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Political Reform And The Challenge For Democratization Post 2012

There is a danger that the concerted social commentary on the internal political dynamics of the Inclusive Government and the stalled reform agenda without regard for broader democratization issues may miss the most critical factor this critical process is faced with—a transition to democracy rather than minimal political reform that the contemporary process of pacting may produce. The Inclusive Government lately believed to be a temporal transition mechanism following the violent 2008 plebiscite whose outcome was disputed by both the losing incumbent regime and its opposition will enter its fifth year. By any measure, ZANU PF has successfully imposed itself on the people of Zimbabwe by illegitimately engineering another term of office in spite of losing the 2008 elections. The former opposition, now partners in the Inclusive Government and winners of the same disputed elections have stuck with the same government at high costs to the democratization agenda. Given that the next elections outside the 1980 plebiscite, whenever they happen, would be historically a defining moment and will have drastic implications for democratization and the fate of the reform agenda, what could be the fate of politics of reform and how will such politics impact on democratization?

Even the greatest of optimists will admit to the fact that the reform movement constituted by the MDC parties and civil society is at its weakest. While this does not mean that ZANU PF is stronger, it is evident that the split of the MDC parties and the continuous disintegration of the coalition of forces that constituted the party's social base at its formation have eroded. Yet a broad based reform coalition that would increase opportunities for regime change and possibly foster politics of participation, negotiation and consensus building over coercive violence seems to be elusive.

There is need for politics that puts human interest, the liberation and freedom of the person at the heart of its agenda. Such politics should fundamentally rest on the important notion of the sovereignty of the people as opposed to party or elite domination. In spite of any level of political support that each of the political parties could enjoy and the parties' subsequent dominance of the electoral scene, the future of democracy beyond the next elections, the protection of political-



Left, President Robert Mugabe and Prime Minister of Zimbabwe, Morgan Tsvangirai

civil liberties and socio-economic rights will depend on democratic institutions and civil society strategies, choices and the ability to move towards inclusive politics. While the convergence of reformers on the basis of an agenda for democratization would be critical in ending the ZANU PF hegemony, it is its impact and future role in deepening democracy that should get every Zimbabwean to call for a broad based reform coalition. It is important to realise that politi-

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cal parties and political actors are driven by a desire for political power to gain sole control of the state. Each political party and their leaders are behaving on an instinct and gut driven calculus to win the next elections, control the state and solely determine the future of the country without necessarily being strategic and critical in consideration of the long term possibilities for democracy. The characteristic pedestrian optimism amongst actors within the reform movement explains reformers' uncritical resort to knee-jerk, short term rushed interventions whose failures has prolonged the struggle for democracy. Shockingly by sticking with an oppressive highly centralized political system based on ethnic patronage advocates of reform are replicating the exclusive subtleties as systematically instrumentalized by ZANU PF, thus further reinforcing

the same practices of a system they seek to overthrow.

While this has clearly failed our country, it is surprising that reformers do not find the roots of the contemporary democratic deficiencies in the failure to foster broad based politics, instead preferring to subject our country to the benevolence and assumed wisdom of former and future individual leaders. This is a political cultural problem rooted in both colonial oppression,

post-independence big-man godfather politics which hinges on a superiority-complex tied to notions of infallibility of liberation leaders, buttressed by monolithic party domination, class and ethnicity. Subsequently we are trapped in the narrow politics of god-fatherism which blinds our social commentators from exploring the national question from the perspectives of the national interest above the whims of key patrons at various levels of our national political system.

Thus without radically revamping the political system, assuming there is any reform, Zimbabwe will be faced with minimal change that may foster stability at the expense of democracy. Political parties may redraw the electoral framework without necessarily democratizing the political system in order to buy

domestic and international legitimacy. Any post GPA politics that does not seek to build broad based consensus underlined by strong formal institutions of governance beyond the hegemonic ethnic based elite alliance that has been the basis of the ZANU-ZAPU Unity Government since 1987 which remains at the centre of our political-structural model will be futile. By seemingly framing political leadership within the framework of ethnic balancing, other political parties seem to have embraced this same nuanced subtle authoritarianism instead of articulating broad based democratic politics.

