention	13	27	48	5	11	104
Intimidation	110	101	168	137	81	597
Displacement	0	1	4	1	6	12
Attempted murder	0	2	0	0	3	5
Attempted abduction	1	0	0	3	0	4
Banned political meeting	0	0	0	0	0	0
Disrupted political meeting	0	0	1	0	0	1
<b>Total</b>	<b>207</b>	<b>207</b>	<b>345</b>	<b>245</b>	<b>198</b>	<b>1202</b>

<sup>6</sup> “Govt threat to come hard on Kasukuwere, Sikhala over ‘false’ coup claims”, New Zimbabwe, 11 June 2020, <https://www.newzimbabwe.com/govt-threat-to-come-hard-on-kasukuwere-sikhala-over-false-coup-claims/> (retrieved 29 September 2020).

The Forum Secretariat and Forum Members recorded at least one thousand, two hundred and two (1 202) politically motivated human rights violations between the period of 1 April 2020 to 30 September 2020. The consolidated statistics relate to assault, torture, unlawful arrests, abductions, intimidation, discrimination, extra-judicial killings and theft.

In addition, 20 attacks on journalist were recorded in a wide number of locales (*Mutare, Gweru, Chinhoyi, Harare, Chiredzi, Masvingo, Beitbridge, and Bulawayo*). The assaults and torture were widespread, with violations being recorded in 16 different places (*Harare, Zvishavane, Masvingo, Bulawayo, Gweru, Chitungwiza, Bindura, Chirred, Mariner, Motoko, Chive, Benita, Mauri, Mutate, Beit bridge, and Domboshava*). It is important also to note at this time of extreme hardship that 14 cases of partisan distribution of food were recorded (*Murehwa, Nyanga, Guruve, Beitbridge, Headlands, Chimanimani, Nkayi, Buhera, Chikomba*).

**Figure 1: Perpetrators identified by Zimbabwe Human Rights NGO Forum (May to September 2020)**



It can also be seen from Figure 1 that state agents of one kind or other (Zimbabwe Republic Police, Zimbabwe National Army and various state agents) account for 62% of all identified perpetrators. This rises to an alarming 76% if non-state agents likely to be affiliated to the state agents (ZANU-PF supporters and war veterans) are included in this total. This is little different to most previous patterns, save that the Zimbabwe National Army (ZNA) is more frequently mentioned than prior to November 2017.<sup>7</sup>

<sup>7</sup> Here see again, ZHRNGOF (2020), *Guns Run Amok, A Review of the 1 August 2018 and 14 January 2019 Crackdown on Civilians by the Security Forces*. June 2020. Harare: Zimbabwe Human Rights GO Forum [<https://www.ntjwg.org.zw/wp-content/uploads/2020/07/Guns-Run-Amok.pdf>]

## Civil and political rights

### Assault, including dog bites

The right to personal security continued to be infringed, particularly by members of the Zimbabwe Republic Police (ZRP), Zimbabwe National Army (ZNA) and Municipality Police Officers from different cities (see above). Violations of the right to personal security, particularly through assault, were perpetrated with impunity under the guise of enforcing the COVID-19 national lockdown regulations. With total disregard for the right to bodily and psychological integrity, which includes freedom from all forms of violence from public or private sources,<sup>8</sup> Zimbabweans were left at the mercy of security forces especially during the imposed 6 p.m. to 6 a.m. curfew<sup>9</sup>. However, the curfew was reviewed on 17 September 2020 to stretch between 8 p.m. to 6 a.m.<sup>10</sup>.

The right to personal security is guaranteed by the *Universal Declaration of Human Rights*, adopted by the United Nations in 1948 and ratified by Zimbabwe. The right to personal security is an expansion of rights relating to prohibitions of torture, inhumane and degrading treatment, assaults, intimidation, threats of violence and abductions amongst a number of other violations. Section 89 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] defines assault as:

- a) *any act by a person involving the application of force, directly or indirectly, to the body of another person, whereby bodily harm is caused to that other person; or*
- b) *any act by a person that causes, directly or indirectly, the injection into or application to the body of another person of any substance without that person's consent; or*
- c) *any act by a person that causes any substance to be consumed by another person without that person's consent; "bodily harm" means any harm causing pain or discomfort to the body, or any impairment of the body or its functions, whether temporary or permanent.*

The Forum, through its membership, documented one hundred and eighty-seven (187) cases of assault of civilians, primarily by police officers, soldiers and state agents (suspected CIO agents). The cases were recorded mainly in high-density suburbs across Zimbabwe, including Harare, Mutare, Bulawayo and Masvingo. In the majority of reported incidents, civilians were assaulted with blunt objects, sjamboks and baton sticks for allegedly violating the national lockdown regulations. The majority of the assaults related to the breach of social distancing requirements, particularly where individuals would form a single file to access basic commodities. Citizens were also assaulted for gatherings deemed political such as protests and collective job action. Apart from the assaults, citizens were subjected to inhuman and degrading treatment, particularly at police/military checkpoints and police transport vehicles. In reported incidences, citizens were instructed to crawl on their bellies, sing praise songs to the President and security forces. Citizens also sustained various degrees of injuries including broken limbs as a result of the assaults.

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<sup>8</sup> Section 52 of the Constitution of Zimbabwe, 2013, hereinafter referred to as the Constitution.

<sup>9</sup> "Zimbabwe: Authorities reduce COVID-19 curfew hours August 18 /update 13", Garda World, 13 August 2020 available at <https://www.garda.com/crisis24/news-alerts/370591/zimbabwe-authorities-reduce-covid-19-curfew-hours-august-18-update-13> (retrieved 29 September 2020).

<sup>10</sup> "Curfew remains in place", The Herald, 17 September 2020 available at <https://www.herald.co.zw/curfew-remains-in-place/> (retrieved 15 October 2020).

