

*annual
report*

2005



ZIMBABWE LAWYERS FOR HUMAN RIGHTS

2005 ANNUAL REPORT

Prepared by

Zimbabwe Lawyers for Human Rights
6th Floor Beverly Court
100 Nelson Mandela Avenue
Box CY1393
Causeway
Harare
Tel.: (+263-4) 251 468, 705 730, 708 118
Fax: (+263-4) 705 641, 723 789
Email: zlhr@mweb.co.zw
Website: www.zlhr.org.zw

Background of the organisation

ZLHR is a not for profit human rights organization whose core objective is to foster a culture of human rights in Zimbabwe as well as encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms in Zimbabwe and the surrounding region. It keeps these values central to its programming activities. ZLHR holds Observer Status with the African Commission on Human and Peoples' Rights, provides secretarial services to the Human Rights Committee of the SADC Lawyers Association and has Affiliate Status with the International Commission of Jurists.

Vision

A just and democratic society in Zimbabwe with a culture of respect of the rights of women, men and children.

Mission

To promote and protect human rights through a sustainable programme of litigation, unique legal support services, education and strengthened participation by key stakeholders, influencing a culture of respect for human dignity, rights tolerance and democracy in Zimbabwe

Our Aims and Objectives

- To strive to protect, promote, deepen and broaden the human rights provisions in the Constitution of Zimbabwe.
- To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important international conventions such as, but not limited to, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, and the African Charter on Human and Peoples' Rights.
- To strive for the adoption of a Southern African Human Rights Charter and the establishment of a Southern African Court of Human Rights.
- To endeavour to find common ground with and to work alongside other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for and interest in human rights.
- To liaise and work with other human rights groups wherever situated but particularly in Southern Africa and especially those closely linked to the legal profession.



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CHAIRPERSON AND EXECUTIVE DIRECTOR'S STATEMENT



Ms Nokuthula Moyo

The period January – December 2005 has been most eventful for Zimbabwe as a country and ZLHR as an organisation primarily because it is in this period that Zimbabwe held Parliamentary elections for the Sixth Parliament of Zimbabwe, thousands were affected by the local man made tsunami “Operation Murambatsvina”, and that monetary authorities watched helplessly as inflation galloped away, leading to increased violations of fundamental rights and freedom. Furthermore, the



Mr Arnold Tsunga

operating environment made human rights programmes and activities of human rights defenders increasingly difficult.

ZLHR witnessed an increase in the number of full time staff and this further consolidated and strengthened our programme delivery capacities. We were able to recruit two Projects Lawyers for the Public Interest Litigation Project which already had one lawyer; this was necessitated by the increase in the demand of our pro bono legal services as necessitated by the prevailing political climate where we had to respond to distress calls by human rights defenders, impunity, unlawful actions by private and state functionaries. We also recruited a Clerk to assist in the finance department and a Communications Officer to manage our website, reports, materials and the numerous national and international communication efforts with members and partners.

The year 2005 witnessed an unprecedented rise in status of the organisation as we were granted observer status with the African Commission on Human and People's Rights and also Affiliate Status with the International Commission of Jurists. In the same vein we have been confirmed as the secretariat of the SADC Lawyers' Association Human Rights Committee. We have also been increasingly visible in the media and our advocacy efforts have been well received by members of the public.

The outreach done through our programmes during the first half of 2005 far exceeded our initial expectations. Through the HIV/AIDS and Human Rights Project consultation workshops we reached out to 127 people (66 males and 61 females), representation at the youth workshop constituted a total of thirty-six (36) participants (learners and teachers) twenty-one (21) of them female and fifteen (15) male, while the legal sub unit of the project handled individual cases as well as one for more than thirty AIDS orphans affected by “Operation Murambatsvina”. Success has also been noted in the process of developing a National HIV/AIDS and Human Rights Charter.

Public Education and Human Rights training reached out directly to more than 300 people through training workshops. Through the six human rights public talks held at the Book Café we reached out to an estimated 240 people.

Our Rapid Reaction Unit under the Public Interest Litigation project has been very strained in terms of resources and at the same time the cases needing attention has been overwhelming; this was due to two events during the year 2005, i.e the election period and Operation *Murambatsvina* where affected people approached us for legal assistance. In response to the Operation, more than 1150 families received free legal services (about 300 families from Hatcliff, about 800 families from Porta farm and about 50 from Goromonzi, Waterfalls and Glen Norah). Other individual cases have been handled by our Public Interest Litigation Department as people either came on their own or were referred by other NGOs.

We were able to present a number of communications at the African Commission on Human and Peoples' Rights; and some of these were seized and others had provisional orders granted. Material production has also been visible on our activity schedule where we produced brochures and pamphlets on human rights education.

Nokuthula Moyo
Chairperson

Arnold Tsunga
Executive Director

ZLHR PROGRAMMES

ZLHR houses the following projects and programmes

1. Human Rights Training and Public Education Project
2. Human Rights Defenders' Project
 - (a) Human Rights Defenders Emergency Unit
 - (b) Strategic and Anti-Impunity Litigation
 - (c) Documentation
3. Public Interest Litigation Project, Incorporating the Rapid Reaction Unit.
4. International Litigation Project
5. HIV/AIDS and Law Project
6. Publications, Information and Lobby and Advocacy Project



Irene Petras, Programmes Coordinator

Projects and Programmes: Activities in 2005

1. HUMAN RIGHTS TRAINING AND PUBLIC EDUCATION PROJECT



Ms Wozani Moyo, Projects Lawyer

ZLHR held a number of activities under the Human Rights Training and Public Education Project including human rights defenders training workshops, women's rights litigation workshops, intensive human rights training, the annual SADC Symposium on the State of Administration of Justice in the SADC region, public meetings and situational human rights training.



Mr Otto Saki, Projects Lawyer

Human Rights Defenders Training

A total of 5 Human Rights Defenders training workshops were held in 2005. Of these two were sector specific workshops aimed at specific groups of people e.g. war veterans. The objective of the human rights defenders workshops is to increase the level of awareness of the environmental threats faced by the Human Rights Defenders and provide capacity to them to cope with the challenges and threats they face in their line of work. Human Rights resource material was given to the participants.

