

Amnesty International Report 2015/16 - The State of the World's Human Rights - Zimbabwe

The enforced disappearance of prominent pro-democracy activist Itai Dzamara in March remained unresolved. Freedom of expression, association and assembly continued to be restricted and a number of journalists were arrested. Forced evictions continued throughout the year with thousands of informal traders being forcibly evicted by municipal police from Central Harare, resulting in clashes and arrests. The slow pace of legal reform to bring legislation into line with the 2013 Constitution restricted access to rights guaranteed by the Constitution. A Supreme Court ruling in July allowed government and private employers to dismiss thousands of workers after only giving three months' notice. No executions were carried out for the 10th successive year.

Background

Tension between factions of President Mugabe's ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF) party continued. Factional tension also continued within the main opposition party, the Movement for Democratic Change, led by former Prime Minister Morgan Tsvangirai (MDC-T). Factionalism in the two main political parties led to the dismissal of some members of parliament by party leaders, forcing by-elections in over 20 constituencies. On 14 November, a ZANU-PF district official axed to death two other district officials in Chitungwiza following a dispute over a party restructuring exercise. The alleged perpetrator died in suspicious circumstances in police custody within days of his arrest.

In July, the Zimbabwe Vulnerability Assessment Committee reported that some 1.5 million people were in need of food aid during the 2015-2016 lean period leading up to the next harvest. The rate of formal unemployment exceeded 80%, while 72% of the population was living below the national poverty line of US\$1.25 per day.

Enforced disappearances

On 9 March, five men abducted journalist and pro-democracy activist Itai Dzamara. Despite a court ruling ordering state security agents to investigate his disappearance, there was no independent evidence to suggest the state had carried out an investigation with due diligence by the end of the year. In 2014, Itai Dzamara founded the protest group Occupy Africa Unity Square (OAUS) which was critical of President Mugabe's rule.¹

Freedoms of expression, association and assembly

The rights to freedom of expression for journalists and human rights defenders continued to be restricted through arbitrary arrests, detentions and prosecutions for peacefully exercising their rights.²

At least 10 journalists from both the state-controlled and private media were arrested for writing articles critical of government officials and faced charges including publishing "falsehoods" under the Criminal Law (Codification and Reform) Act.

On 2 November, the editor of the state-controlled newspaper *The Sunday Mail*, Mabasa Sasa, and the paper's investigations editor Brian Chitemba and journalist Tinashe Farawo, were arrested after implicating some senior police officers as being part of a group behind elephant killings in Hwange National Park. The three spent two nights in detention at Harare Central Police Station and were charged with "publishing falsehoods". They were each granted US\$100 bail by the court and released. They denied the charges and their trial date was set for 29 February 2016.

The assistant news editor of the state-controlled *Herald* newspaper, Takunda Maodza, was arrested on 3 November in Harare while investigating a story alleging that a Harare businessman was funding an opposition group known as People First composed of former ZANU-PF members. Police alleged that the journalist demanded a bribe from the businessman. However, fellow journalists reported that the journalist had refused to accept the money. He was charged with attempted extortion under the Criminal Law (Codification and Reform) Act and granted US\$50 bail by the court. He denied the charges. The trial was due to continue in 2016.

On 12 November freelance journalist Shadreck Andrison Manyere was arrested by police in Harare while filming

clashes between protesters and police in Central Harare. He was detained for more than four hours and charged under Section 37(1)(a) of the Criminal Law (Codification and Reform) Act with “participating in a gathering with intent to promote public violence, breach of peace, or bigotry.” He denied the charges.

On 23 October, police in Rusape arrested freelance journalist Sydney Saize, Bernard Chiketo of *The Daily News* and Kenneth Nyangani, a correspondent for *Newsday*, while the journalists were covering an MDC-T protest outside Rusape Magistrate’s Court. They were released without charge after police searched and interrogated them and recorded their personal details.

On 18 September, two journalists, Andrew Kunambura from the *Financial Gazette* and freelance journalist Emison Haripindi, were arrested by Harare municipal police while taking photos of the municipal police arresting some informal traders. The journalists were detained at Harare Central Police Station for about four hours and released without charge.

On 11 December, Pastor Patrick Philip Mugadza of the Remnant Church in Kariba was arrested by police in the resort town of Victoria Falls after carrying out a one-person peaceful demonstration. He carried a placard which read: “Mr President the people are suffering. Proverbs 21:13.” The demonstration was held during the annual conference of the ruling ZANU-PF party. The pastor was charged with criminal nuisance under Section 46 of the Criminal Law (Codification and Reform) Act. He was granted an unusually high bail of US\$500 and remained in custody for more than two weeks after failing to raise the money. He was released on 31 December after lawyers successfully applied for the reduction of his bail to US\$50.