## Case examples

*On 5 July 2020, police officers in Chitungwiza allegedly shot Tinashe Zharare in his right leg, at Jambanja vendors market located at Unit L. It was reported that Zharare was selling groceries from his motor vehicle when police officers from Chitungwiza Police Station began their raid of the area. Zharare quickly got into his vehicle and closed the door, intending to drive away from the scene. A police officer then allegedly fired directly at the vehicle. The bullet not only damaged the drivers' door, but it went through the vehicle, resulting in Zharare sustaining serious injuries to his right leg and in need of reconstructive surgery to the said leg. The police officers immediately rushed the injured Zharare to Chitungwiza General Hospital and dropped him off, before promptly vanishing without leaving behind any documentation.*

*On 29 July 2020, at around 12 p.m., four MDC Alliance supporters were assaulted with fists and iron bars by ZANU-PF supporters, led by Tongai Mnangagwa and Hardlife Maphosa, at Retreat Farm in Harare South. The four MDC Alliance supporters sustained serious injuries as a result of the assault. The incident occurred two days after ZANU-PF acting spokesperson, Patrick Chinamasa, encouraged violence by inciting his party supporters to use any means at their disposal to defend themselves during the planned 31 July 2020 protests against corruption.*

*On 5 August 2020, MDC Alliance Epworth Ward 5 Chairperson, Patrick Bandera was assaulted by a group of soldiers at Munyuki Shopping Centre. Bandera, who was on his way home from the shopping centre, was ambushed by soldiers patrolling the neighbourhood in a military vehicle. Bandera alleged that about 7 to 10 soldiers jumped out of the vehicle and assaulted him with sjamboks and baton sticks. Bandera recalled one of the soldiers saying, "Takakuwudzai kuti six dzikachaya munhu wese mumba" (We have told you that at precisely six o'clock, everyone should be indoors). Bandera sustained injuries to his back and legs.*

In addition to the assaults, 597 reports of intimidation were received by the Human Rights Forum and its members. Whilst intimidation (usually threats) seems less serious, this must be seen in the context of the proclivity of state agents for violence, and the justifiable fear of this by citizens.

### **Torture**

The United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, Degrading Treatment and Punishment (UNCAT)<sup>3</sup> defines torture as:

*"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed; such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".*

Section 53 of the Constitution of Zimbabwe guarantees freedom from torture, cruel, inhuman or degrading treatment or punishment. State security agents, however, abducted and assaulted civilians in order to obtain information from them. The majority of violations relating to torture, related to the intended 31 July 2020 protests. Given the numbers of State-sponsored torture documented, it is no surprise that the government has not ratified the above-mentioned CAT.

As the world celebrated the International Day in Support of Victims of Torture on 26 June 2020, the State continued to persecute Honorable Joanna Mamombe, as well as her co-accused, Cecilia Chimbiri and Netsai Marova. The trio was accused of faking their abduction and publishing falsehoods that were prejudicial to the State. This followed allegations that they were seized by State-security agents on 13 May 2020 who subjected them to acts of torture and sexual abuse as punishment for purportedly staging an anti-government protest.

### **Case examples**

*On 31 July 2020, in Harare, Beatrice Makiwa was taken from her home in Glenview to Lake Chivero, where she was assaulted with sticks and fists and then later dumped. It was alleged that four men using a white Toyota Mark 2 vehicle without registration plates, assaulted her to coerce her to reveal the persons responsible for printing flyers and posters related to the 31 July 2020 protests. Makiwa sustained injuries to her face and hands as a result of the assault.*

*On 23 August 2020, Paradzai Chinogurei of Ridgeview location in Mt Darwin, Ward 26, was assaulted with baton sticks by Constable Kasirori and 2 other un-identified police officers at the ZRP Mt Darwin Charge Office. He was later charged with disorderly conduct. The incident occurred after Chinogurei had gone to inquire about the arrest of his niece, Nomsa Chalufu, on the grounds of contravening the national lockdown regulations by failing to wear a face mask. Following the assault, Chinogurei was forced to pay an admission of guilt fine in the sum of ZWL500 for disorderly conduct. The victim sustained a swollen right hand which subsequently required medication.*

*On 15 April 2020, in Bikita South, police officers assaulted 2 shop keepers, Perfect Chimhundu and Mr Gwangwava, at Ngorima and Sadonsa Business Centre with baton sticks and booted feet. The two were accused of operating their businesses contrary to the hours stipulated by the national lockdown regulations.*

*On 11 May 2020, in Mazowe, Thomas Majawi was assaulted by 4 soldiers with sjamboks at around 8 a.m. on his way to purchase groceries at Goly's Supermarket in Mvurwi. It was reported that Majawi was interrogated about his movements and during the course of his explanation, he was suddenly attacked by one of the soldiers. Majawi's sustained injuries to his left hand and face.*

*Talent Ndlovu (29) was brutally assaulted by a group of soldiers who were patrolling the Highfields area at Glenora located in Ward 26. Ndlovu who was doing her laundry outside, at Block 29 of Geneva flats when she was attacked by four soldiers who were wielding sjamboks. The soldiers accused her of hiding protestors before proceeding to indiscriminately assault her. The victim sustained serious back injuries. Ndlovu complained of back pain resulting in an inability to carry her 11-month-old baby on her back*

The ratification of the CAT, and the Optional Protocol to UNCAT, will go a long way in deterring acts of torture by providing punitive mechanisms that assist in holding perpetrators

of such violations accountable. The Forum echoed these sentiments in a statement issued on 26 June 2020.<sup>11</sup>

### **Extra-judicial killings**

The Forum documented seven (7) cases of extra-judicial killings from April to September 2020. On 24 May 2020, it was reported that police officers shot and killed Paul Munakopa (34), following a high-speed motor vehicle chase. Munakopa, who was in the company of his girlfriend, Tracy Mufudzi, died a few minutes after being admitted to United Bulawayo Hospital (UBH). Reportedly, the pair was parked in a city suburb, when police and members of the neighbourhood watch committee confronted them in an unmarked Toyota Prado vehicle. The family of the late Munakopa has since demanded an investigation into the cause of his death.