The calls for elections within the context of the emerging consensus for minimal reforms under the GPA framework should therefore be seen in the context of a foundational positive step upon which civil society and political parties should seek to bolster a democracy that goes beyond ritual electoralism. The dragging contestation over the stalling Inclusive Government failing to agree on a set of reforms including the content and process for a new constitution, the national referendum and dates for new elections are simply located on the desire by political actors to retain forth and electoral advantage over opening our society.

We hope that civil society, community actors and political parties will seek to drive broad based politics founded on an agenda to deepen democracy beyond the emerging minimalist consensus. Zimbabweans may not forgive some of our leaders if they lose them this opportunity for a new beginning. Thus possibilities for electoral coalition should be explored to their bitter end not only for the purposes of electoral advantage, but for the prospects they provide for the people to collectively contribute to their society committing their social and economic capital to the leadership, service and development of the country, thus laying the basis for an inclusive and sustainable democratic dispensation.

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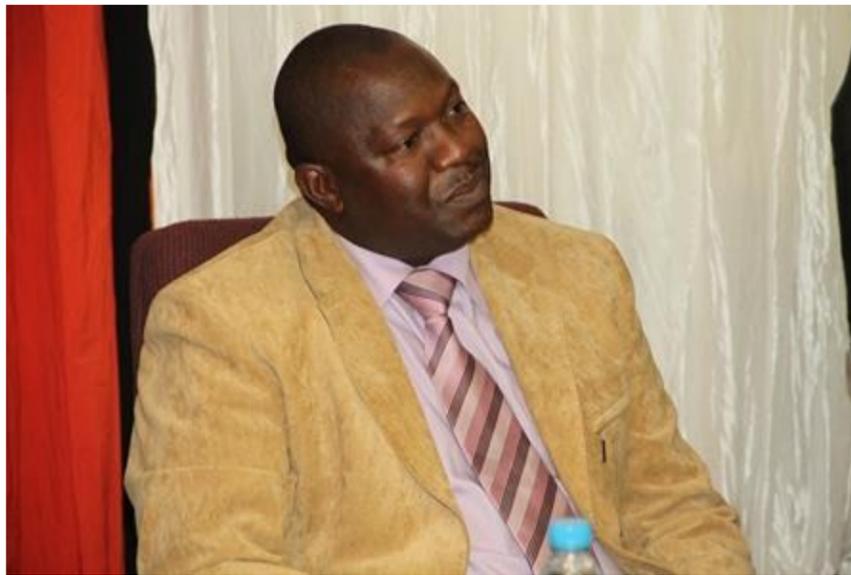
Removing the Legal Façade from the ZIMRIGHTS case. A case of unjustified criminalisation

Okay Machisa is a good man with a good heart, one of the truly few good men that one can mention without hesitation. Hailing from Lalapanzi the 42-year-old Okay is a product of humble beginnings and man of modest means, who grew up at schools and developed a passionate love for music. He eventually taught music, and even as he carries out his other duties, still finds time to perform, arrange and organise arts events. He is an arts industry aficionado. He is father to two lovely daughters, one in High School, the other in Primary school, and husband to a loyal loving wife, Candice.

His pursuit for the Zimbabwean dream of freedom and a land full of milk and honey, took him from a profession in the theatre arts (with Rooftop Promotions) that he loved. In 2007, Machisa joined the Crisis in Zimbabwe Coalition where as a Programs Associate; he was specifically tasked with infusing art and creativity in the Coalition's work. This task, he performed beyond expectations, presiding over one of the best and most successful campaigns that the Crisis Coalition has done to date, "The Get Out The Vote Campaign for 2008". The campaign had as its centre piece "Rock Da Vote Concerts".