Human Rights Defender Training workshops

Province	Month	Genre	Participants		Total trained
			Male	Female	
Harare	January 29	General	24	18	42
Matebeleland	February 12	General	22	9	31
Mashonaland	February 23	Sector specific	23	17	40
Manicaland	February 26	General	27	14	41
Manicaland	March 3-4	Sector specific	33	15	48



The two sector specific workshops were held for the Zimbabwe Liberators Platform, an organisation for war veterans with members from around the country.. The other general HRD workshops were attended by participants from a plethora of backgrounds. Participants were drawn from the independent print media, media NGOs, lawyers in private practice, women's organizations, an ex-prisoners' rehabilitation centre, grassroots human rights organizations such as Zimbabwe Human Rights Association (ZIMRIGHTS), and from the Zimbabwe Election Support Network (ZESN), Zimbabwe Peace Project, Zimbabwe Civic Education Trust, the Mutare Legal Projects Centre (MULPC), the Zimbabwe Congress of Trade Unions workers from various affiliate unions, humanitarian organizations such as HI/AIDS service organizations, and Ministry of Health officials. Resource persons for the workshop were mainly members of ZLHR and the secretariat.

Intensive Human Rights Training Programme

During the period May 30 to June 2 2005, ZLHR held an Intensive Human rights training for lawyers on the use of regional and international human rights standards and norms to protect and promote human rights observance in Zimbabwe. Thirty six lawyers attended from private practice, NGOs, the Ministry of Justice, Legal and Parliamentary Affairs, and from the SADC region.

The training workshop covered a number of important topics that provided adequate knowledge to participants as regards human rights law and related human rights issues. Topics covered included: Economic Social and Cultural Rights (ECSR), Peer Review Mechanisms, an Overview of Human Rights Defenders in Zimbabwe, the Role of the African Court on Human and Peoples Rights in providing Access to Justice to individuals and appreciating the opportunities it presents, the Status of individual access to justice under international law, an Assessment of the United Nations protective mechanisms, International humanitarian law and its usefulness in a developing country with special reference to Zimbabwe, among others.

Recommendations of the workshop included agreement that, in promoting human rights, Zimbabwe can contribute by ratifying the Rome Statute & accepting the jurisdiction of the International Criminal Court. As a party to the Geneva Conventions & Protocols, Zimbabwe is obliged to promote knowledge of International Human Rights Law among its population and especially to security and law enforcement officials. It was submitted that there is also need to educate members of the public on the law and human rights. Zimbabwe must set up an Inter-Ministerial Committee that advises government on ratification not as a show of something wrong in Zimbabwe but as a contribution to promoting Human Rights because ratification happens in peace time so as to manage situations of armed conflicts when they arise.

Practical Ways of Combating Torture Using International Human Rights Standards and Norms in Domestic Litigation

From the 15th-17th September 2005, ZLHR held a training workshop on Practical ways of combating torture, inhuman and degrading treatment or punishment, using international human rights standards and norms in domestic litigation. The workshop was primarily meant to equip medical and legal practitioners with practical skills/tactics and specific strategies on how to deal with torture at a procedural level including but not limited to the doctor's surgery, the police station, the court, prisons and other places of detention.

Fifty four (54) participants attended and these were drawn from at least seven provinces of the country. The workshop had a rich resource base consisting of internationally renowned resource persons who are experts in the field of human rights drawn from Zimbabwe, South Africa and Kenya. These



Ms Nokuthula Moyo, witnessing the giving of a certificate of Participation to Mr Lloyd Khuveya (Magistrate) by Professor Michelo Hansungule of the Centre for Human Rights, University of Pretoria.

included, Professor Michelo Hansungule from the University of Pretoria in South Africa, Mr Kissinger Kakai from the Independent Medico-Legal Unit in Kenya, Mr Josephat Tshuma and Mr Nicholas Mathonsi, both senior legal practitioners from Bulawayo, the former ACHPR Commissioner Andrew Chigovera, Ms Carla Ferstman from the Redress Trust in the United Kingdom, Advocate Nazreen Shaik-Peremanov of the University of Monash, South Africa, Dr Douglas Gwatidzo from the Zimbabwe Association of Doctors for Human Rights, Dr Gary Wright from the Counselling Services Unit, Carole Ageng'o from Equality Now! Africa Office, (Kenya) and Retired Justice LG Smith who is a former judge of the High Court of Zimbabwe.

Outputs

The workshop concluded that:

1. There is need to engage grassroots communities and educate them around torture and rights literacy and this may involve partnership with community based organisations.
2. Engaging the Media and journalists at a national and international level was emphasised as an important tool in combating torture and this may be reinforced by the whistle blowing strategy of exposing perpetrators.
3. It was recommended that there is need to create synergy between members of the medical profession and members of the legal profession in all efforts towards combating torture.
4. It was also recommended that a Medico-Legal Unit should be established in Zimbabwe that staffs lawyers, pathologists, doctors and counsellors similar to that in Kenya to spearhead the combating of torture.
5. Prison visits and other visits to places of detention were recommended as a very important step in combating torture.
6. Public Interest Litigation is a very important strategy that should be embraced in combating torture in Zimbabwe.
7. Lastly, it was recommended that there is need to start documenting cases of torture and bring them out into the open.

SADC Symposium on the Administration of Justice in the SADC Region

28-29 October 2005



*Mr Vincent Saldanha, President,
SADC Lawyers Association*

The Symposium on Administration of Justice in the SADC Region held on 28th-29th of October 2005 at Holiday Inn, Harare and was jointly organised by ZLHR in collaboration with the Law Society of Zimbabwe, the SADC Lawyers Association (SADCLA) and the Southern Africa Litigation Centre (SALC). In total, seventy-nine (79) delegates attended the symposium. Of these, 49 were men and 30 were women. Thirty-seven representatives of all the Bar Associations and Law Societies in the SADC region attended, along with three highly reputed judges, Justice Chizumila (retired, Malawi), Justice Chinhengo (Zimbabwean, on bench in Botswana), and Justice Masuku (a Swaziland national, on the bench in Botswana). Senior representatives of human rights and law based NGOs, mainly lawyers, from Zimbabwe also

attended. The participants sought to further review the situation in the SADC region with regards to issues of human rights, lawyers as human rights defenders, the rule of law, administration of justice, independence of the judiciary and the general operating environment of the legal profession. Opportunities for effective collaboration between SADC LA and its members and institutions such as the SADC, African Union (AU), African Commission on Human and Peoples' Rights (ACHPR) and participation in processes such as the African Peer Review Mechanism under the New Partnership for Economic Development (NEPAD) were explored to provide alternatives and recommendations to avert and arrest unwanted human rights violations and their negative implications on legal processes and on the integrity and independence of the legal profession in the region.