### **Case examples**

*On 27 August 2020, the MDC Alliance reported the death of the party's Karoi District Co-ordinating Chairperson, Councillor Lovender Chiwaya (34) of Ward 4, Hurungwe Central. Reports are that Chiwaya's body was found dumped at his doorstep with signs of torture and aggravated assault. The MDC Alliance reported that prior to his death, Chiwaya was being subjected to death threats by State agents on the suspicion that he was involved in the planned 31 July 2020 protests.*

*On 24 July 2020, MDC Alliance member, Mazwi Ndlovu, was assaulted by ZANU-PF supporters in Bulilima Ward 2, in Matabeleland South. It was alleged that ZANU-PF members assaulted Ndlovu for challenging a seemingly partisan maize distribution list. He was initially taken to Plumtree Hospital before being referred to United Bulawayo Hospital. Ndlovu passed away upon admission to United Bulawayo Hospital on 25 July 2020.*

*On 30 March 2020, police officers in Bulawayo assaulted Levison Ncube. Ncube died on 7 April 2020, as a result of injuries sustained during the assault. It is alleged that police officers used excessive force in apprehending him. Reportedly, Ncube was apprehended whilst strolling outside eMabuthweni suburb, in contravention of the COVID-19 national lockdown regulations. Ncube fell unconscious after the assault and only became conscious upon arrival at United Bulawayo Hospital, where he was later discharged. Reportedly, Ncube suffered paralysis on his left side as a result of the assault and he eventually passed away on 7 April 2020 due to the injuries he sustained.*

### **Abductions**

Resolution 65/209 of the United Nations General Assembly saw the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance. Zimbabwe is a party to several regional treaties related to enforced disappearances including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Article 9(1)(c) of the Convention states that:

*State parties shall protect the rights of internally displaced persons regardless of the cause of the displacement by refraining from and preventing acts among others arbitrary killing, summary execution, arbitrary detention, abduction,*

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<sup>11</sup> Zimbabwe Human Rights NGO Forum (26 June 2020); Commemorating the International Day in Support of Victims of Torture available at <https://www.facebook.com/ZimHRNGOForum/photos/pcb.2905304366233377/2905303972900083/> (retrieved on 29 September 2020)

*enforced disappearance or torture and other forms of cruel, inhuman treatment or punishment.*

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (the Convention) defines enforced disappearance as:

*The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person which places such person outside the protection of the law.*

The Convention deals expansively with the issue of enforced disappearance, and Article 1 provides that no person shall be subjected to enforced disappearance. Article 7 (1) (i) of the Rome Statute provides that enforced disappearance of persons constitutes a crime against humanity. Regrettably, Zimbabwe is not a party to the Convention, or the Rome Statute, and the government continues to ignore calls for it to ratify these important treaties.

There can be no doubt that enforced disappearances are recognised as a crime under international law and States are obligated to take action to prevent their occurrence. As a result, the Government of Zimbabwe is bound by international law to prevent cases of enforced disappearance in the country. Abductions and enforced disappearances have become “the order of the day” and seemingly no citizen is safe. During the period under review, artists, students, labour leaders, human rights defenders and even church representatives fell victim to State-sponsored abductions.

### **Case examples**

*On 13 May 2020, MDC Alliance, Harare West Member of Parliament, Joana Mamombe and Youth Assembly leaders Cecilia Chimbiri and Netsai Marova were abducted in Glenview following a protest by the MDC Alliance. The trio was seized by State security agents who subjected them to acts of torture and sexual abuse as punishment for allegedly staging an anti-government protest. Their abductors equated the protest to an attempt to overthrow the government. The trio was later dumped in Bindura where they were located on 14 May 2020. The three were recovered with various injuries that were consistent with aggravated assault and torture. The three were later accused of publishing falsehoods that were prejudicial to the State. The charges were based on the suspicion that they faked their abduction. Their case is still ongoing.*

*On 27 July, Bulawayo MDC Alliance Youth Activist, Takunda Madzana was allegedly abducted by suspected State security agents who interrogated him on the planned 31 July 2020 protests. Madzana was abducted from his Magwegwe home between 11 p.m and 12 a.m on 27 July 2020. He was taken to a secluded area near Magwegwe, where he was assaulted, tortured and dumped. The abductors wanted information on who was financing the 31 July 2020 protest. They also demanded to know other officials in the party that were involved in addition to details about organisations that were offering solidarity. Madzana sustained injuries to his face, back and hands as a result of the assault.*

*On 6 August 2020, Noxolo Maphosa, who is Josphat Ngulube's niece, was abducted, tortured and sexually assaulted by suspected State security agents. It is alleged that*

*State security agents tortured her in order to obtain information about the whereabouts of her uncle and human rights defender, Josphat Ngulube. Ngulube is currently being hunted down by the police in connection with the 31 July 2020 protests. It was reported that Maphosa was walking to a butchery near Pick n Pay (Hyper) Supermarket in Bulawayo at about 10 a.m when she noticed four men walking behind her. Shortly thereafter, the men attacked and blindfolded her, before driving her to an unknown location. One of the unknown assailants took a knife, cut open her undergarments and repeatedly assaulted her with logs and sjamboks. The unknown assailants also demanded that she hand over her phone. Maphosa was later driven to Cowdray Park where she was dumped.*

*On 30 July 2020, unknown assailants abducted Tawanda Muchehiwa, the nephew to ZimLive Editor, Mduduzi Mathuthu, in Bulawayo. Tawanda Muchehiwa was taken from Tile Centre Hardware in Bulawayo CBD to a secluded place, where he was tortured for three days. On 1 August 2020, at 10.00 p.m, Muchehiwa was dropped off about 5 km from his place of residence by his assailants. He was released in the wake of a High Court ruling earlier on in the day, by Justice Martin Makonese, directing the police to produce him before a Bulawayo magistrate within 72 hours of the order. Muchehiwa sustained serious injuries. Reports indicated that doctors were worried that he was poisoned as he exhibited symptoms of acute renal failure.*

## **Raids**

During the days leading up to 31 July 2020, anti-riot police officers, soldiers and other unidentified State security agents raided the houses of opposition party supporters, journalists, labour leaders and pro-democracy activists. In most of the cases, police officers did not have search warrants or warrants of arrests authorising their activities. In the process, property such as windows and doors were destroyed. In total, six cases of unlawful raids were reported nationally.