His success in this quest saw him being persuaded to take up leadership as Director of the Zimbabwe Human Rights Association (Zimrights). At that time, after close to 20 years of existence, Zimrights was in dire need of new energy and reinvention. In a short space of time, Okay was able to infuse into ZIMRIGHTS his enthusiasm, passion and creativity, and rebuild and grow its grassroots structures to the over 300 branches. It now boasts over 70,000 members from a cross section of society. In the process and through his creative leadership, the unassuming Okay won the Association accolades not just in their core-business of Human Rights defense and promotion – as ZimRights was awarded the Human Rights and Governance Award for 2010, but other uncharted waters for Civil Society, in film. A ZimRights documentary, which had a photo exhibition twinned with it, won the Best Short Film Award at the Zimbabwe Film Festival in 2010. The exhibition was staged in Zimbabwe before being banned. It was displayed internationally in Hungary, Norway, Switzerland, London, Germany, Botswana and South Africa. His ability to lead and connect people; his ability to influence and get things moving is now a record beyond reproach. This saw him being asked to Chair the Coalition that first introduced him to civil society work and gave him the opportunity to show the world his passion and love for a better Zimbabwe.

On January 4, 2012, while sitting in the High Court of Zimbabwe, attending a bail application case in which a colleague of his, Leo Chamahwinya, a Zimrights employee was questionably charged with fraud and forgery Okay was surprised to hear the Prosecution Attorneys saying that they wanted Leo remanded in custody because they could not locate the ZimRights Director. There were further allegations that the director – Machisa – had skipped the country with his Secretary Faith Mamutse, to Norway. Leo Chamahwinya, had been arrested on December 13 by Harare police, who had initially



ZIMRIGHTS Director, Okay Machisa

left with him from his ZimRights Office to "assist in identifying people who had allegedly been defrauding ZimRights. Leo's lawyer, Trust Maanda, who had noticed Okay's presence in court, promptly offered to show him to the court in a bid to secure bail for his clients, an offer the court refused.

It is clear that the work of ZimRights of promoting and defending human rights is not criminal, but through charging the institution and its leader, that work is being criminalized. This is not surprising, as there is a standing ZANU PF Conference resolution made in Gweru last month to deal with "errant" NGO's, "operating outside their mandate", which can be translated to mean organisations working on Human Rights and Governance like ZimRights and other organisations of its ilk.

Okay got in touch with his lawyer Beatrice Mtetwa, who then engaged the police on the matter, and accompanied him to the Harare central Police station on January 14, 2013, ostensibly for an interview. The visit by the end of the day had turned into an arrest, with Okay spending the night at Rhodesview Police station. For two days prominent lawyer Beatrice Mtetwa tried to secure his release through some very persuasive legal arguments which clearly showed that Okay and ZimRights had no case to answer. This was in relation to trumped up charges of forgery and conspiracy to commit fraud, with people who Okay didn't know and had no dealings with. Okay was remanded in custody to January 30, 2013. A clearly unmoved Magistrate Mahwe, denied Okay bail ostensibly on the grounds that his matter was "A national security issue, his co accused have all been denied bail so he cannot be treated differently and investigations are yet to be carried out at all the organization's regional offices".

What is the issue really in this matter? It seems apparent that when finally heard, Okay and ZimRights will be exonerated of any wrong doing. It is said that the police officers who first came to ZimRights and left with Leo Chamahwinya, said they had come to help ZimRights in a case in which ZimRights could have been defrauded. The Zimbabwe Republic Police were investigating a case in which they had arrested three people found in possession of falsified documents from Headmaster's letters to Residents permits for foreigners, one of whom had fingered Dorcas Shereni, a ZimRights Local Chapter Chairperson. She then asked her kids to call Leo for advice on what to do since Highfield police had

arrested her, and thought Leo could help. The police called Leo, and on learning that he was at ZimRights, came to ZimRights on the originally stated premise. Leo works for ZimRights and by extension for Okay. Without subverting the role of the courts, it seems, someone saw an op-

portunity. Okay is a careful man, and law abiding citizen. ZimRights is a registered organisation, which has legally operated for 20 years as a Private Voluntary Organisation (PVO); its mandate is clear and broad, and difficult to stray away. So what really is the issue here?

