



**ZIMBABWE  
PEACE  
PROJECT**



# **MONTHLY MONITORING REPORT**

## A tale of illusive justice?

### Introduction

The month of October recorded a total of 235 violations which figure remained in the same region as the figure from September at 226 violations. In August the violations stood at 266. There were 133 violations of intimidation and harassment while 38 violations were of unfair discrimination down from the 70 recorded in September. There was a rise in violations connected to assault as 26 incidents were recorded. Most of the perpetrators were male affiliated to the ruling Zanu PF party while victims were evenly distributed between the genders. Mashonaland Central province recorded the highest number of violations with 46 followed by Harare with 45. Harare recorded the highest number of clashes involving police, vendors and protestors, whilst in Mashonaland Central intimidation and harassment made up the most of the violations recorded.

*The organisation was founded in 2000 by church-based and human rights organisations. The current members of ZPP are Evangelical Fellowship of Zimbabwe (EFZ), Zimbabwe Council of Churches (ZCC), Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ), Counselling Services Unit (CSU), Zimbabwe Human Rights Association (ZimRights), Civic*

### ABOUT ZPP

*(WCoZ).*

*ZPP was established with the objective of monitoring, documenting and building peace and promoting the peaceful resolution of disputes and conflicts. The Zimbabwe Peace Project seeks to foster dialogue and political tolerance through non-partisan peace monitoring activities, mainly through monitors who document the violations of rights in the provinces. The monitors, who at full complement stand at 420, constitute the core pool of volunteers, supported by four Regional Coordinators. The Regional Coordinators relate with the national office headed by the National Director and programme officers in various units.*

Intimidation and harassment has continued as intra-party violence persists in both Zanu PF and MDC Alliance parties, as the issues of party leadership may not be entirely settled. Intra-party and interparty violence continued as factions in political parties fought inwards and outwardly to re-affirm dominance and strengthen legitimacy, the MDC Alliance for example is expected to hold congress to elect new leadership while in Zanu PF, there are contradictions on whether President Emmerson Mnangagwa must be given a second term in 2023. There are allegations of existing rifts and power wrangles in the Zanu PF leadership within the presidium.

Job Sikhala is reported to have brought expelled MDC-Alliance members to a political party meeting angering other party members who denounced Sikhala as a sell-out belting out in song and violent gestures singing 'mutengesi' (sell out). The violence escalated as some party supporters were followed to their homes and their houses vandalised. In Zanu PF, a petition originating from war veterans was circulated demanding the removal of some senior members from the party. In Manicaland differences have been reported between war veterans and the provincial party leadership. There are still lingering feelings of suspicion as some officials have accused members of sabotaging the economy to turn people against President Mnangagwa. Intra-party violence continued to be reported and in the majority of cases, Zanu PF activists or supporters are accused. Harare South ward 1 MDC-Alliance Councillor Tatenda Katsaira Svosve was attacked again by Zanu PF youths in Hopley. The conflict was triggered by alleged land surveys that the councillor was conducting with council officials presumably with a view to distributing land. This angered Zanu PF youths who have controlled the land allocation through housing cooperatives in the area.

Democratic gains were observed on the legal front but, some backsliding was seen through wanton violations of socio-economic rights by government as well as police brutality against government critics or members of the fourth estate. A peaceful protest march led by the Zimbabwe Congress of Trade Unions (ZCTU) against the government fiscal and monetary policies specifically on the 2% tax , was stopped by the police who deemed it illegal resulting in the arrest of a large number of leaders of the ZCTU. Zimbabwe Lawyers for Human Rights offered emergency legal assistance to a total of 45 arrested ZCTU members. The 2% tax on electronic money transfers as well as the directive by government to banks to separate Real Time Gross settlement accounts and Foreign Currency Accounts has resulted in price increases as well as shortages of basic commodities. This has compromised the food security situation in many households as they either cannot afford basic commodities or are unable to find them in shops. Cooking oil which was costing \$3.70 per 2 litre unit found its way out of the shelves in shops to the black market at an exorbitant cost of \$15.00 per 2 litre bottle. Scenes of crowds queuing for basic commodities were nostalgic of the 2008 economic crisis resulting in clashes between retailers and shoppers. Other socio-economic rights such as education and health are at risk as schools demand payments in foreign currency while hospitals have no drugs or have started requesting payments in US dollars.