### **Case examples**

*On 28 July 2020, Mthulisi Hanana, the Director of the Dumiso Dabengwa Foundation reported that at about 12:38 a.m. masked men, suspected to be State security agents, broke into his home and threatened his family, including his 6-year-old child in order to force his wife to reveal his whereabouts. It was alleged that the unidentified men left his house in a white Toyota Bongo, registration number AFD 2813.*

*On 28 July 2020, armed men raided the house of the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) President, Obert Masaraure, in Waterfalls. The raid occurred pursuant to the publication of his name together with 13 others as wanted by the ZRP. In a previous incident that occurred on 17 July 2020, unknown assailants broke into Masaraure's house and kidnapped his wife, before dumping her in Harare South. The unknown assailants drove a silver Toyota Fortuner vehicle and broke Masaraure's doors and property.*

*On 25 July 2020, four heavily armed and unknown assailants suspected to be State agents, besieged MDC Alliance Bulawayo Councillor for Ward 24, Arnold Batirai Dube's home in Nketa. The four assailants questioned Councillor Dube's wife of his whereabouts before proceeding to assault her and Dube's younger brother.*

*On 26 July 2020, suspected State agents raided MDC-Alliance Member of Parliament, Jacob Sikhala's house in Chitungwiza at around 11 p.m. It was reported that the unidentified assailants interrogated Sikhala's family about his whereabouts before leaving. Sikhala is currently in hiding.*

*On 5 August 2020, suspected State security agents raided the house of MDC Alliance Provincial Secretary-General for Bulawayo, Pashor Sibanda. It is alleged that the suspected State security agents destroyed the locks on his gate, vandalised windows, and threatened his family at gunpoint so that they would reveal his whereabouts.*

*On 6 August 2020, in the Triangle area of Chiredzi West, MDC Alliance Councillor Gift Mutubiku's home was raided by suspected State security agents. The suspected State security agents harassed his family, demanding to know his whereabouts. The incident occurred around 1 a.m.*

*On 20 July, a group of at least 30-armed anti-riot police officers unlawfully raided investigative journalist, Hopewell Chin'ono's home. It was reported that State agents seized his camera after conducting a thorough search of his home. For hours, Chin'ono's whereabouts were unclear. It took the release of footage of the police breaking a glass door at his home and arresting him for the police to admit that they had taken him. The raid and subsequent arrest were related to his exposé of corruption in the coronavirus-related contracts awarded by Zimbabwe's Ministry of Health and Child Welfare to Drax International.*

### **Violation of freedom of the media**

On 19 April 2020, the government gazetted Statutory Instrument 93 of 2020, in terms of which, a list of essential service workers was published. In accordance with the list, journalists and media practitioners were permitted to work during the national lockdown period. Although this was a noble idea, the onslaught against journalists during the discharge of their professional duties continued with impunity.

Freedom of the media is a key component of democracy and is provided for in Section 61 of the Constitution. The role of the media is critical to ensuring that citizens have access to information. However, State security agents still attacked journalists who were simply carrying out their professional duties. There were 20 cumulative attacks recorded against journalists in Mutare, Gweru, Chinhoyi, Harare, Chiredzi, Masvingo and Beitbridge.

Journalists were subjected to assault, arbitrary arrest, harassment and detention. In all of the documented cases, journalists expressly produced their press cards to the authorities. In one reported incident, police officers insisted that the produced press card had expired. This occurred despite a statement by the National Police Spokesperson, Assistant Commissioner Paul Nyathi on 31 March 2020, advising that 2019 press cards were still valid until the Zimbabwe Media Commission (ZMC) issued new ones. Police officers and soldiers were the major culprits in perpetuating these activities.

### **Case examples**

*On 2 April 2020, in Chinhoyi, police officers arrested freelance journalist, Nunurai Jena, for being in possession of a 2019 accreditation card. The arrest occurred in spite of the fact that the Zimbabwe Media Commission had not yet issued 2020 accreditation cards.*

*On 13 April 2020, soldiers and police officers harassed and intimidated journalist, James Jemwa, and forced him to delete video footage of police officers assaulting citizens that he had recorded at Gwenyambira Shopping Centre in Mufakose.*

*On 5 April 2020, in Kuwadzana, journalist Panashe Makufa was assaulted with baton sticks by police officers, for allegedly taking video footage of police officers violently dispersing people. The police officers approached him and proceeded to assault him with baton sticks until he had deleted the footage.*

*On 22 May 2020, journalists Frank Chikowore and Samuel Takawira were arrested by police officers in Waterfalls. It was reported that the duo was working on a story involving Honourable Joana Mamombe, Cecilia Chimbiri and Netsai Marova, who were allegedly abducted. The journalists were detained at Harare Central Police Station and charged with violating national lockdown regulations. The duo is yet to be cleared of the charges.*

### **Arbitrary arrest or detention**

Article 9 of the Universal Declaration of Human Rights decrees that “*No one shall be subjected to arbitrary arrest, detention or exile.*”<sup>12</sup> Arbitrary arrest or detention is the arrest or detention of an individual when there is no likelihood or evidence that they have committed a crime or, when due process of law has not been followed in effecting the arrest or detention.

The Forum and its members documented five hundred and ninety-eight (498) cases of arrests and 104 cases of detention nationally. Amongst those arrested were human rights defenders, labour leaders, opposition activists, vendors, commuter omnibus drivers and members of the general public who were going about their daily business. The majority of the arrested persons were accused of violating various national lockdown regulations, more particularly, defying social distancing regulations, “suspicious” exemption letters and not wearing face masks. Further to that, citizens were arrested for allegedly defying lockdown regulations whilst acquiring basic commodities such as food and water. In the later phases of the national lockdown, arrests mainly related to the use of fake exemption letters. As protests erupted in different countries, mainly due to economic challenges, labour leaders and opposition supporters in the country were constantly arrested for allegedly defying the terms of the national lockdown.

Of concern was the inconsistent admission of guilt fines levied across police stations in the country. The admission of guilt fines fluctuated between ZWL200 up to ZWL1500 for the same offence. Due to the generally torrid conditions in detention experienced by arrested persons, most people were agreeable to paying solicited bribes to police officers in order to avoid arrest. This led to an increase in cases of bribery recorded by the Forum.