It's almost obvious that there are several things at play. Someone somewhere saw an opportunity to dent the credibility of ZimRights by tying the institution to criminals and criminal acts they had nothing to do with as an institution. It is clear that the work of ZimRights of promoting and defending human rights is not criminal, but through charging the institution and its leader, that work is being criminalized. This is not surprising, as there is a standing ZANU PF Conference resolution made in Gweru last month to deal with "errant" NGO's, "operating outside their mandate", which can be translated to mean organisations working on Human Rights and Governance like ZimRights and other organisations of its ilk. This link can be found based on a previous ZANU-PF conference resolution made in Bulawayo in December 2011.

There is an attempt to damage the credibility of and intimidate democratic actors and misdirect the public from real issues to carefully planted ruses. Why go after ZimRights' credibility? Credibility is loosely defined as the quality of being trusted or being believed in. Often, this is a character that one gains through time, effort, and a track record in ones' work, in the process becoming a trusted and credible commentator, actor, advocate or provider of information. To deal with the credibility of ZimRights, they have to

be presented to the world, as nothing but a group of forgers and fraudsters, and see who would then want to be associated with or listen to forgers and fraudsters.

Okay's case is not a new phenomenon, and a clear look at the above strategy shows that many a people in leadership in civil society may yet suffer the same before elections are held in Zimbabwe. Outside Leo and Okay, ZimRights is the same organisation that had to go for well over a year without its National Coordinator Cynthia Manjoro, who had to leave a suckling baby to go to jail on trumped up charges of "murder in the first degree". She only returned after 255 days when the baby, David, could walk and could say a few things except "mama". Along with Cynthia 29 other people were charged with the same crime, and 27 of them including her were released on bail after more than a year. Indications are clear that most if not all of them really had nothing to do with the so-called murder, if indeed pre-meditated murder did take place.

ZimRights is one of the oldest Civil Society Organisations in Zimbabwe. There is nothing criminal about their work, yet now it is being criminalized. These Campaigners for Human rights are now victims of their message and also their success, in a clear case of targeting by elements of the state who are afraid of an enlightened society. They feel that a society that knows and demands its rights, including the right to vote is the biggest threat to their continued existence in power. In Zimbabwe, people have started to dismiss envy and being targeted by saying "usatye kumakwa, because anomakwa ndeane bhora, asina anosiwa akadar" (don't be afraid to be 'targeted', because only the one who has the ball is targeted, the one who doesn't is left alone). This targeting, is an affirmation of the great work that ZimRights is doing in encouraging people to exercise their right to vote by first registering as voters. If at all ZimRights were hard pressed to find indicators of success on the work they are doing as an association, here is a loud acknowledgement from the state that they are winning. ZimRights and its members thus have to take this badge of honour, which the state thinks is targeting, and victimisation, wear it with pride and continue doing their good work.

As certain as day, ZimRights will not be the last organisation to have its work criminalized, we have already stated that it is not the first. During the course of 2012, the Zimbabwe Human Rights NGO's Forum and its Director Mr. Abel Chikomo were consistently hounded and the director detained on ludicrous charges of "running an illegal organisation". A clinic in Harare, which offers clinical and counselling services, was raided in November of 2012, and some of its clinical and counselling staff charged spraying graffiti on some wall in Bulawayo. Journalists have been criminalized as liars, bribe seekers and gossipers, while the bulk of civil society have been labelled sell-out lap dogs of the west, European and American spies.