In a landmark ruling under the new administration acclaimed human rights defender and ZPP National Director, Ms Jestina Mukoko was awarded damages by the High Court to the tune of \$150 000 inclusive of her legal costs<sup>1</sup>. In the previous administration the Attorney General's office had offered compensation damages to Jestina to the tune of \$30 000 in 2016, which offer she rejected. The recent High Court ruling is seen as a progressive step towards improving justice delivery as in another related case an elderly woman who was assaulted by Zimbabwe Republic Police (ZRP) officers at the Harare Magistrate Court was awarded \$18 000 after she sued for damages<sup>2</sup>. In the pursuit of advancement of civil,

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<sup>1</sup><http://www.zlhr.org.zw/wp-content/uploads/2017/01/LM-Edition-365.pdf>

<sup>2</sup><http://kubatana.net/2018/10/03/justice-last-zim-court-orders-zrp-pay-13000-gogo-chinyerere-victim-police-brutality/>

political, and socio-economic rights by the government, the Constitutional Court<sup>3</sup> struck down the clause which requires police to authorise public gatherings and meetings. Previously, there existed a tedious police clearance process which limited freedoms of persons to gather, obstructing the fundamental human rights and freedoms. This comes in the background of police invoking a statutory instrument in 2017 which banned political meetings as opposition to former President Robert Mugabe's regime. In order to advance the socio-economic rights the Constitutional court also ruled that prior to demolishing illegal structures, local government authorities needed take into account all relevant circumstances, possible alternatives and respect the right from arbitrary eviction under Section 74 of the Zimbabwean Constitution. This ruling comes in the wake of the rising number of evictions by local authorities leaving many households stranded and vulnerable.

In a case of discrimination, Gokwe MDC- Alliance affiliated activists were excluded from training for a malaria programme on the basis of their political affiliation. Praise Mungate\* and Courage Moyo\* were reportedly denied from attending a malaria control workshop held at Madzivazvido Clinic on 29 September, in ward 4 of Gokwe Chireya by the ZanuPF ward chairperson Michael Tupe. This act infringes on their rights to access information that would strengthen their health seeking behaviours in a malaria prone community. Artisanal miners in various parts of the country such as Chief Sigola's area who fight for gold claims or rob each other of minerals often engaged in extreme physical violence resulting in gruesome murders. A rise in these cases has caused the government through cabinet to treat this as a threat to national security, however, there has been no policy intervention to mitigate the problem. The broad daylight horrific gunshot murder of a tout in Harare Central Business District (CBD) who demanded to be paid for assisting the driver to park which left many stunned also points towards rising tensions and civil unrest as underworld economic networks continue to extort money from citizens and control urban spaces. Assault violations occurred mostly in urban areas, particularly in the Harare CBD where police were conducting an operation to remove vendors from the streets. The

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<sup>3</sup>[https://www.zlhr.org.zw/?page\\_id=1528](https://www.zlhr.org.zw/?page_id=1528)

resistance led police to resort to heavy handedness actions by assaulting citizens using baton sticks in a bid to control and forcibly remove the vendors and their sympathisers from the CBD. 3 journalists were harassed and detained for filming and capturing images of police forcibly removing vendors from the streets.<sup>4</sup> The police objected to be filmed as some of them clearly engaged in acts of disproportionate brutality using excessive force and in the process violated rights of journalists through detentions as well as deletion of footage.