### **Case examples**

*On 20 April 2020, Lovemore Zvokusekwa was arrested and charged with publishing/communicating false statements after he allegedly circulated an unsigned press statement, that was purportedly written by President Mnangagwa, advising people of the extension of the national lockdown to 3 May 2020.*

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<sup>12</sup> Universal Declaration for human rights available at [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf). Retrieved 20 September 2020

*On 31 July 2020, police officers arrested Terrence Guta and Loveridge Chinzvende in Strathaven and detained them at Harare Central Police Station. The duo was charged with contravening section 37 (1) (b) of the Criminal Law (Codification and Reform) Act by participating in a gathering with intent to promote public violence, breach of peace or bigotry. They were released on 3 August 2020 on ZWL5 000 bail and ordered to report to the police station once a week.*

*On 24 April 2020, in Chipinge, MDC Alliance Councillor Chrispen Rumbu was arrested and charged with insulting/undermining the authority of the President, after he allegedly circulated a message on WhatsApp, comparing President Mnangagwa to South African President, Cyril Ramaphosa. The trial is still ongoing.*

*On 29 May 2020, police officers arrested MDC Alliance Youth Chairperson, Obey Sithole for allegedly staging an anti-government protest on 13 May 2020 against the abuse of COVID-19 resources and the extension of national lockdown. Sithole was charged with contravening COVID-19 regulations and section 37(1)(b) of the Criminal Law (Codification and Reform) Act by participating in a gathering with intent to promote public violence, breach of peace or bigotry.*

*On 31 July 2020, police officers arrested Tsitsi Dangarembga and Judy Barnes at Borrowdale Racecourse. The duo was charged with contravening section 37(1)(b) of the Criminal Law (Codification and Reform) Act by participating in a gathering with intent to promote public violence, breach of peace or bigotry. On 1 August 2020, Magistrate Nduna granted ZWL5 000 bail to Tsitsi and Judy. Fadzai Mahere, Simon Drury, Tinashe Murapatsa, Nyasha Musendu, Josee Lots, Jessica Drury and Tinotenda Muswe who had also been arrested on the same day in Mount Pleasant and subsequently detained at Harare Central Police Station; Law and Order Section. They were charged with participating in a gathering with intent to promote public violence as provided for under section 37 of the Criminal Code. On 1 August 2020, Magistrate Nduna granted them ZWL5 000 bail.*

### **Freedom of expression, assembly and association**

Despite provisions in the Constitution protecting the right to freedom of expression, assembly and association, the government and State security operatives continue to violate these freedoms.

In May 2020, protests against the weakening economy started to sprout. In reported incidents, protestors observed social distancing and the mandatory wearing of face masks. However, the State cracked down on protestors with a heavy-handed approach, under the guise of enforcing the national lockdown regulations.

#### **Case examples**

*The first of these protests was allegedly led by MDC Alliance, Harare West Member of Parliament, Joana Mamombe on 13 May 2020. The flash protest against hunger was aimed at addressing the plight of citizens during the COVID-19 pandemic. Police officers initially responded by arresting Joana Mamombe, Cecilia Chimбири and Netsai Marova for arranging a protest in contravention of the national lockdown regulations. Their lawyers sought to locate them but they could not find them at any police station in Harare. The trio later confirmed that they had been abducted and subsequently recovered in Bindura on 14 May 2020. The three were severely assaulted and tortured by suspected State security agents before they were dumped. Following the incident, the trio was again arrested and arraigned before the courts*

*on fresh charges of communicating and publishing false statements against the State. The Minister of Justice, Mr Ziyambi Ziyambi, in which he accused the three of concocting a story to divert attention from the fact that they had broken national lockdown regulations, carried the arrests out following a press conference.*

*As a result of the protest, other MDC Alliance activists were also arrested and persecuted by State security agents. MDC Alliance Youth Leader, Obey Sithole, was arrested and detained overnight by the police on 26 May 2020 in connection to the protest. Similarly, on 29 June 2020, Makomborero Haruzivishe was arrested at Mbare Magistrates Court over the Warren Park flash demonstration and taken to Harare Central Police Station where he was detained for five hours, before being released without any charges being laid against him.*

*On 18 June 2020, nurses in Harare staged protests amid reports that the government had cut their June salaries without consulting them. The nurses also demanded improved working conditions, in particular, the provision of personal protective equipment. On 20 June 2020 in Mutare, at least 35 nurses, protesting against the lack of personal protective clothing were arrested for staging a demonstration in violation of the COVID-19 national lockdown regulations. On 6 July 2020, police officers in Harare arrested 12 nurses and charged them with contravening section 8 (3) (a) of the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 10).*

*On 22 June 2020, the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) staged a demonstration in Masvingo, in which the Provincial Gender Secretary, Ms Shilla Chirisimhunu was assaulted during an arrest. She was charged with public violence. The demonstration in Masvingo led to the arrest of ARTUZ President, Obert Masaraure on 26 June 2020. Similar protests were conducted on 27 May 2020 in Murewa and 3 July 2020 at the High Glen District Education Offices in Harare.*

*On 22 June 2020, Zimbabwe National Students Union (ZINASU) Vice President, Talent Madava and the Chinhoyi University of Technology Chairperson, Lionel Shayahama were arrested for allegedly protesting against the abduction and torture of Joana Mamombe, Cecilia Chimhiri and Netsai Marova. Eight other students were also arrested in connection to the flash protest.*

*On 28 June 2020, MDC Alliance's Goromonzi South Youth Chairperson, Davison Chamisa and Mashonaland East Provincial Executive Member, Ishmael Jeke were arrested and initially detained at Ruwa Police Station in connection to the Goromonzi whistle protest that took place on 27 June 2020. Davison Chamisa's lawyers searched for him at all police stations in the area but could not locate him. His lawyers alleged that he was abducted in the same fashion as Joana Mamombe, Cecilia Chimhiri and Netsai Marova. Chamisa was subsequently found badly beaten in Norton. It was alleged that he was injected by an unknown substance during the course of his abduction.*

*On 19 June 2020, police officers arrested Namatai Kwekweza and Vongai Zimudzi outside the New Government Complex in Harare for allegedly participating in a gathering with intent to cause public violence, breach of peace and bigotry as provided under section 37 of Criminal Law (Codification and Reform) Act [Chapter 9:23]. The duo sat with placards outside the complex urging the government to consult the three million people who voted in favour of the Constitution in to gather*

*their input on the proposed amendments to the Constitution. The duo was released on ZWL3 000 bail.*

It must be noted that the right to demonstrate and petition is articulated in section 59 of the Constitution of Zimbabwe. In light of the Constitutionally guaranteed right to demonstrate and petition, the Forum observed with concern, the disproportionate use of force to disperse protesters and the abuse of the COVID-19 regulations to violate the right to demonstrate and petition.