Twenty-four lawyers from private practice, drawn from around the country attended. The following countries were represented by various law societies and law based NGOs: Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, South Africa, Tanzania, Zambia, Zanzibar, and Zimbabwe. Further there was senior representation from the following organizations: Southern African Litigation Centre (SALC), Open Society Initiative of Southern Africa (OSISA), the International Commission of Jurists (Kenya section), the African Commission for Human and Peoples' Rights (Commissioner Rapporteur of Zimbabwe, Chairperson of the Follow up Committee on the Implementation of the Robben Island Guidelines on Torture), the East Africa Bar Association (Tanzania), the Black Lawyers Association (SA), the United Nations Development Agency (UNDP), the Royal Netherlands Embassy, USAID, the Media Institute of Southern Africa (MISA), the Zimbabwe Coalition of Debt and Development (ZIMCODD), the Human Rights NGO Forum, Human Rights Trust of Southern Africa (SAHRIT), the Ministry of Justice, the Ombudsman's office, the High Court of Zimbabwe, Women in Law In Southern Africa (WILSA), the Legal Assistance Centre (Namibia), Ditshwanelo (Botswana), the University of Zimbabwe, Pretoria and Kwa-Zulu Natal Faculties of Law (South Africa), the Zimbabwe Republic Police (ZRP), the Department of Prisons and the Attorney-General's Office.



Commissioner Sanji Monageng, Chairperson of the Follow up Committee on the Implementation of the Robben Island Guidelines on Torture at the African Commission on Human and Peoples Rights

Outputs

The symposium was a huge success in terms of fulfilling its objectives, and while no formal evaluation was conducted due to the very nature of the event, spontaneous short text messages, emails, verbal compliments and phone calls were received by ZLHR expressing much appreciation for the event. The outputs for the symposium included but were not limited to;

- Concluding Statement on the State of the Administration of Justice by the SADC legal community and the East Africa Bar Association,
- Statement condemning the government-orchestrated Operation *Murambatsvina* and the imposed undemocratic 17th Constitutional Amendment,
- Resolution by the Law Societies and Bar Associations to be cited as co-petitioners in a ZLHR communication challenging the ouster of the jurisdiction of the courts by the 17th Constitutional Amendment, to be filed with the African Commission on Human and Peoples' Rights,

Situational Human Rights Training and Awareness

The human rights defenders training workshops were reinforced by situational training that was administered as events and situations requiring training and awareness arose. In 2005 ZLHR held two situational training for residents of Porta Farm and the residents of Tsiga and No.5 Grounds in Mbare. The situational training was for families and individuals affected under the clean up operation (“*Operation Murambatsvina*”)

Porta Farm was home to a community which sprouted in Harare after the 1990 evictions, which saw the families evicted from their previous homes and resettled at Porta as part of a “clean-up” campaign before the meeting of the Commonwealth Heads of State and Government (CHOGM) and the visit of Queen Elizabeth to Harare. Porta Farm had developed over the years into an accepted residential area, with brick and mud huts, and others under brick and asbestos, schools, clinics, churches and clean running water and identifiable governance and community relations liaison committees. For over 15 years, this community has resided at Porta Farm with the knowledge and acquiescence of the state. When the evictions began in May 2005, Porta Farm was targeted. Over 1500 families were affected and taken to several holding camps which had been created as transitional facilities and some of the families’ whereabouts remain unknown.

Urgent applications were filed in the High and Magistrates Courts to interdict the government from proceeding with the evictions. At every stage of the court process, a briefing session was organised with the residents to inform and explain to them intricacies, challenges, weaknesses and strengths of the matter including giving them rights literacy information.

Soon after the publication of the report by the UN Envoy and the response of the government in July 2005, a ZLHR team led by the Director, Mr Arnold Tsunga, visited Porta Farm with copies of the report to explain the contents to the affected residents. A simplified version of the key recommendations of the report were prepared as a joint venture with Amnesty International and the Centre for Housing Rights and Evictions who have become key partners in ZLHR’s lobby and advocacy initiatives in the area of forced evictions.



ZLHR Executive Director, Arnold Tsunga explaining a court order obtained for Tsiga No. 5 Grounds residents.

Tsiga and No. 5 Grounds in Mbare: Over 250 families who had been evicted from their homes in Mbare (former



Porta Farm, ZLHR Executive Director explaining the UN Report on Forced Evictions in Zimbabwe.

Joburg lines) during *Operation Murambatsvina* subsequently settled on two open pieces of adjacent land (Tsiga and No.5 Grounds) close to their former structures, without any access to clean water and sanitary facilities, as they had no alternative accommodation and none was provided by the state. A court order for the continued stay of the residents was obtained, this helped to strengthen the faith of the community in the justice delivery process, whilst allowing them to make sense of the legal process and what it can achieve if applied correctly.

At the end of the situational training workshops the residents at Porta Farm and Tsiga Grounds indicated their willingness to challenge the evictions in the courts, work with humanitarian agencies to coordinate relief and compile the names of the individuals who had been displaced.

Almost 3 months later, on 2 of October 2005, the State through the Harare City Council ordered the families to relocate within 3 days of the notice. Again, no alternative land or area had been identified for housing purposes. The community identified two individuals who visited ZLHR offices for advice on behalf of this community. ZLHR Director Arnold Tsunga, Tinashe Mundawarara, ZLHR Communications Officer together with ZLHR Project Lawyers Otto Saki and Zvikomborero Chadambuka visited the families and explained the legal and human rights implications of the decisions by the state to forcibly evict them without proffering alternative suitable accommodation or land



which can be used for housing purposes. They also provided basic information about the rights of the affected community, and various alternatives for action. After the meeting the residents agreed that a court application should be filed to interdict the City Council from evicting them without providing for an alternative. Once the necessary papers were filed with the High Court and an order had been granted in favour of the residents, the lawyers returned to explain the terms and implications of the court order.

Outputs

- 2 cases filed and argued successfully at the High Court and Magistrate Court in Harare-
 - Zvikomborero Mashonganyika & 251 Ors v Commissioner of Police, Minister of Home Affairs and Harare City Council (Mbare Residents)
 - Hardson Chirarwe & 24 Ors vs. Harare City Council HC5278/05 (Mabelreign Vendors)
- A communication seeking provisional protective measures for vulnerable groups filed and argued successfully at the African Commission on Human and Peoples Rights.
 - ZLHR, Human Rights Trust of Southern Africa on Behalf of Residents of Porta Farm and Hatcliffe vs. The Government of Zimbabwe 315/05
- The African Commission on Human and Peoples Rights adopted a Resolution condemning the human rights situation in Zimbabwe and calling on the government of Zimbabwe to implement decisions and recommendations of the Commission, as well as those of the UN Special Envoy, and calling for the government to allow a joint Fact-Finding Mission by the ACHP Special Rapporteurs on Human Rights Defenders, Women, and Internally Displaced Persons.