**Figure 1 Private media journalists stranded outside proceedings of the August 1 Commission of Inquiry**

The Commission of Inquiry into Post-Election Violence (CoIPEZ) of 1st August began its work in Harare on 16 October in an initial opaque manner with members of private media and some witnesses stuck outside the room until midday. Testimonies from both Zanu PF and MDC Alliance supporters were biased accounts filled with blaming each other buttressing the deep political polarisation despite purported plans of talks of inclusivity and political tolerance. Other testimonies were shared by vendors and relatives of the deceased who narrated their painful and horrific ordeal at the hands of soldiers who brutally assaulted and intimidated them. Some witnesses questioned the credibility of the Commissioners arguing that some of the commissioners in particular, Dr Charity Manyeruke lacked independence and was compromised in executing her duties as she is openly affiliated to Zanu PF. Professor Lovemore Madhuku's appointment has been rejected by many who argue that as a candidate in the last elections he was compromised. Key concerns from the witnesses

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<sup>4</sup><http://zimbabwe.misa.org/2018/10/29/local-journalist-harassed-and-briefly-detained-at-state-house/>

revolved around a call to enforce punitive measures against soldiers who shot civilians with live ammunition resulting in seven people being killed, while others implored government to assist with food or school fees for dependants of the deceased.

On the 10<sup>th</sup> of November when the Commission reconvenes in Harare, the police and soldiers are expected to testify. In Bulawayo, the Commission meetings were abandoned after Mthwakazi activists who disrupted the hearings were arrested and taken into police custody. Mthwakazi activists have been calling on government to resolve the downplayed ethnic killing of the people of Matebeleland in Gukurahundi. An ethnic cleansing genocide which saw the killing of an estimated 20 000 people by North Korean trained Fifth Brigade in the early 1980s. The activists disrupted the hearings on the grounds that the government needed to first deal with the Gukurahundi matter before resolving a new issue the killing of civilians on the streets of Harare on August 1 2018. The proceedings in Gweru went on peacefully with mostly Zanu PF supporters blaming the MDC-Alliance for the shootings. ZPP and other partners under the Zimbabwe Human Rights NGO Forum made submissions to the Commission concerning the post-election violence and seeking the safeguarding and protection of witnesses and victims. However, the Commission of Inquiry has remained mum on these issues. In the interest of access to information, it must be put on public record that the Commission is in possession of a letter and email to this effect.

## **Analysis**

The human rights situations away from the figures a closer look at the issues on the ground points towards a climate of fear as cases of intimidation, harassment and victimisation have been on the increase. Where economic resources continue to be accessed through political patronage some victims prefer to remain silent than expose themselves through making reports and risk having to face perpetrators who are not sanctioned. There have been no interventions by the government or political parties to dissuade their supporters from partisan distribution of of

food and other aid. However, a drop in these violations may be likely due to fear to report such cases or a decline in the distribution of food or farming inputs as the food shortages countrywide are biting. Reports of expulsions in the MDC-Alliance and recalling of Mayors points towards conflict that may escalate into physical violence as some MDC-Alliance voters are beginning to register disappointments and losing faith in their matters being resolved within the party. Deep seated suspicions within the Zanu PF ruling party have led to leadership squabbles, rising accusations and claims of sabotage with view to preventing the incumbent from having a second presidential term. The tensions in these main political parties are likely to spill over to civil unrest if not carefully managed.

A deteriorating economic situation caused by structural economic issues as well as short term government interventions is a threat to the socio-economic rights of citizens. The civil unrest connected to the economic hardships also pose a great threat to peace as clashes in shops and within close proximity of the shops as citizens have attempted to demonstrate leading to clashes with police. Worsening economic conditions mean the country must be on high alert for potential citizen unrest or violence. Section 64 of the Constitution affords citizens the right to livelihoods but the government's arbitrary removal of vendors from the central business district without paying attention to section 14 (2) of the constitution that compels the government to create conditions for employment for its citizens especially women and youth shows the government is not committed to upholding the socio-economic rights of citizens. Failure to respect these rights has led to compromising of other rights such as the rights to health and education.