We have stated before that this line of march, on the part of ZANU PF and some elements of the State is not new. In the past Human Rights Defenders

were persecuted and charged under laws that are repressive and would clearly show that they were being persecuted for their work, like POSA, or held under no charges at all like Jestina Moko. Now their work is being criminalized. It may sound a slightly different pitch but it is the same old song. Initially people may be hoodwinked by the new approach, but be-

cause the beat is the same, sooner rather than later monotony will set in. People will recall why the beat had become boring and not worth listening to. If you are credible you are credible, and it will take much more than this criminalisation to erode that credibility.

It is inevitable and imperative to conclude that as we head towards the end of the Inclusive Government (IG), the space for elections has been effectively shut by the recent anti-NGO campaign. Any NGOs that will be involved in matters distantly related to elections will be targeted.

By Mcdonald Lewanika, Director, Crisis in Zimbabwe Coalition

In building a new Zimbabwe, revitalising the media is a key necessity

The long-awaited rebirth of Zimbabwe has taken on new form and shape following the announcement, recently, that the country was now ready to hold a referendum on a new Constitution. The new Charter, it is hoped, will give the country a fresh impetus towards recovering itself. To say the entire constitution-making process has been fraught with complications, sometimes with paralysing effect is an understatement. The parliamentary committee tasked with delivering the constitution has, throughout the process, had the consistency of wet tissue paper, always shifting goal posts and lacking any particular conviction.

Given the way Zimbabwe was – and to some extent still is – was it prudent to expect COPAC, as the parliamentary committee is called, to deliver on its mandate without the rest of us acknowledging the ever-present bureaucratic intransigence that has always governed Zimbabwe's public processes? If the country is going to be honest about its future, dreams, hopes and aspirations, it must accept that the complications that have accompanied the constitution-making exercise and plagued the entire lifespan of the unity government, mirror also the ambiguous cocktail of tensions, anxieties, despair and hope that the people of Zimbabwe have felt and sometimes expressed. The nation is in this together.

However, knowing what we know now, that the nation is now expected to vote and probably endorse a flawed and deeply compromised process, which in itself is also loaded with compromises from the unity government principals, what should be the guiding principle to follow? Indeed, what compromises are the people of Zimbabwe expected to make in order to reach a decision to affirm or deny whatever is contained in the new constitution? One critical area of focus that is key to shaping Zimbabwe's future post the unity government era is what kind of premium is placed on freedom of expression and of the



Minister of Media Information and Publicity, Webster Shamu [ZANU PF]

media. Over the past few years, there has been a systematic criminalisation of freedom of expression that has been further accompanied by a systematic brutalisation of media freedom as well. The result of this has been self-censorship (by the citizenry and journalists), artistic censorship, creation of silences and a general absence of progressive and open national dialogue. Examples of this are plenty, from unjustified arrests and torture of journalists, arrests of citizens who have expressed opinion, bombing of newspaper printing presses, media house closures, detention without trial and so on. The damage done is enormous. How does a nation recover from that?

The Zimbabwe Chapter of the Media Institute of Southern Africa (MISA-Zimbabwe), an organisation that promotes media freedom, diversity, plurality and independence has come out supporting the draft constitution that is likely to be tabled at this year's referendum. "The inclusion of constitutional provisions that guarantee media freedom and citizens' right to access to information in the draft constitution offers immense opportunity for comprehensive media reforms derived and underpinned by a policy framework hinged on regional and international instruments on freedom of expression, access to information and media freedom," says MISA

-Zimbabwe in its annual state of the media report (2012). In the same report, the media freedom organisation further identifies six other areas which, if addressed, can provide a useful springboard to fruitful re-imagining of a new Zimbabwe.

MISA-Zimbabwe supports self-regulation of the press and suggests there should be no specific registration law for publishing houses, meaning they should only be subjected to the Companies Act. The organisations also calls for the review of draconian legislation such as the Access to Information and Privacy Protection Act (AIPPA), Criminal Law (Codification and Reform), Official Secrets Act, Interception of Communications Act and the Broadcasting Services Act, among others. Where necessary, the organisation says, these and other laws must be repealed altogether.