External training

At the invitation of the National University of Science and Technology (NUST), the ZLHR Director delivered a human rights paper to fifty students in their first and second year of media studies in May 2005. His paper was on the relevance of international human rights instruments with particular emphasis on freedom of expression and media/ press freedom.

At the invitation of the Bulawayo Legal Practitioners Association (BLPA), ZLHR provided a human rights lecture at their annual Winter School at the Elephant Hills Hotel, in Victoria Falls, which took place from the 22nd to the 24th of July 2005. Lawrence Chibwe, a partner with Coghlan, Welsh and Guest legal practitioners and an active ZLHR member attended on behalf of the organization.

Public Meetings

Book Café Public Discussions

A total of five public meetings were held focusing on various topical thematic issues. On 23 March 2005 a discussion on ***Women and Political Participation with a special focus on the March 2005 general elections*** was held. On 27 April 2005 a discussion focusing on ***The Role of the Legal and Medical Professions in Protecting and Promoting Human Rights*** was conducted. The ***Effects of "Operation Murambatsvina" on the State of the Administration of Justice in Zimbabwe*** was the theme of the discussion held on 27 July 2005. Three speakers, two lawyers and an opposition Member of Parliament gave an analysis of the national humanitarian catastrophe that not only tested severely the courts' ability to address and safeguard human rights violations of the affected urban poor, but also saw a further display of the government's contempt for the rule of law and democratic tenets. On 13 October 2005 a discussion on ***Food Security and Human Rights*** was held and we were able to draw speakers from the Food and Agriculture Organisation (FAO), Parliament of Zimbabwe and Southern Africa Human Rights Trust. On 1 December 2005 we held a talk at the Book Café under the topic: ***Violence Against Women & Girls: A National Outrage***. At this forum we had speakers from Parliament of Zimbabwe, Padare Men's Forum on Gender and the Woman's Coalition.

2. HUMAN RIGHTS DEFENDERS PROJECT

(a) Human Rights Defenders Emergency Unit

As a network component of the project under the Zimbabwe Human Rights NGO Forum and administered by ZLHR this component of the project aims at providing 24 hour emergency legal services to Human Rights Defenders

(HRDs) who have been arrested or are otherwise in distress in order to extract them from situations which could potentially lead to their “disappearance” in custody; to prevent their over-detention; to prevent or reduce the possibility of HRDs being subjected to torture or other cruel, inhuman and degrading treatment whilst in custody and thus provide a support system which will allow HRDs to continue with their activities safe in the knowledge that technical legal protection and support is available in the event that they are targeted.

The project objective is to provide emergency legal aid to human rights defenders who are arrested, detained or otherwise impeded by State agents in the exercise of their human or constitutional rights, or have become a target of attack by the State as a result of the exercise of their human or constitutional rights. The project also covers those innocent bystanders who sometimes are arrested in the process of the state agents carrying out acts of dispersion or diffusion of public gatherings and demonstrations.

Beneficiaries

Human rights defenders in Zimbabwe, including but not limited to, activists from women’s groups, trade unions, the student base, legal practitioners, churches, constitutional groups, the media and legitimate political activists. A working definition was guided and inspired by existing international and regional frameworks on human rights defenders.

2005 Project Overview

In the year 2005, the project took place in an environment which saw further and various displays of the State’s unwillingness to uphold the rule of law and its failure to respect human rights and provide human rights defenders with a conducive operating environment. In fact the government’s adherence to the protection and promotion of human rights has deteriorated at a worrying rate. The most notable adverse changes have been on the legislative front. Apart from the ever-present threat of the NGO Bill, the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA) have restricted, if not completely stifled, freedom to receive and impart information and freedom to associate in the public arena, especially in discussing issues of the rule of law, governance and human rights. The government has also resorted to using the Private Voluntary Organisations Act in some instances to intrude into the activities of organisations through the conducting of adhoc inspections, such as has been the case with ZimRights. In greater Harare, organisations involved in humanitarian work are now required to register with the office of the Resident Governor before carrying out their relief work in line with certain policy guidelines issued by the office of the Governor and Resident Minister.

The period was also marked by the widely condemned social and economic unrest brought about by a massive countrywide “clean up” campaign, code-named Operation *Murambatsvina* (“the Operation”), which was conceived by the government of Zimbabwe, and launched and implemented through the local authorities working with the Zimbabwe Republic Police (ZRP), the Zimbabwe National Army (ZNA) and the military police. The Operation began in the city of Harare on 19 May 2005 where it manifested itself in the barring of business operations of informal traders, the destruction of peoples’ homes and properties, and the forcible eviction and displacement of people from residential and business areas.

Further attacks on the legal profession and human rights organisation came through the government-controlled media, including a detailed report of the Congress of the ruling party in Esigodini in December 2005, wherein the authorities publicly resolved to identify and deal decisively with human rights organisations, including ZLHR.

The inadequacies of the judiciary were evident during the height of the “clean-up” operation as cases filed on an urgent basis were not heard expeditiously to the detriment of the applicants or some of the courts refused to exercise jurisdiction over the matter. In most of the cases filed by the ZLHR secretariat and its respective members in spirited efforts to defend the rule of law against assault by the state, the organization saw the judiciary being used to rubber-stamp government impunity, contrary to its role as the institution that checks and balances arbitrary government action, thereby further marginalizing the desperately poor and vulnerable sections of our society. ZLHR regrets this state of affairs and considers it one of the primary challenges it faces as a law based organization. Regional bodies such as the African Commission on Human and Peoples Rights have found the judiciary wanting in several of the communications filed with regards to their ability and willingness to offer real remedies in the face of wanton violations and encroachment into fundamental rights by state and non state actors alike.

It will also be noted that it was anticipated that there would be much violence in the run-up to and during the March 2005 parliamentary elections. However, while there were still significant amounts of violence, this eventuality did not materialise to the extent that had been feared. This can be imputed to international focus which found expression in, for example, the SADC Principles and Guidelines on Democratic Elections. In the circumstances, even though the



intolerance still existed, there were fewer blatant violations of human rights in this election, as international pressure made the government more eager to maintain at least a veneer of legality so that it could be said that free and fair elections had been conducted in accordance with the SADC Guidelines. In addition, the general population as well as human rights defenders has been effectively silenced through the sustained and selective implementation of repressive legislation, as well as heavy-handed action by the law enforcement agencies.