A discourse analysis on social media reveals growing discontent against government with some mentioning that there are signs pointing to the likelihood of the ouster of the President the same way his predecessor was removed in November last year.. These feelings of discontent could have been triggered the economic conditions as well as government policy to remove vendors from the central business district areas. The progressive court rulings point towards a slight opening up of democratic space and a snail's pace to return to constitutionalism. Nevertheless,



increasing cases of clampdown on journalists as well as cases of police brutality during clean-up operations is a worrying sign of the old order still in place. The arrests of ZCTU leaders for organising a peaceful march to protest the rising cost of living is an example of government's intolerance to accountability as well lack of respect for upholding, protecting and promoting enshrined rights. The ban on an MDC- Alliance rally under the guise of preventing cholera while allowing other gatherings such as graduation ceremonies and church gatherings to go ahead as scheduled demonstrated intolerance to competing political views and unnecessarily infringed on the party supporters' right to assemble.

Failure by government to guarantee the safety of those who will testify in before the CoIPEZ into the August 1 killings has resulted in some victims electing not to participate for fear of future reprisals. The CoIPEZ has ignored pleas by civil society organisations under the banner of the Zimbabwe Human Rights NGO Forum to guarantee the safety of those who give evidence. Failure by the CoIPEZ to openly engage with civil society organisations working on Human Rights is a worrying indicator of the transparency of the body. Without full and open participation of those affected, Zimbabwe is risking yet another episode of failure to deal with cases of violent conflict. There is a risk the victims and families of the deceased might question if justice is being delivered. The unresolved anger, pain and bitterness provides an unfortunate springboard for the cycle of violence to continue in the politically polarised environment.

## **Recommendations**

- ✓ Immediate engagement and dialogue between government, Zanu PF and other political leaders in particular the MDC-Alliance to find mutually satisfactory solutions to the country's economic woes which keep growing

- ✓ Government is urged to engage trade unions and other players in civil society to discuss ways of cushioning citizens from economic hardships and come up with pro-poor policies.
- ✓ ZPP reiterates that the Commission of Inquiry into the killings of August 1 and the violence perpetrated in the aftermath should guarantee the safety of witnesses as some have elected not to testify for fear of reprisals.
- ✓ The CoIPEZ is also urged to ensure they engage all actors
- ✓ The CoIPEZ is also urged to ensure that the process does not turn out to be a circus resulting in it losing credibility before the Commission concludes its work.
- ✓ The findings of the Commission have to be publicised

## **Conclusion**

Zimbabwe is going through economic hardships traceable to government policies and this has heightened discontent against the government and the resultant resistance may threaten peace in the short term. There are other issues such as fighting at informal mining sites, illegal evictions and intra-party conflict that may threaten peace in the near future. The continued use of economic violence to assert political dominance through withholding of food aid points towards an organised campaign which now requires intervention from the Zimbabwe Human Rights Commission and government