### **Freedom of movement**

The Forum noted a trend of inconsistency and politicking in the application and enforcement of the national lockdown regulations. On various occasions, police officers that were deployed at nationwide checkpoints turned people away, including members of the public with exemption letters. In such incidences, police officers and soldiers only permitted members of the security sector and medical professionals to pass through. The sudden stringent enforcement of the national lockdown regulations was done without prior notice or reasonable motive. The unwarranted elevation of the national lockdown regulations severely restricted freedom of movement.

### **Case examples**

*On 17 June 2020, in Kwekwe, police officers and soldiers manning checkpoints leading into the city centre turned away commuters. It was reported that all retail shops and banks were forced to close. People who accessed the CBD earlier in the morning in order to line up at banks were also turned away. At the checkpoints, only medical and security personnel were allowed to pass through. All other professionals were turned away, even if they were in possession of exemption letters. ZUPCO buses also refused to carry any passengers other than nurses, doctors and members of the security services. This appears to be a trend, with similar stringent enforcement of the national lockdown regulations being witnessed in Harare and Bulawayo. No official statement has been made to give reasons for the elevated national lockdown enforcements.*

*On 16 June 2020, in Bulawayo, commuters were turned back home by soldiers in full combat gear and police officers. It was reported that only medical professionals, security services and civil servants were allowed to gain entry into the Bulawayo CBD. Commuters with exemption letters that were not from government institutions were turned away from the checkpoints. Soldiers also targeted people who had accessed the CBD in the morning to join queues at banks and money transfer agencies. ZUPCO buses refused to carry any other passengers save for nurses, doctors and members of the security services. As a result of the sudden tightening of the national lockdown restrictions, long queues were witnessed on roads leading into the city centre. It was alleged that soldiers were also tearing exemption letters presented to them by commuters. Most of the soldiers patrolling the city centre wore face masks that covered their whole face. On 15 June 2020, in Bulawayo, it was reported that soldiers dispersed and harassed people in fuel queues at Reigate around 11 p.m.*

*On 15 June 2020, in Harare, commuters were turned back by police officers at checkpoints leading into the CBD. It was reported that at checkpoints, police officers instructed people to go back to their homes to observe the National Day of Prayer pronounced by President Mnangagwa. It was reported that people commuting to work in ZUPCO buses were also turned away regardless of them having exemption letters.*

*Reports received indicated that police officers at Chicken Slice along Simon Mazorodze, police officers manning the checkpoint at Seke road flyover, and police officers manning the checkpoint along Bulawayo road turned back private vehicles and ZUPCO buses. As a result of the stringent requirements, roads leading into the CBD were congested. At Mabvuku turn-off, along Harare-Marondera highway, vehicles were restricted entry into town, only security personnel and medical professionals were allowed through. Along Willowvale road, officers only permitted civil servants with exemption letters to pass.*

## **Political Environment**

### **Elections**

On 9 September 2020, the Zimbabwe Electoral Commission (ZEC) lifted the suspension of elections that had been put in place since the inception of the COVID-19 national lockdown in March 2020. ZEC announced that all outstanding by-elections were to be held by 5 December 2020. The Zimbabwe Electoral Commission (ZEC) Chief Elections Officer, Mr Utloile Silaigwana, advised that electoral activities would commence under strict COVID-19 guidelines crafted by ZEC, to allow for the safe resumption of elections. Addressing journalists, Mr Silaigwana stated that the new COVID-19 policy on electoral activities would include mandatory temperature checks for voters, sanitisation of participants, equipment and election material and social distancing. ZEC has adopted a final draft of the guidelines following a consultative process with relevant stakeholders.

Vacancies arose after Thokozani Khupe was declared the lawful leader of the MDC-T by the Supreme Court of Zimbabwe. Khupe subsequently recalled officials elected under Nelson Chamisa's MDC Alliance, resulting in 32 parliamentary seats and 165 council seats becoming vacant.<sup>13</sup>

### **Economic violence**

Confronted with an already ailing economy, the pandemic further exacerbated the plight of citizens in relation to social and economic rights. Access to water, food and basic health amenities became a major challenge for communities. The restriction on informal trading, which almost 90% of Zimbabweans rely on, severely affected the ability of families to survive. For the greater part of the national lockdown, most citizens were not earning any income. Furthermore, local authorities demolished vending stalls, temporary structures and informal trading workshops across the country, effectively removing the capability of traders to continue with their informal businesses. During the demolitions, goods and products belonging to informal traders were destroyed and confiscated by local authorities. In April 2020, at Sakubva farmers market, police officers raided and destroyed vegetables, fruits and other produce at the market. The destruction and confiscation of vendors and informal trader's goods further impoverished the vulnerable group.

The national lockdown also brought about an increase in the unemployment rate of the country. This was primarily due to the incapacitation of the informal business sector. Private commuter omnibus operators were barred from ferrying people unless they registered with the Zimbabwe

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<sup>13</sup> However, it should be noted that this decision to hold by-elections has now been rescinded. *Chiwenga Suspends By-Elections Indefinitely*, New Zimbabwe, 2 October 2020. [<https://www.newzimbabwe.com/chiwenga-suspends-by-elections-indefinitely/>]

United Passenger Company (ZUPCO). However, private commuter omnibus operators bemoaned the regulations as they viewed them as trade barriers aimed at monopolising the transport industry. The national lockdown also had an impact on women, who constitute the majority of informal vendors, as they were unable to trade their wares.

## **The Right to Food**

The right to food is a fundamental human right that allows people to survive with dignity and it necessitates that the government avails access to sufficient food to every person in the country. However, during the national lockdown, citizens could not access basic commodities due to shortages of basic goods such as maize, cooking oil and bread. Apart from the deficiencies in the availability of basic commodities, most families could not afford to buy food given that most shops were exclusively charging in United States Dollars to which the average person does not have access.