Another highlight of the reporting period was the passing in Parliament of the Constitutional Amendment (No. 17) Act on the 14th of September 2005. This amendment had the effect of ousting the jurisdiction of the courts in hearing any cases relating to land that had been acquired by the state and restricting freedom of movement as provided under section 22 of the Bill of Rights. The amendment had severe implications on freedom of movement and the government, through the Minister of Justice, indicated that the law was aimed at protecting national interests. He was quoted as saying:

*"It is a simple matter. When a country is under siege, like we are, the first thing is to identify the cause. In our case we find that the country has been demonised and reduced in international status by its own citizens, who choose to lie to the world about their own country. There is a need for us to protect the country from all forms of attack - verbal and physical. Those who are innocent should not be afraid"*¹.

Without providing for the enabling statutory laws, the government began by compiling a list of individuals whose passports should be withdrawn. On the 7th of December 2005, Trevor Ncube (owner of the South African based *Mail and Guardian*, as well as the *Standard* and the *Zimbabwe Independent* newspapers in Zimbabwe) had his passport seized; on the 9th of December 2005, Paul Themba Nyathi (former opposition Movement for Democratic Change Member of Parliament and spokesperson of the opposition) had his passport seized at the Bulawayo International Airport, while on the 16th of December 2005, Raymond Majongwe (a trade unionist and secretary general of the Progressive Teachers Union of Zimbabwe) had his passport confiscated. These passports were only returned after an urgent High Court application was filed by Ncube, and the State conceded that it was arbitrary and illegal to confiscate passport without implementing regulations. The state is apparently working on the enabling legislation that will allow them to confiscate passports and this remains a threat to human rights defenders and opposition political activists.

STATISTICAL ANALYSIS

	Feb	Mar	Apr	Sept	Oct	Nov	Dec	Total
POSA	5		18	13		16		52
MOA	1		300	2		8		311
RWC, PBS	7	5	1			156	8	177
University Act					4			4
Electoral Act			1					1
BSA							1	1
Assault	1					20		20
Criminal Defamation		1						1
LD	4	2	4	2	1	1	2	16

Total

Arrests of Human Rights Defenders	547
Deployments	16
Assaults	20

Key-	MOA	Miscellaneous Offences Act
	POSA	Public Order and Security Act
	CL	Common Law Charges
	RWC	Released Without Charge
	PBS	Proceed By way of Summons
	BSA	Broadcasting Services Act
	LD	Lawyers Deployed

¹http://www.irinnews.org/report.asp?ReportID=49086&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE

3. HIV/AIDS AND HUMAN RIGHTS PROJECT



Ms Maud Makova, Project Officer.

The year 2005 was equally a busy period for this project. The consultative process towards developing a National HIV/AIDS and Human Rights Charter was the major highlight. Materials were also produced on thematic areas as regards to HIV/AIDS and human rights. These materials included brochures and pamphlets. In addition to material production, the project implemented an e-group discussion forum wherein participants from the workshops further explored the issues through electronic discussions.

Following the consultation workshops held in 2004, ZLHR continued with the process in 2005 and five workshops were held as a consultative process towards coming up with the National HIV/AIDS and Human Rights Charter.

Consultation workshops towards the National HIV/AIDS and Human Rights Charter

Province/Scope	Month	Genre	Total number of participants
Matebeleland	February	General	42
Harare	March 19	Youths	36
National	April 9	Medical profession	48
National	May 14	Legal profession	45
Manicaland	November 19	General	52

Participants for the workshops were drawn from many various sectors of society. The sector specific consultations for members of the legal profession attracted participation from lawyers, law officers, representatives from the Ministry of Justice, Legal and Parliamentary Affairs, the Parliament of Zimbabwe, Zimbabwe AIDS Network, Catholic Commission for Justice and Peace, Women and Law in Southern Africa, and a High Court Judge among others. The sector specific consultation for the medical profession attracted attendance from Doctors, Zimbabwe Nurses Association (Harare, Chitungwiza, Bindura, Mutare, Masvingo, Marondera);



Manicaland Pastors Consultation on HIV and Aids and Human Rights Defenders Workshop

Zimbabwe Red Cross Society; Ministry of Health and Child Welfare; the UZ-UCSF¹ Collaborative Research Programme in Women's Health; Women and Aids Support Network (WASN); Varichem Pharmaceuticals, AIDS Law Project (South Africa), Treatment Action Campaign (South Africa), SAfAIDS, Community Working Group on Health, Population Services International (Voluntary Counseling and Testing office), Zimbabwe National Family Planning Council and the National AIDS Council. The general consultative workshops were attended by representatives of NGOs, government ministries,, Zimbabwe National Network of PILHA, (ZNNP+), Zimbabwe Activist- HIV/AIDS (ZAHA), the City of Mutare, legal practitioners and members of the media fraternity.

Legal Unit

The Legal Unit of the project handled a total of seventeen cases relating to HIV/AIDS around the country. The cases ranged from unlawful dismissals from work based on HIV status, denial of paternity after spouse was diagnosed as being HIV positive, maintenance, and inheritance by AIDS orphans victimized by paternal relatives, willful transmission and cases of child abuse among others.

Collaborations and networking: The Project Manager, Maud Mukova, made a presentation on the Human Rights Perspective to Child Sexual Abuse at a discussion forum hosted by SAfAIDS. The discussion forum, entitled "Linking Sexual Violence and HIV/AIDS", was conducted in response to the unwarranted increase in child sexual abuse and



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was prompted by the Macheke Primary School incident. Press statements were issued in response to the increasing incidents of child sexual abuse and in light of the prevalence of HIV/AIDS. Lobby letters were sent to the Ministry of Health and Child Welfare calling for compliance with the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child in as far as the state is obliged to promote, protect and fulfill the rights of the child, including protection of the child's physical and mental health. ZLHR participated in a television talk show hosted by SAfAIDS. ZLHR was represented by Wozani Moyo, Projects Lawyer. She called upon the Ministry of Education, Sports and Culture to provide for HIV/AIDS, human rights and sexual abuse education within its curricula and emphasized the *loco parentis* role of institutions of learning and their obligations to ensure that the best interests of the child are the primary consideration.