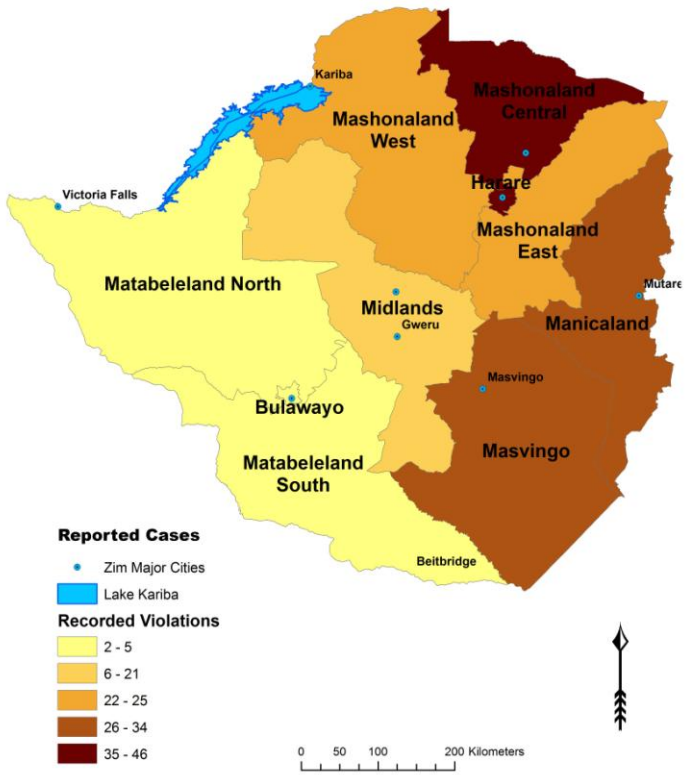
## **Distribution of Violence By Type Across Provinces**

	Midlands	Byo	Mat. South	Mat. North	Masvingo	Manicaland	Harare	Mash. East	Mash. West	Mash. Central	TOTAL
Recorded Cases	8	3	1	1	14	16	20	9	13	21	<b>106</b>
<b>ACTS</b>											
Murder	0	0	0	0	0	0	1	0	0	0	<b>1</b>
Rape/Sexual Harassment	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Kidnapping/abduction	0	0	0	0	0	0	0	0	0	1	<b>1</b>
Assault	5	1	0	0	3	5	8	0	0	4	<b>26</b>
Theft/looting	2	0	0	0	1	3	2	2	1	3	<b>14</b>
Discrimination	2	0	1	1	12	4	2	7	3	6	<b>38</b>
MDP	0	0	0	0	1	1	7	1	2	0	<b>12</b>
Torture	0	0	0	0	0	0	1	0	0	0	<b>1</b>
Unlawful Detention	0	1	0	0	0	0	3	0	1	1	<b>6</b>
Intimidation /harassment	12	3	1	2	17	17	20	14	16	31	<b>133</b>
Displacement	0	0	0	0	0	0	1	0	1	0	<b>2</b>

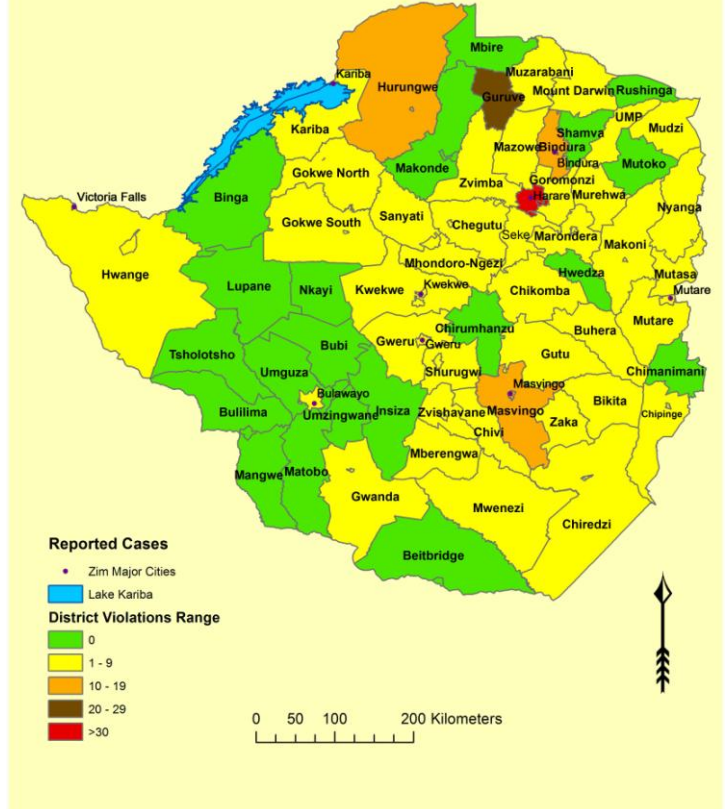
Attempted Murder	0	0	0	0	0	0	0	1	0	0	1
Attempted Rape	0	0	0	0	0	0	0	0	0	0	0
Banned Political Party Meeting	0	0	0	0	0	0	0	0	0	0	0
Disrupted Political	0	0	0	0	0	0	0	0	0	0	0
Total Recorded Violations	21	5	2	3	34	30	45	25	24	46	235