Access to public information has always been a contentious issue in Zimbabwe, with the right to information not even making it in the mainstream discourse. There is a call for the introduction of a law that promotes and guarantees access to information. Perhaps it is within the broadcasting sector that the challenges facing Zimbabwe have been mostly expressed, with the State broadcaster, Zimbabwe Broadcasting Corpora-

tion (ZBC), being turned into the megaphone for a single political party, and denying citizens the platform to express their viewpoints. It is no surprise, therefore, that MISA-Zimbabwe recommends that a new Broadcasting Services Act must "establish a regulatory body that is impartial and independent from political and commercial influence" while at the same time establishing "a clear licensing framework and [ensuring] that the spectrum is put to the best possible use in order to fulfil the public's right to receive information from a variety of sources."

ZBC and Zimpapers, the printing and publishing arm of the State, have a much bigger role to play in the new Zimbabwe. Having long presided over the assault on national conscience through unimaginative programming and blatantly biased coverage, these two entities will have to re-inspire public confidence and be central to the formation, shaping and development of a new discourse on Zimbabwe.

Of course, the prize will have to be the exercise of ethical and professional journalism by journalists from all sectors of the industry, private or public. One of the biggest challenges facing Zimbabwe media at present is the loss of confidence in them by the public, who often do not get value for their money because most reports are designed to suit specific agendas. Ultimately, the citizen must win because they are able to freely express themselves and be heard, thanks to a media that would have made it possible for this right – and others – to be realised and exercised. Media, big and influential as they are, should always be at the service of the public, not vice versa.

**Levi Kabwato is a media freedom and freedom of expression activist. He writes in his own capacity.*

The Diaspora Potential and the Zimbabwean Economy

The remittances economy has been gaining increasing significance globally. Whilst emigration has presented challenges particularly to the developing world in terms of skills and human resources retention it has also presented opportunities. The monies sent back home to relatives and friends presents opportunities that have called for policy rethink within the developing world. More so, with compression of time and space due to improvement in technology, this pool of people can be turned into a brain bank and create institutions and frameworks for partnerships. The creation and adoption of policies that seek to harness and tap the human resource and financial advantage of the Diaspora has a huge potential of fighting poverty particularly in the developing world where slavery, colonialism and unequal trade have created economic subjects rather than citizens in the developing world. The primary concern of this article is to advocate for policy rethink by legislators.

The Diaspora has a huge responsibility in the reconstruction of Zimbabwe, due to various advantages as outlined below:

- Access to foreign currency/economic resources
- Access to improved infrastructure and advanced technologies
- Leaving in relatively stable and predictable economic and political environments
- A potential high network base.

- Exposure to multiculturalism
 - Greater ease in communication and travel, and
- Large number of expatriate professionals and entrepreneurs who have skills and experience. Having alluded to the factors that place the Zimbabwean Diaspora to the need to be the engine drivers of economic reconstruction, the major questions that arise are what are we doing? Are we creating wealth in society? The questions are very pertinent considering the increasing volumes of earnings remitted by the Diaspora to their homelands. Ratha observes that:

Officially recorded remittances received by developing countries exceeded \$93 billion in 2003. The actual size of remittances, including both officially recorded and unrecorded transfers through informal channels, is even larger. Remittances are now more than double the size of net official flows (under \$30 billion), and are second only to foreign direct investment (around \$133 billion) as a source of external finance for developing countries (2004).

On the other hand the World Bank observes that in 2005 remittances reached the \$232bn mark with

\$162bn going to the developing countries, which is double development aid received by these countries (GEP 2006). More specifically to the Zimbabwe economy the NANGO report **“Harnessing the Diaspora Potential for Socio-economic Development in Zimbabwe: Investment, Trade and Participation in Political Processes”**, is more indicative and notes that the Diaspora has been remitting substantial amount of money back home.