The HIV/AIDS & Human Rights Law Project participated at the US Embassy Health Fair held on 1 September 2005. The exhibition provided an opportunity for ZLHR to share the project's activities with the public, providing information on HIV/AIDS related human rights and giving legal advice on HIV/AIDS related matters. As the SADC Lawyers Association Human Rights Secretariat, ZLHR has been invited to participate in the development of the SADCLA's HIV/AIDS and Human Rights Project.

The Schools Rights Club

The Rights Clubs in schools is an initiative that began during the consultations towards the HIV/AIDS and Human Rights Charter in 2005. The Rights Club Initiative (RCI) began on 19 March 2005 and the event witnessed a group of youths from different schools getting together at Quality International Hotel in Harare to discuss issues relating to HIV/AIDS and Human Rights with the ZLHR Secretariat. At this event ZLHR secretariat were surprised to find out that most of the youths present had never in their lives seen or read a copy of The Universal Declaration of Human Rights, thus giving weight to our assumption that youth in Zimbabwe do not know their rights.



Harare Schools Rights Club Meeting



After further consultations, ZLHR launched The Rights Club in 10 schools in Zimbabwe on 23 July 2005. The Rights Club is an HIV/AIDS Human Rights Club based in schools and meant to inform and educate Zimbabwean youth on matters concerning HIV/AIDS and Human Rights, the link between the two and rights in general. The initiative is deeply rooted in our motto of fostering a culture of human rights in Zimbabwe.

Kesive Malindi, Student Intern HIV/Aids and Human Rights Project, Rights Club Initiative

4. PUBLIC INTEREST LITIGATION UNIT

Public interest litigation seeks to increase respect for the law and restore confidence in the law and the justice delivery system where it has deteriorated or broken down. ZLHR also seeks redress and compensation for victims and survivors of human rights violations by state actors or non-actors acting with the knowledge or acquiescence of the state. In this endeavor we are motivated by the need to push for the restoration of and respect for the rule of law.

Under the Public Interest Litigation project, ZLHR undertakes litigation to protect and enforce fundamental freedoms, universal human rights and constitutionally guaranteed rights. ZLHR also engages in extensive litigation through its members to fight impunity, lawlessness and bring accountability to the state or state actors. Litigation under this project also includes selective justice cases, citizenship litigation and litigation for indigents to facilitate access to justice for all.



Tafadzwa Mugabe Public Interest Litigation Lawyer during the NANGO NGO Expo 2005

The litigation is undertaken by members of ZLHR who are experts in litigation and have the right of appearance in all Zimbabwean courts. The lawyers are geographically spread throughout Zimbabwe and this gives the organisation capacity to react speedily to violations, no matter how remote the area in which they occur.



Hope Ngara Public Interest Litigation Lawyer receiving a certificate of Participation at Training Workshop on Combating Torture at a Procedural Level from Professor Michelo Hansungule Centre for Human Rights Pretoria

The Rapid Reaction Unit (RRU)

Between January to December 2005, the Public Interest Litigation Unit was at its busiest between the months of April and September 2005 offering legal services to the victims of Operation *Murambatsvina*. In May 2005 the City of Harare, backed by the Zimbabwe Republic Police, launched Operation *Murambatsvina*, which soon spread beyond Harare right across Zimbabwe. The magnitude of the Operation was so great and intense that the RRU had to identify the more desperate situations and seek urgent court applications, namely interdicts and spoliation orders to try and protect the rights of those affected, principally the right to shelter/housing, property and health, and then attempt to apply the outcomes to seek the protection of the wider affected communities.

Response to Operation Murambatsvina

ZLHR was called upon to respond to the unfolding crisis of illegal evictions, associated destruction of property and physical attacks on affected individuals and communities, almost as soon as the Operation commenced. Consequently, many cases were handled by the ZLHR. These included cases of individuals who came for assistance based on the violations perpetrated against them. On the other hand, there were a number of cases that involved large numbers of family units. At Hopley Farm, there were 589 Households as evidenced by the 589 individuals who were accounted for as heads of families in the affidavits handled by ZLHR. At Hatcliffe Extension, a total of 2 000 households were affected and a High Court Application was done on their behalf.. In the Mabelreign case handled a total of 26 vendors were affected and a total of 75 households were assisted in Glen Norah. The Bulawayo Upcoming Traders Association was given assistance for its 3 000 vendors who had their mechandise confiscated and were seeking a return of their mechandise and an Interdict against the Police.

Emergency Relief was sought by way of:

- (a) Spoliation Orders to allow people who had already been forcibly evicted from their homes, vending stalls and markets to regain peaceful and undisturbed possession of the property;

- (b) Interdicts to prevent the local authorities, police, Ministries, and all others acting through them, from evicting people without due process and from destroying their property and harassing, intimidating or attacking them;
- (c) Declaraturers that the actions taken by the authorities were carried out in contravention of the relevant legislation, being the Regional, Town and Country Planning Act and the Urban Councils Act, amongst others, as well as without regard to constitutional and international human rights standards and norms, including the right to due process and requirement to carry out evictions only after suitable alternate accommodation had been provided to those affected.

Many cases were taken up by members of ZLHR throughout the country, as well as by in-house lawyers from the ZLHR Public Interest Litigation Unit. What was observed was that whilst almost all of the applications lodged in the High Court were unsuccessful and subject to severe administrative delays, the Magistrates' Courts around the country dealt with the matters diligently, on an urgent basis and were more inclined to consider rights-based arguments and provide substantive protection to the victims of serious human rights violations perpetrated by state officials. This has reinforced the perception that certain judges in the superior courts are loathe to rule against the state, even where flagrant human rights violations have been perpetrated against vulnerable individuals and groups and against which the judiciary has a constitutional duty to protect and redress such action.

Critical issues that ZLHR sought to address in the aforementioned cases dealt with a plethora of groups of people ranging from orphans to communities. An orphanage was destroyed rendering hundreds of orphans homeless and without fundamental human rights like housing, education, food, right to equality before the law, freedom from interference with privacy or home, right to life and personal security. Some of the children and adults affected were receiving Anti Retroviral Therapy and the regimes of their treatments were disrupted by the forced evictions and movements. Standing High Court Orders against evictions were disregarded with impunity and this saw our litigation efforts taking anti – impunity focus in selected cases like Porta Farm where two standing High Court orders barring any such forced eviction were violated.

During the height of the forced evictions, ZLHR launched several urgent appeals to various international and regional human rights protective mechanisms and systems to complement the work of the local litigation. As a result of the need to pursue various strategies to avert and reduce the dire situation, an application for provisional measures was filed with the African Commission on Human and Peoples Rights (ACHPR). The application was in respect of two communities that had been identified as being the worst affected by the government's actions. The communication was heard at the 38th Session of the Commission held from 21 November to 5 December 2005, and the provisional measures were granted by the Commission. The government has since been provided with the recommendations urging them to provide anti-retroviral treatment for specifically identified HIV/AIDS infected persons and also to find suitable educational facilities for named children displaced and disrupted from their educational facilities during the Operation.

