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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Zimbabwe

Latest Update: 31 March 2013

The human rights situation was unstable in the first quarter of 2013. As elections get closer, we are concerned that the environment is deteriorating. There has been an increase in incidents of politically motivated violence and harassment against NGOs and Civil Society Organisations (CSOs), including raids on CSO offices and arrests of human rights defenders, and in violations of the right to freedom of expression and assembly and to access to information. The key to free and fair elections lies in the implementation of the reforms set out in the Global Political Agreement and the Southern African Development Community (SADC) roadmap.

The constitutional referendum was held successfully on 16 March. It was widely reported as well-managed and peaceful by the SADC observers and CSOs. The successful completion of the constitution-making process represents an important achievement for political cooperation between the parties to Zimbabwe's inclusive government. The new draft constitution has been gazetted and will be debated in parliament on 7 May.

We reported in December 2012 that Professor Reg Austin resigned as the Human Rights Commission Chair, citing lack of funding and progress. Professor Austin was replaced by Jacob Mudenda in February. This has not been well received by human rights groups as Mudenda is a former ZANU PF governor for Matabeleland North and served in that capacity during the Gukurahundi massacres of the early 1980s, when over 20,000 people were killed. Also in February, Supreme Court Judge Rita Makarau was appointed as the chair of the Zimbabwe Electoral Commission. This has been welcomed by reformists who describe her as a principled judge who will provide strong leadership during the critical election period.

In the last quarter of 2012 we reported the on long running legal battle with excommunicated former bishop Dr Nolbert Kunonga, when the Supreme Court ruled in favour of the Anglican Church in Harare. On 27 February the Supreme Court made another judgement in favour of the Anglican Church in Manicaland in a legal case involving the Province and breakaway former bishop of the Anglican Diocese of Manicaland Elson Jakazi. This has now resulted in the return of church properties.

We were appalled by the death of 12 year old Christpowers Maisiri when the house of his father, a local MDC-T party official, was set on fire on 23 February. The Zimbabwe Republic Police (ZRP) investigation concluded that the fire that claimed his life was a result of the explosion of tobacco chemicals and ammonium nitrate fertiliser in the thatched hut the boy was sleeping in. However, concerns have been raised by MDC-T Ministers that this was a politically motivated arson attack.

On 14 January the ZRP arrested and charged Okay Machisa, the Director of Zimbabwe Human Rights Association (ZimRights), for conducting illegal voter registration. Machisa was granted bail on 29 January. His arrest followed that of Leo Chamwahwinya, the ZimRights Education Programmes Manager, on 13 December 2012; Chamwahwinya was released on bail on 18 February.

On 18 January the Office of the High Commissioner for Human Rights issued a statement condemning the crackdown on NGOs and others who are seen as critical of the President. On the same day, CSOs issued a joint statement condemning the “unashamed intimidatory and repressive tactics” used by the Zimbabwean government against CSOs and their leaders.

On 5 February in Lupane, Matabeleland North Province, police arrested two National Youth Development Trust members and charged them with contravening the Criminal Law Act for allegedly possessing voter registration receipts.

On 11 February the ZRP raided National Association of Non-Governmental Organisations (NANGO) offices in Masvingo where another youth organisation, Community Tolerance Reconciliation and Development (COTRAD), is housed. Police demanded registration papers from COTRAD and force marched two employees, Benias Tirivavi and Zivanai Muzorodzi, to Masvingo police station, where they were further interrogated and detained for more than two hours.

Also on 11 February, the offices of Zimbabwe Peace Project (ZPP) were raided by the ZRP. No arrests were made, but the police confiscated up to 60 mobile phones and 60 wind-up radios. The mobile phones were confiscated as “smuggled goods”. But since they are of a common and inexpensive brand purchased locally in Zimbabwe their seizure raises the concern that they may have been confiscated because of fears they would be used for election observation. The police also confiscated reports detailing incidents of intimidation and violence that had been received from around the country and not yet loaded onto ZPP’s database for monitoring human rights abuses.

The ZRP also raided the offices of Zimbabwe Election Support Network (ZESN) on 19 February, stating that they were looking for subversive materials, gadgets and illegal immigrants and the offices of Radio Dialogue on 1 March, when they seized 180 solar and kinetic energy propelled radios.

The ZRP issued a warning on 20 February calling on NGOs not to distribute “communication gadgets” to rural areas. Many Zimbabweans, especially in the rural areas, rely on shortwave radio as a key source of information on current issues. They also use them to pick up independent and international stations in preference to the state-run stations, which transmit pro ZANU-PF messages. There appears to be no legal basis for the seizures as Section 38B of the Broadcasting Services Act does not prohibit the possession of shortwave radios. We have called on the Government of Zimbabwe to clarify the legal basis for the warning.

On 14 February approximately 30 members of the group Woman of Zimbabwe Arise (WOZA) were beaten by ZRP officers while taking part in a peaceful demonstration. Five members were detained at Bulawayo Central Police Station and 13 members required medical treatment.

On 8 March, Jestina Mukoko, ZPP national director, was charged with contravening the Private Voluntary Organisations Act, the Broadcasting Services Act and the Customs and Excise Act, contravening the Broadcasting Services Act Section 38E (1) (a) for allegedly refusing or failing to register as a dealer and Section 182 of the Customs and Excise Act Chapter 23:03 for allegedly smuggling radios and cell phones. This was another example during the first quarter of the state targeting CSOs in order to control the information environment and limit access to information.

On 17 March Beatrice Mtetwa, an internationally renowned human rights lawyer, was arrested, along with four senior MDC-T officials from the Prime Minister’s Office. Thabani Mpofu, the Principal Director for Research and Development, Felix Matsinde, Mehluli Tshuma and Warship Dumba were charged with breaching the Official Secrets Act, impersonating the police and illegal possession of documents for criminal use. Our Ambassador in Harare expressed HMG’s strong concern and Embassy staff attended the court hearings. After eight days on remand, Mtetwa was granted bail on 25 March. The four officials from the Prime Minister’s office were granted bail on 27 March.

Following the release of Beatrice Mtetwa, the High Court judge, Justice Charles Hungwe, who presided over the case, was professionally and personally attacked by state media for his judgement and handling of the case. This could have implications for other judges presiding over politically-sensitive cases and is indicative of the problems in the justice system in Zimbabwe.

Emmanuel Chimwanda, commissioner and financial committee chairman of the Zimbabwe Anti-Corruption Commission (ZACC), was arrested on 26 March and remanded on bail until 22 April. He faces charges of impersonation, illegal possession of articles for criminal use and breaching the Official Secrets Act. The incident took place a week after ZACC CEO Ngonidzashe Gumbo was arrested over allegations of embezzlement of commission funds. He is still in detention.

On 25 March the African Commission on Human and Peoples’ Rights (ACHPR) ruled that Zimbabwe must compensate Gabriel Shumba, a human rights lawyer, for the torture and trauma they inflicted on him in 2003.

The ongoing trial of 29 MDC-T Youth activists accused of murdering a police officer in Glen View on 29 May 2011 was further delayed (their lawyer is Beatrice Mtetwa). Their case is scheduled to be heard at the High Court on 23 April.

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