Apart from these circumstances, the Forum Secretariat and its members documented cases of partisan distribution of social welfare food aid. In reported incidences, ZANU-PF supporters were alleged to have hijacked social welfare food distribution processes by changing the distribution lists to only benefit ZANU-PF members.

### **Case Examples**

*On 10 April 2020, in Gutu, Mupandawana, there was food aid distribution from the Ministry of Public Service, Labour and Social Welfare. However, the distribution in Mupandawana was hijacked by ZANU-PF members identified as Mai Samatanga and Muzorori. It was reported that community members were requested to chant ZANU-PF slogans and only known ruling party supporters benefited from the food aid.*

*On 11 May 2020, reports from Muzarabani indicated that ZANU-PF official, Joseph Gweshe was politicizing social welfare food aid. It was alleged that the ZANU-PF official hijacked the food distribution process by giving employees from the Ministry of Public Service, Labour and Social Welfare a distribution list to be used for food distribution in the area. Known MDC supporters were not part of the list. As a result, MDC members were side-lined from the food distribution process.*

*On 8 May 2020, in Hwange, ZANU-PF representative Senator Molly Mnkandla distributed food aid to vulnerable members of society which included the elderly and people with disabilities. However, it was reported that only ZANU-PF supporters benefited from the food distribution. Similar reports of partisan distribution of food were reported in Bindura where ZANU-PF Secretary, Grace Yaso reportedly distributed food to ZANU-PF supporters only, side-lining opposition party supporters.*

## **Corruption and Human Rights**

In any consideration of recent corruption, it must be noted that Zimbabwe was already one of the most corrupt countries in the world, and even its regional peer's judge Zimbabwe to have wholly inadequate systems for managing corruption and preventing money laundering.<sup>14</sup>

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<sup>14</sup> *Overview and effects of Zim's weak Anti-money laundering framework (Part I)*, Zimbabwe Independent, 30 September 2020. [<https://www.theindependent.co.zw/2020/10/30/overview-and-effects-of-zims-weak-anti-money-laundering-framework-part-1/>]; *Anti-money laundering framework: The overview and effects (Part II)*, Zimbabwe Independent, October 16 2020. [<https://www.theindependent.co.zw/2020/10/16/anti-money-laundering-framework-the-overview-and-effects-part-ii/>]; *An overview and effects of Zim's weak anti-money*

Whilst the COVID-19 pandemic has caused a humanitarian crisis of gigantic proportions, there is a serious concern that in Zimbabwe, senior government officials and their associates have taken advantage of the pandemic to loot public funds. A USD2 million payment by the government to a two-week-old Hungarian branch of Swiss-registered Drax International in March 2020 attracted the interest of Interpol and Hungarian officials, who commenced money laundering investigations. Drax International's frontman is a Zimbabwean named Delish Nguwaya, who is a convicted criminal and an alleged associate of President Emmerson Mnangagwa's son Collins. Nguwaya is at the centre of a COVID-19 procurement scandal.

Nguwaya who was arrested following unrelenting public pressure relating to his involvement in the Drax scandal has been pictured with Mnangagwa, his sons Collins and Sean, as well as the first lady Auxilia Mnangagwa. He is also known to have attended functions at the State House, despite failing a security clearance check conducted by the Central Intelligence Organisation. Collins was however not arrested or questioned over the matter and issued a statement in which he denied any association with Drax International and threatened legal action against those who would slander his name, reputation and that of the first family. ZANU-PF came to the defence of the first family with Acting Spokesman Patrick Chinamasa describing the allegations as a baseless attack on the first family.

Drax was supplying medical supplies at grossly inflated figures, as revealed by official invoices published by Hopewell Chin'ono. For example, the company was providing N95 face masks at \$28, yet the average cost of the product is \$4 in local pharmacies. A letter dated 8 May 2020 from Finance Permanent Secretary, George Guvamatanga, to then Health Secretary, Agnes Mahomva, authorising procurement, revealed the purchasing figure.

Curiously, however, when he received a consignment from Drax on 11 April 2020, Mnangagwa claimed the supplies were a "donation." To save face, the Permanent Secretary in the Ministry of Information, Nick Mangwana, later said that the President had been misled into thinking he was receiving a donation.

In another embarrassing procurement scandal, the Zimbabwean government confused citizens by claiming that it had received testing kits from Namibia. On 21 April 2020, Information Minister, Monica Mutsvangwa, said that Zimbabwe had received 4,499 tests kits from Namibia. Namibian Health Minister Kalumbi Shangula, however, denied any knowledge of the donation when contacted by the *Namibian Sun*. Namibia's Ministry of International Relations and Cooperation later issued a formal statement on 26 June 2020 flatly denying the donation and revealing that Zimbabwe's authorities had apologised, saying that the "allegations" of the donation had been "unfounded and erroneous".

Official government documents have exposed that the kits in question, had in fact been supplied by a Namibian registered company, Jaji Investments, which is linked to Mnangagwa's aide. Jaji Investments sourced the kits in China, before supplying them to Zimbabwe at an exorbitant cost. Garikai Mushininga, a medical doctor based in Namibia, who said he was the managing

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*laundrying framework (III)*, Zimbabwe Independent, 30 October 2020.

[\[https://www.theindependent.co.zw/2020/10/30/an-overview-and-effects-of-zims-weak-anti-money-laundering-framework-iii/\].](https://www.theindependent.co.zw/2020/10/30/an-overview-and-effects-of-zims-weak-anti-money-laundering-framework-iii/)

director of Jaji Investments, confirmed to the *Zimbabwe Independent* that he bought the kits in China before they were flown to Zimbabwe by DHL.

Former Minister of Health and Childcare, Dr Obadiah Moyo was arrested in connection to the incident, but the State did not oppose bail when he appeared in court, accompanied by his aides. Unlike most other political detainees, Moyo enjoyed a rare privilege and was allowed to sleep at home. Moyo was arrested on allegations of illegally awarding a multi-million-dollar contract for COVID-19 testing kits, drugs and personal protective equipment to a shadowy company. The Zimbabwe Anti-Corruption Commission (ZACC) had arrested Moyo on 26 June 2020 as the scandal roiled the country and played out on social media. Moyo was arrested for his dealings with Drax International LLC and Drax Consult SAGL, companies which prosecutors claim were illegally awarded contracts by the health ministry without a competitive tender process. Mnangagwa only relieved Moyo of his duties as Minister a fortnight later amid leaked reports that Moyo might have received a golden handshake as he left Cabinet.