5. INTERNATIONAL LITIGATION, LOBBY AND ADVOCACY PROJECT

ZLHR expanded its public interest litigation to include cases that test the state's compliance or non-compliance with its obligations in terms of international and regional instruments which it has signed and ratified, such as the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

International litigation focuses on cases where domestic remedies have been exhausted or are inaccessible, and seeks remedies through regional and international tribunals such as the African Commission on Human and Peoples' Rights. The litigation lends itself to international lobby and advocacy initiatives and minimises the impact of government propaganda which has previously made international human rights commissions ineffective.



Mr. Otto Saki, Projects Lawyer

Several communications were filed during the first session of the African Commission in 2005 and more during the second session. During the first session in April 2005 two (2) communications submitted by ZLHR were considered; these are the Associated Newspapers of Zimbabwe and the communication involving Roy Leslie Bennett. The other

cases which the Commission has already been seized of such as the Election Petition Cases and the Andrew Meldrum communication were postponed as the state had not had occasion to file its arguments on admissibility.

In the matter relating to the Associated Newspapers of Zimbabwe, the matter was argued on admissibility wherein the Commission was supposed to make a ruling on the satisfaction of Article 56 of the African Charter on Human and Peoples' Rights. The complainants also appraised the Commission on the failure by the government of Zimbabwe to implement the provisional measures which had been granted by the Commission during its 36th Session in Dakar, Senegal particularly that the Government of Zimbabwe return all the equipment it had confiscated from Associated Newspapers of Zimbabwe. This has in the previous communication been deemed to be a violation of the African Charter particularly Article 1.

The communication of Roy Leslie Bennett was up for seizure and a request for provisional measures in terms of Rule 111 of the Rules of Procedure of the Commission. It was submitted that the incarceration of Roy Bennett, a former opposition Member of Parliament, on the orders of the (since dissolved) Parliament wherein the majority ruling party members voted for his imprisonment is a violation of Article 7(1) (a) of the African Charter. Roy did not appear before an independent competent and impartial tribunal where principles of natural justice were applied, he appeared before a parliamentary committee, which presented recommendations to Parliament. The majority of the house, consisting of the ruling party, then approved the recommendations. As a member of the opposition who has been subjected to constant state harassment, intimidation and violence against his person and family, Roy was at the mercy of the ruling party. The provisional measures requested in the matter were that Roy Bennett be immediately released, and that all hostilities against him and his family to cease forthwith.

6. LOBBY AND ADVOCACY PROJECT

Urgent Appeals

During 2005, ZLHR sent urgent appeals to various international and regional human rights committees and mechanisms on several issues such as Operation Murambatsvina, passport seizures, arbitrary arrests and detentions, torture, and harassment of human rights defenders; the independence of the Judiciary; and Constitutional Amendment No. 17. The urgent appeals contributed to mounting international pressure on the Government of Zimbabwe, and increased support and cooperation for the work and protection of hrrds in Zimbabwe.

International lobby

On 21 June 2005, ZLHR in partnership with the Centre for Housing Rights and Evictions (COHRE) and Amnesty International mobilised more than 150 civic organisations from around the world to launch an unprecedented appeal for action by the UN and AU on Operation Murambatsvina to help the affected individuals have their rights restored.

ZLHR was represented by Projects Lawyer, Otto Saki at the V International Human Rights Colloquium under the theme of South-South Dialogue to Strengthen Human Rights, from 8th- 15th of October 2005, in Sao Paulo , Brazil which consisted of members of Civil Society Organisations from countries from the South (Africa, Asia, the Caribbean and Latin America). The meeting noted with grave concern the threats, risks, persecution, malicious prosecution and arrests faced by human rights defenders and activists in the global south. The meeting was particularly concerned by developments in Zimbabwe and a separate Concluding Statement on Zimbabwe condemning human rights violations was adopted.

Regional Lobby

The SADC Lawyers Association (SADCLA) held their Conference and Annual General Meeting from the 16th -18th of June 2005, in Windhoek Namibia. ZLHR as the Secretariat of the SADCLA Human Rights Committee was represented. The Concluding Statement of the meeting expressed concern at the promulgation of repressive security and anti-money laundering legislation, which undermine the enjoyment of universally recognized human rights and fundamental freedoms. Participants also expressed concern at the systematic undermining of the judiciary and the rule of law in a number of countries, which has seriously compromised access to justice; in particular they expressed concern at the ongoing forced evictions in Zimbabwe, taking place in the absence of due process and effective remedies for the affected.

ZLHR lobbied the East African Bar Association on the passing of the Constitutional Amendment (No. 17) by the Zimbabwe government and this resulted in an Appeal and statement being released by the East African Bar



Association condemning the Constitutional Amendment. The East African Bar Association signed a petition recommending that the President not assent to Constitutional Amendment No 17. This was a culmination of the initiatives which had begun during the SADC Symposium hosted by ZLHR.

On 17 November 2005, ZLHR mobilised more than 200 civics from around the world to appeal to African leaders on the situation in Zimbabwe. The appeal among other things sought to implore the African leaders to publicly express concern about the deteriorating human rights situation in Zimbabwe, including the human rights violations that have been a direct consequence of Operation Murambatsvina; Publicly encourage and offer support to the Government of Zimbabwe to implement the recommendations contained in the reports of the ACHPR and the UN Special Envoy on Human Settlement Issues, as a matter of urgency; Place the human rights and humanitarian situation in Zimbabwe on the agenda of the AU January 2006 Assembly of Heads of State and Government.