On 30 November, five activists were arrested by police outside the Rainbow Towers Hotel in Harare for staging a peaceful protest against Vice-President Phelekezela Mphoko’s stay at the hotel for close to a year. The five activists – Tendayi Mudehwe, Dirk Frey, Irvin Takavada, Elvis Mugari and Tonderai Chigumbu – were released on 2 December after spending two nights at Harare Central Police Station. They were charged with criminal nuisance under Section 46 of the Criminal Law (Codification and Reform) Act.

On 25 July, six civil society activists from the Crisis in Zimbabwe Coalition, Chitungwiza Residents Trust and the OAUS were arrested at Harare Central Remand Prison. They were handed over to the police and charged under Section 5(2) of the Protected Places and Areas Act Chapter 11:12 with failing to comply with a directive from an authorized officer regulating conduct and movement. The six were among about 50 activists who had visited 16 informal traders held on remand after being denied bail. On 2 October, Mfundo Mlilo and Nixon Nyikadzino of Crisis in Zimbabwe Coalition and Dirk Frey of OAUS were acquitted for lack of evidence. The trials of the remaining three, Edgar Gweshe, Donald Makuwaza and Charles Chidhakwa, were continuing at the end of the year.

The government continued to impose restrictions on activists campaigning for community radio stations to be licensed. The authorities have failed to license a single community radio station since enacting the Broadcasting Services Act in 2001. At least 28 community-based initiatives were campaigning to obtain broadcasting licences in both rural and urban areas. Police blocked meetings under the Public Order and Security Act and security agents raided offices and seized material and equipment belonging to the community-based organizations. Activists campaigning for community radio licences were subjected to frequent interrogation by police and the Central Intelligence Organization after meetings and other activities aimed at setting up community radio stations.³

Workers’ rights

A Supreme Court ruling on 17 July upheld an employer’s common law contractual right to terminate employment by giving three months’ notice. The ruling triggered mass lay-offs by the government and by state-owned and private companies. Thousands of workers lost their jobs within days of the Supreme Court ruling as employers used the ruling to avoid going through a formal retrenchment process as set out in the Labour Act. In August, the government rushed amendments to the Labour Act through Parliament to include setting up a minimum package for retrenched workers. Unions and employers complained that they were not adequately consulted. Trade unions argued that the package did not give adequate safeguards to employees.

Forced evictions

Informal traders were forcibly evicted from central Harare and other town centres. In June, the government issued an ultimatum for the removal of informal traders from cities and towns with the support of the army. In July, municipal police clashed with informal traders in Central Harare in an attempt to remove them from the Central Business District. Dozens of informal traders, including leaders of the National Vendors’ Union of Zimbabwe, were arrested and detained. Sixteen were charged with public violence. They were released on bail and their trials were continuing at the end of the year.

Across the country thousands of people were forcibly evicted. Some turned to the courts for protection. On 12

January, the High Court in Harare stopped the removal of some 150 families settled at Arnold Farm in Mazowe district. The families' homes had been indiscriminately demolished by police on 7 January, leaving people homeless, with no cover from the elements in the midst of the rainy season. The forced evictions had been carried out despite an earlier High Court order issued in August 2014 protecting the Arnold Farm residents from arbitrary eviction under Section 74 of the Constitution.

In July, the Harare City Council ordered the destruction of homes in areas it declared "illegal settlements" without obtaining the necessary court orders. Demolitions were carried out in the Warren Park and Westlea suburbs. These were part of settlements established by housing co-operatives. Demolitions also continued in December when 200 structures were destroyed by the City of Harare near Kambuzuma suburb.

Legal, constitutional or institutional developments

On 28 October, in an unprecedented development, the Constitutional Court ordered the Prosecutor-General, Johannes Tomana, to be committed to prison for 30 days for contravening Section 164(3) of the Constitution. He was accused of repeatedly disobeying orders issued by the High Court and Supreme Court to allow private parties to pursue prosecutions for fraud and rape in two high-profile cases. The Constitutional Court ruled that in the two cases the Prosecutor-General had a statutory duty to issue the certificates for private prosecutions under Section 16 of the Criminal Procedure and Evidence Act. The 30-day sentence was suspended for 10 days on condition that within the 10 days the Prosecutor-General complied with the earlier court orders. On 4 November, the Deputy Prosecutor-General, acting on behalf the Prosecutor-General, issued the certificates allowing the private prosecutions to proceed.

The process of reviewing the country's laws to bring them into line with the 2013 Constitution continued, but at a very slow pace. Consequently, the human rights guarantees afforded by the Constitution were compromised by the continued use of old laws by police and other government departments. For example, activists were arrested and charged under legal provisions that were clearly unconstitutional and some had to turn to the Constitutional Court for redress.

Death penalty

In July, Zimbabwe reached 10 years without carrying out any known executions.

1. Zimbabwe: Open letter: Investigate and resolve the circumstances around the enforced disappearance of Itai Dzamara ([AFR 46/2423/2015](#))
2. Zimbabwe: Shooting the messengers ([News story](#), 10 November)
3. Beyond tokenism: The need to license community radio stations in Zimbabwe ([AFR 46/1613/2015](#))