The issue of most concern regarding these cases in particular, as well as others, has been the government's response to those that have exposed the corruption. Here the case of the arrest and detention of Hopewell Chin'ono has been the most widely reported. Chin'ono has been instrumental in exposing corruption, but the government response has not been to commend him, but rather to arrest him on charges of inciting violence. He was kept in pre-trial detention for 44 days before being granted bail, resulting in an international outcry. This is one of 20 cases since April 2020.<sup>15</sup>

## **Supremacy of the Constitution**

Section 2(1) of the Constitution states that the Constitution is the supreme law of Zimbabwe and any law, practise, custom or conduct inconsistent with it is invalid to the extent of the inconsistency. The supremacy of the Constitution means there should not be unnecessary and unreasonable tinkering with it. On 17 January, the government gazetted the *Constitution of Zimbabwe Amendment (No.2) Bill, 2019* (the Bill). The Bill seeks to make 27 amendments to the Constitution on, among other things, the appointment of Vice-Presidents and the Prosecutor-General, terms of office of Judges and the appointment of a Public Protector, placing extensive powers on the President of Zimbabwe to make such appointments.

Notwithstanding the COVID-19 pandemic which severely restricted freedom of movement, the National Assembly's Portfolio Committee on Justice, Legal and Parliamentary Affairs conducted public hearings on the Constitution of Zimbabwe Amendment (No. 2) Bill from 15 to 19 June 2020. As a result of the COVID-19 pandemic, there was a low turnout in the majority of the venues, which were inaccessible to the general public due to transport-related challenges. In some of the well-attended hearings, there was clear evidence of coaching of participants to accede to the proposed amendments. Of concern was the urgent need for the public hearings which among other issues subjected citizens to COVID-19. In retrospect, the government used COVID-19 regulations to limit the number of people who participated in the public hearings.

## **Conclusions**

As pointed out at the outset of this report, the promises of a "new dispensation" have disappeared, and the patterns of misgovernance and human rights abuse that characterised

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<sup>15</sup>*Zimbabwe press freedom suffers under pandemic*, International Press Institute, 7 August 2020. [<https://ipi.media/zimbabwe-press-freedom-suffers-under-pandemic/>]

Zimbabwe under Robert Mugabe's rule have re-emerged. It seems that they have worsened from 2017, and the Human Rights Forum has even made the judgement that some of these violations can be characterised as "crimes against humanity".<sup>16</sup> This is a very serious claim indeed, and one that should be taken very seriously by all, including the international community, particularly when this a charge that has been made in the past in respect of Gukurahundi and Operation Murambatsvina.

It also is very serious when this occurs within the context of Covid-19, deepening poverty and widespread hunger for the majority of Zimbabweans, and massive corruption that is bleeding the country of critical resources needed for the protection of its citizens. The evident fragility of the country cannot be managed by the resort to coercion and rule by presidential decree: Zimbabwe has seen the promulgation of 261 Statutory Instruments in 2020 alone.<sup>17</sup> Constitutionalism and the rule of law have been replaced by coercion and decree, and it is unremarkable that Zimbabwe is receiving increased pressure from the international community for reform, even concern from SADC countries and the African Union. In order to arrest the slide from fragile to failed state, something must be done with urgency.

## Recommendations

In light of the above, the Forum urges the government of Zimbabwe to:

1. Urgently take steps to fulfil its obligations arising out of the Constitution of Zimbabwe to respect, promote and protect fundamental human rights and show this commitment to fulfil these obligations by:
  - ratifying the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT);
  - ratifying the International Convention for the Protection of All Persons from Enforced Disappearance;
  - speaking out and condemning all acts of violence in the country; and
  - the Government of Zimbabwe launches immediate investigations into the allegations of human rights violations being perpetrated by members of the police and the military and to take appropriate action where it is necessary;
2. Create a professional, impartial and accountable police force in Zimbabwe by:
  - Ensuring that the Zimbabwe Republic Police and its affiliated institutions immediately stop perpetrating human rights violations including but not limited to beatings, excessive use of force, torture and abductions and the intimidation of civilians.
  - Ensuring that the Zimbabwe Republic Police develops a code of conduct for the police which aligns with the minimum standards of conduct in the Luanda Guidelines; is based on the Southern African Regional Police Chiefs Cooperation Organization (SARPPCO) Code of Conduct and addresses issues of implementation of the law through a review and revision of current training, and a strengthening of internal disciplinary systems.
  - Urgently enact an independent complaints law and establish an independent complaints mechanism to ensure that perpetrators of violence are investigated

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<sup>16</sup> See again ZHRNGOF (2020), *Guns Run Amok, A Review of the 1 August 2018 and 14 January 2019 Crackdown on Civilians by the Security Forces*. June 2020. Harare: Zimbabwe Human Rights GO Forum. [<https://www.ntjwg.org.zw/wp-content/uploads/2020/07/Guns-Run-Amok.pdf>].

<sup>17</sup> See Veritas, *Statutory Instruments* [<https://www.veritaszim.net/statutoryinst>]

and prosecuted fully and that victims and survivors of violence receive adequate compensation and rehabilitation.

3. Remove the Zimbabwe National Army as an ancillary law enforcement force to the police and return the army to its barracks. The country is in a state of disaster, not a state of emergency.
4. To put in place concrete, transparent and targeted measures to facilitate national peacebuilding and to eradicate hate speech and other actions which fuel inter-party and intraparty violence, and requires civilian policing alone.
5. To put in place concrete, transparent and targeted strategies to ensure access to safe, clean water, health, education, safety nets and other essential social services are made available to all, especially to vulnerable communities such as women, people with disabilities and children.
6. The Forum recommends that an independent complaint mechanism be urgently established to enable victims of human rights violations and abuses to report incidents of that nature and to be able to subsequently make follow-ups on any progress thereon.