



Regardless of new Constitution, Government continues to violate rights



ZINASU activists' trial postponed to April



Police goes after GALZ again

Regardless of new Constitution, Government continues to violate rights

Zimbabwe may have a new Constitution, but old habits still rule quite firmly and will probably die very hard.

More than six months after the new Constitution fully became law, police continue to thwart public expression in form of peaceful marches and protests, using a familiar combination of illegal bans and violent disruptions.

Where marchers have sought for police clearance, before embarking on protest, like Chitungwiza Residents Trust (CHITREST) did, a few days ago, police have denied clearance without reason.

Crisis in Zimbabwe Coalition (CiZC) Chairperson Dewa Mavhinga said human rights defenders in the country are fast losing faith in the government's commitment to safeguard the freedom to protest and demonstrate outlined in Section 59 of the new Constitution.

"It means that nothing has changed in terms of the Zanu-Pf government's attitude towards human rights.

"It shows that we are still a long way to go in terms of the realisation of a democratic Zimbabwe.

"We should not think that the elections last year ushered in a new era," Mavhinga said.

Mavhinga said it was a sign that civil society must step up efforts to demand a democratic governance culture.



Dewa Mavhinga

"It presents a challenge for civil society to move more forcefully to demand the implementation of the new Constitution.

"It is a message for civil society to push for a democratic Zimbabwe," he said.

The new constitution became fully operational in August 2013, with the swearing-in of President Robert Mugabe, for a seventh term since Independent gained in 1980.

Since the adoption of the new Constitution, police have broken up several peaceful marches with brutality; they have often assaulted demonstrators most of them women, leaving them injured and needing to be hospitalised.

On February 15, police assaulted Women of Zimbabwe Arise (WOZA) activists, who were peacefully demonstrating at Parliament.

In the same month, police assaulted 12 students belonging to the Zimbabwe National Students Union (ZINASU) and arrested five civil society leaders from ZIMRIGHTS, CHITREST, CHRA, and CCDZT over peaceful protests.

In late 2013, the police savagely attacked women, who demonstrated at the Hwange Colliery offices for their husbands' unpaid salaries; some who are reportedly still nursing injuries.

Government demands that protesters should seek police clearance purportedly in line with the Public Order and Security Act (POSA), although the law is clearly in violation of free public expression as espoused by the new constitution and seems to merely mention that demonstrators must notify the police of such protests .

Early this year the Zimrights Director Okay Machisa revealed at a press conference in Harare that police had denied civil society organisations clearance to demonstrate over obscene salaries and tender corruption in state enterprises and parastatals.



Jessie Majome, chairperson of the parliamentary committee on Justice, Legal and Parliamentary Affairs blamed it on the delay by the Zanu-PF led executive to align laws with the new Constitution, which she says has caused uncertainty as police continue to apply old laws which are “unconstitutional”.

“The police are continuing to trample on people’s rights because of this ambiguity.”

“They have been holding on unconstitutional powers that they did not even have under the old Constitution, but were actually prohibited by the new Constitution,” Majome said.

Majome further castigated the continued conduct of government business under old laws as “unconstitutional”, calling the whole thing “a constitutional crisis”.

She however suggested that the ruling party benefits from oppressive laws and the current state of affairs.

“It is totally unconstitutional, and strikes a legal blow to the rule of law in the country,” Majome said.

“This government is operating unconstitutionally.”

“It is promoting a continued culture of the neglect of the rule of law.”

“We see the abnormal becoming normal because Zanu-Pf feels safe with laws that limit citizens’ rights.”

Police goes after GALZ again

Harare – POLICE yesterday arrested and detained for a few hours at Harare Central Police Station two people, Natasha Dowell and Tawanda Maguze, who are linked to the Gays and Lesbians Association of Zimbabwe (GALZ), allegedly for holding a public meeting without notifying them.

GALZ Director Chesterfied Samba described the arrest as the usual targeting of gay, lesbian, bisexual and transgender people in the country.

“We think that it’s the usual harassment that goes on between the State and GALZ where the state is trying to intimidate us,” Samba said.

ZINASU activists’ trial postponed to April

Harare – THE trial of 12 Zimbabwe National Students Union (ZINASU) activists was postponed to the first three days of April after some of the students failed to attend court in time due to logistical challenges on Wednesday morning.

The students were arrested, detained and allegedly assaulted in custody by police for staging a peaceful protest, calling for extension of the deadline for payment of registration fees at Harare Polytechnic College in February 2014.

Gift Mtisi, a member of the Zimbabwe Lawyers for Human Rights (ZLHR), who is representing the students, said those who failed to attend were issued with warrants of arrest, while others later arrived when there was time to have warrants cancelled.

He said that if the students had attended, the matter would have been postponed as some of the state papers had not been submitted to the defense counsel.

“If my clients had attended, the matter would have still been postponed because the state papers had not been fully furnished to me.

“I have since been given the full state papers, but I would have still needed time to look at them,” Mtisi said.

Meanwhile, Mtisi said the students who were issued warrants of arrest will not receive their bail money if they are acquitted since it has been surrendered to the state due to the absence.

Students across the country who are at state institutions continue to struggle to raise tuition fees and sustain their daily needs amid little government support after government scrapped loans and grants over five years ago, which has repeatedly sparked demonstrations at several institutions across the country.

Dowell, a volunteer youth coordinator, was arrested allegedly for contravening Section 25(5) of the Public Order and Security Act (POSA) chapter 11:17.

The police indicated that they would proceed by way of summons after making the GALZ official sign a warned and cautioned statement.

Tawanda Maguze, who had been arrested along with Dowell, for facilitating training in digital storytelling for multimedia content at the meeting, was released without any charge.

Dowell, who was being represented by Tonderai Bhasatara, a member of the Zimbabwe Lawyers for Human Rights (ZLHR), denied contravening the law and insisted that GALZ did not have to comply with the provision of POSA as it is in violation of the new constitution.

About 50 members of the GALZ have been arrested and detained by the police since 2010 on various allegations, but none of them have been convicted.

Police, at one time in the company of a soldier, have severally raided GALZ offices in vain attempt to lay hands on alleged subversive material and drugs.

Meanwhile, the state has filed court papers seeking the rescission of the High Court order issued in January 2014 to return GALZ property, which was confiscated in 2010.

The property was confiscated after police charged GALZ chairperson Martha Tholanah for allegedly running an unregistered organisation in terms of the Private Voluntary Organisation (PVO).

Judge Justice Priscilla Chigumba who had presided over the case at the High Court ruled that the organisation did not have to register under the Act, ordering the State to return the GALZ property.