# October Dashboard of Statistics

## October 2018 Provincial Violations Map



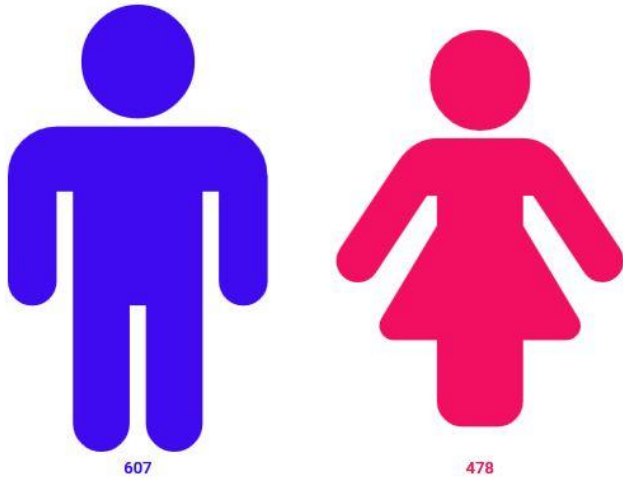
## October 2018 District Violations Map



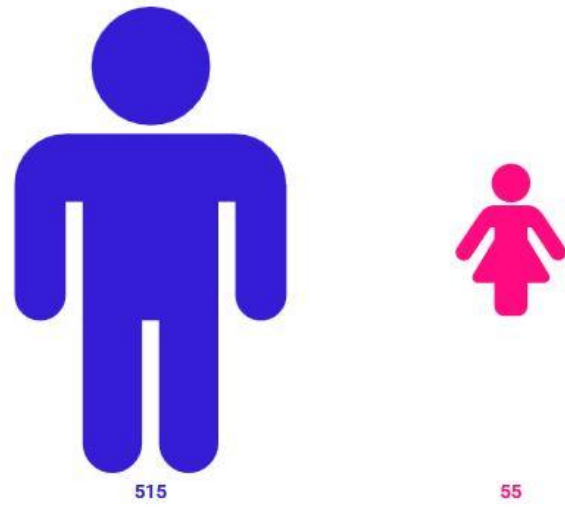


### Perpetrator by Gender

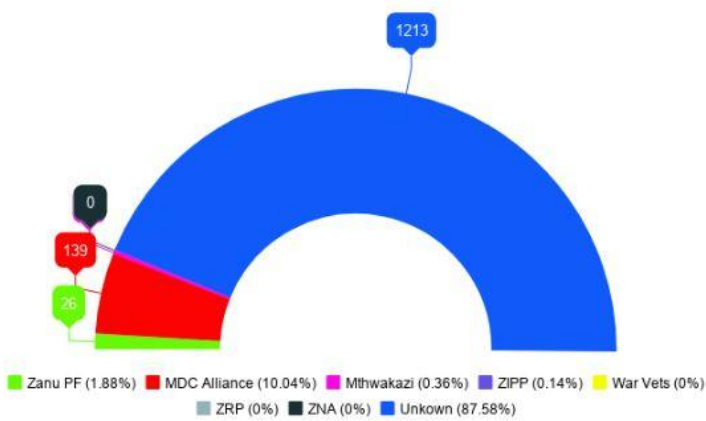