In as much as many policy prescriptions for the reconstruction of Zimbabwe have sought to look East and West for investment solutions; they have failed to look within. They fail to grasp one concept noted by one of the greatest classics; Adam Smith who has hinted to us that the wealth of any nation is its labour. Therefore there is need for policy practitioners to realize Booker T Washington’s words and drop the buckets where they are, for there is water. A UNDP study of 2010 states that in 2009 the Diaspora remitted \$1.4bn which is more than 25% of our current GDP. Indeed if they drop the buckets they will get the scarce foreign currency. However there are a lot of challenges that need to be noted and addressed before policy makers drop their buckets. It is the strong contention of this paper that the large Zimbabwean Diaspora contingent has a huge potential in playing a significant role in the reconstruction of the country. Among these challenges political

stability, question of property rights, unfavorable investment policies and broader governance issues. There is a need for Zimbabweans to come up with policy alternatives and begin to make demands on the state for favorable policies.

There is need to introduce special purpose vehicle legislation to encourage the diaspora to invest back home. This might include special made or types of companies for the people in the diaspora, bonds with government guarantees, tax rebates, holidays and incentives for investors. Therefore, government may seize the initiative and craft legislation that speaks to the promotion of investment. The benefits will be substantial as jobs will be created within the economy and as well increasing the revenue sources.

There is need for us to draw from the words of Booker T and drop our buckets, and realize that it is not about foreign aid, or looking in any direction, but only through tapping into our human resources shall we prosper.

Tamuka Chirimambowa.

Wing of Wickedness - Witchcraft Phenomenon in Governance

Compliments of 2013 or should I say complications of 2013! Barely a month into the year, there seems to be some deadly wing of wickedness that is the witchcraft phenomenon going on. Well, what else could we call a phenomenon where a government seems bent down on eating its very own children in the form of repressive governance? Despite there being over three years since the inclusive government in Zimbabwe - which most of us saw as a window of hope as human rights defenders - there has been very little progress made in terms of reforms to ensure that the environment for civic players improves.

Now with the latest being that of Crisis in Zimbabwe Chairperson and Director of Zimrights Okay Machisa and Leo Chamahwinya being remanded in custody, YIDEZ and ERC also facing similar threats, 2013 surely seems to be another year of complications. Honestly such wickedness can only be taken as

witchcraft for it is in this phenomenon where even mothers eat their own flesh and blood. So what are we saying?

Trumped up charges of forgery, fraud and spreading falsehoods are not really the way to go for a nation that often speaks of having discovered that the only unifying factor is that its citizens are Zimbabweans and thus seek peace and reconciliation on such grounds. If this is the case, then there is no need to remand, detain, harass and even repress the rule of law at the expense of Zimbabweans who seek to ensure that the country becomes an established and flourishing democracy through voter registration. Zimbabwe needs to begin to have leaders who have national interest at heart and not those who seek to fulfill their personal selfish egos through abusing the rights of human rights defenders!

Lastly, 2013 has to be a year where Zimbabwean's future is clearly chartered by whoever

cares enough for the nation to return to being the bread basket of Africa. In order to see this happening, even the very human rights defenders who have suffered many losses and violence ought to come together and speak with one voice against the untold suffering and harassment of comrades which in itself is that wickedness that only can be synonymous with the witchcraft phenomenon well known in Africa. 2013 is the year to say enough is enough and let us act to see something good happen for democratic players at all levels so that Zimbabwe is emancipated from the hold of those who seem to devour their own flesh and blood!

Aluta continua comrades and let us end this other wing of wickedness which has seen Zimbabwe lose brilliant minds through constant harassment and incarceration. Let us fight until the country is where it ought to be; it is not over until it is over - this witchcraft phenomenon has to end and end now!



By Grace Chirenje, Vice Chairperson, Crisis in Zimbabwe Coalition