### Victims by Gender



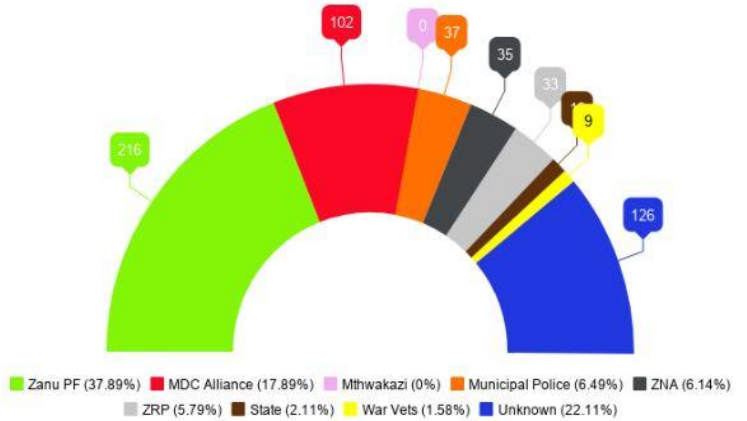
● Male ● Female



● Male ● Female



Victims By Affiliation



Perpetrator by Affiliation



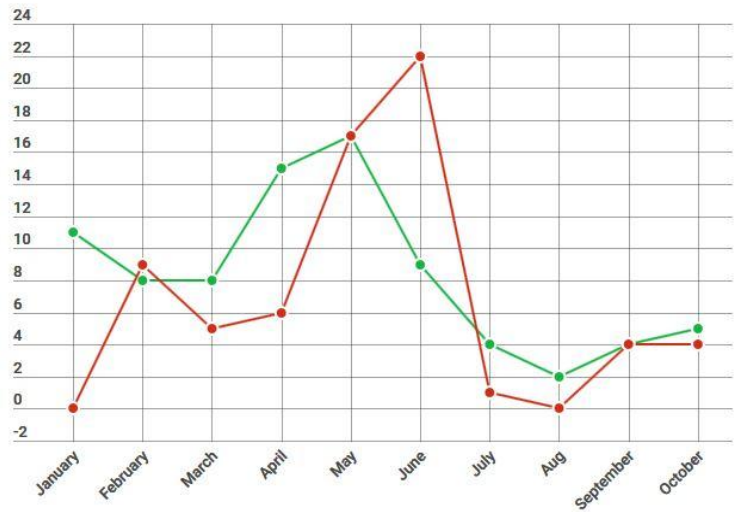
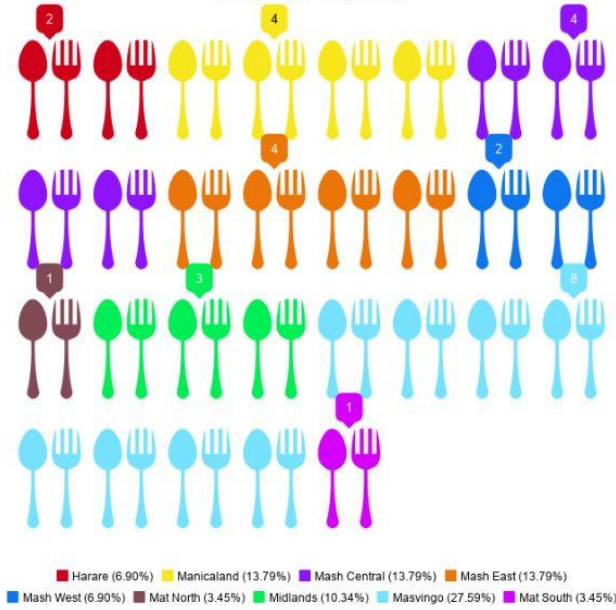


# MONTHLY MONITORING REPORT

October 2018  
HUMAN RIGHTS VIOLATIONS

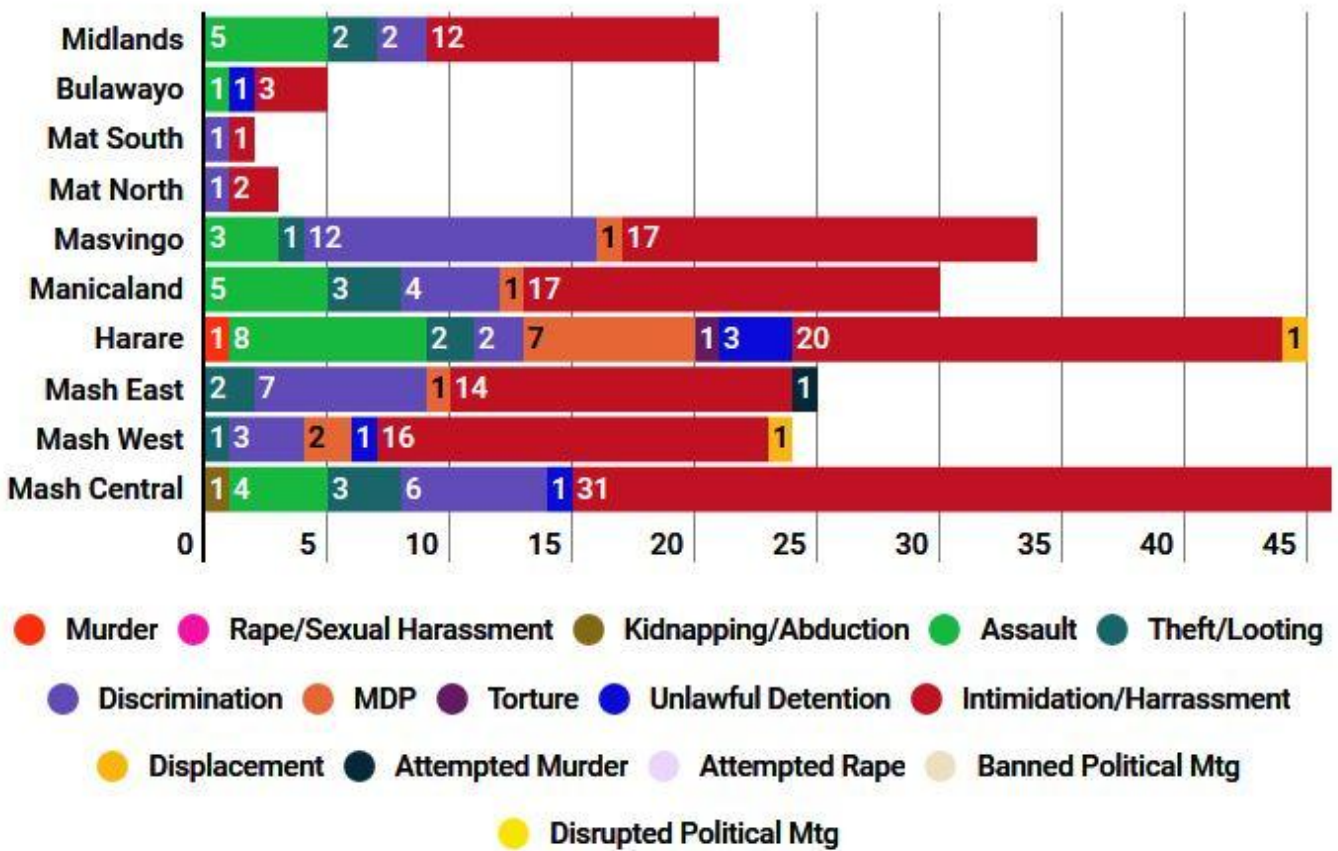


## Food and Other Aid



ZanuPF MDC Alliance  
Intra Party Violations

## Dashboard of Violations by Province





# MONTHLY MONITORING REPORT

October 2018  
HUMAN RIGHTS VIOLATIONS