National Lobby

On 4 August 2005, ZLHR had the opportunity to lobby Parliament regarding Constitutional Amendment No.17. Submissions to the Parliamentary Portfolio Committee on Legal and Parliamentary Affairs informed that ZLHR



Archbishop Pius Ncube, Brian Rafropoulos, Rindai Chipfunde-Vava Executive Director Zimbabwe Elections Support Network, Thoko Matshe, Jessie Majome spokeswoman National Constitutional Assembly and Wellington Chibebe Secretary General Zimbabwe Congress of Trade Unions.

wholeheartedly recommended to the Committee and all Parliamentarians that they reject the Bill and called for wholesale constitutional reform. The Bill was unfortunately passed on the afternoon of Tuesday 30 August. On 17 September 2005, ZLHR participated in the All Stakeholders Conference on Constitutional Reform. The meeting was a realization that the current Constitution is at the centre of our political, economic and social crisis in Zimbabwe even though there are other factors that have had a negative impact on the political environment, such as violence and manipulation of political processes. The constitutional framework has proved inadequate to deal with the onslaught on fundamental human rights and the institutions that are necessary for democracy such as the Judiciary, Parliament and the Media. The current Constitution has also failed to address the economic and

social malaise in which Zimbabwe finds itself and has failed to incorporate regional and international standards, thus falling behind the rest of the region as far as constitutionalism is concerned. As such it had now become imperative for civic society to reconvene to consider the constitutional framework and chart a way forward in dealing with the challenges facing Zimbabweans today and the impunity which has characterized the political process. Over 500 Zimbabweans attended the meeting from all walks of life, including activists, labour groups, churches, women's groups, youth, students, political parties, academics. ZLHR has been intricately involved in this All-Stakeholders process since the initial meeting.



Dr. Lovemore Madbuku, Chairperson National Constitutional Assembly, conferring with Arnold Tsunga Executive Director ZLHR, and Advocate Theresa Mugadzwa, taking notes during the meeting.

7. INFORMATION UNIT

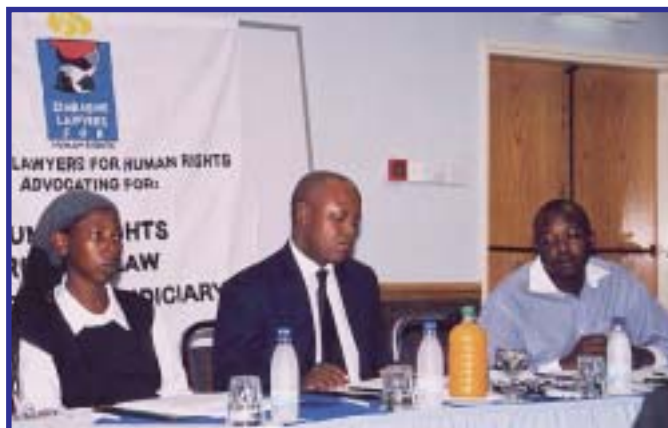


Tinashe Mundawarara, Communications Officer

The ZLHR information unit draws inspiration from the organisation's traceable culture of accountability and progress, making sure that the organisation continues to be accountable to its members, partners and key stakeholders through provision of regular, relevant and concise updates and information. The Information Unit ensures that advocacy and lobby initiatives make pin point deliveries of information and facts to the intended recipients. This has seen ZLHR establishing a growing reputation of leadership in human rights and law in Southern Africa.

Press Conferences

The ZLHR Information Unit organised 2 press conferences in 2005; one to present our Election Report for the 2005 Parliamentary Elections and another one on the demolitions and evictions under “Operation Murambatsvina”. The Joint Press Conference on Operation “Murambatsvina” by Amnesty International, ZLHR and the Centre on Housing Rights and Evictions (COHRE) was held on 23 June 2005 at Crowne Plaza Monomotapa Hotel in Harare. The Conference was attended by many people from the civic society and the diplomatic community. A total of 57 individuals came for the conference. The speakers were Mr Mudehwe from the National Association of Non Governmental Organisations (NANGO), Ms Petras and Mr Nyamurundira both from the ZLHR and Mr Chaumba from the Catholic Commission for Justice and Peace.



Sarudzayi Njerere (ZLHR Board Member), Mordecai Mblangu (Senior ZLHR member), Noel Kututwa (Executive Director Human Rights Trust of Southern Africa, SAHRTI), during a press conference to present the March 2005 General Elections Final Report

Press Releases

In line with ZLHR’s constitutional mandate to publicly condemn and expose violations and promote awareness of human rights violations as they occur in all quarters of Zimbabwean society, a total of thirty nine press releases/news alerts were drafted and disseminated to members, interested stakeholders, independent and other media and the public in general in the year 2005. ZLHR also issued press releases where there had been an unjustified attack on certain persons simply because of their support of efforts to promote good governance and accountability by the Zimbabwean government. The press releases covered various thematic areas such as HIV/AIDS and access to treatment, the intimidation and harassment of justice administration officials such as judges and clerks by state security agents and the executive (particularly involving electoral cases), continued defiance of court orders by government, access to justice for children in Zimbabwe, harassment of labour rights activists in violation of workers’ rights, an update from the ZLHR delegation in the Gambia on the filing of an application with the ACHPR seeking provisional measures in the Roy Bennett case, a public protest statement to a government-aligned newspaper for misrepresenting ZLHR’s views on the 2005 elections, and a public pronouncement on Operation Murambatsvina and Constitutional Amendment No. 17 amongst many other statements.

Website

The reporting period has witnessed the revamping of the ZLHR website. Through the office of the Communications Officer, weekly updates were done and from May 2005 ZLHR was able to make a counter to monitor visits to our site. These visits have been monitored and the website has been able to attract visits from around the world. The website is now averaging 1 200 visits per month and 40 per day.

Reports and Publications

Zimbabwe Human Rights Bulletin

500 copies of the 12th edition of our Human Rights Bulletin were produced in 2005. ZLHR publishes bi-annually the *Zimbabwe Human Rights Bulletin*, containing varied legal articles and reports on human rights violations and legislative developments in Zimbabwe, as well as important regional and international human rights developments.

As stated in African Studies Review Volume xx11 Number 1



“Overall, the Bulletin provides invaluable, thoroughly researched, evidence of the state of human rights in Zimbabwe. Such evidence is all too rarely compiled in such a systematic and comprehensive way. The Bulletin is accessible to non-lawyers and should be read by anyone interested in both Zimbabwe and the protection of human rights”

After having applied for and granted observer status with the Ministry of Justice, Legal and Parliamentary Affairs for the 2005 Parliamentary Elections ZLHR produced a 70-page Zimbabwe 2005 Parliamentary Election report. 800 copies of ZLHR programmes brochure were printed in-house, 1000 fliers for the campaign against the Constitutional Amendment No 17 Bill were produced and distributed.

Brochures

For purposes of rights literacy and information provision, the ZLHR Information Unit in close collaboration with project officers from the different projects facilitated the production of brochures. More than 2000 brochures were distributed during Operation Murambatsvina. These brochures were printed in the three languages of Shona, English and Ndebele. We also managed to produce an organisational brochure highlighting information about ZLHR and its various programmes. The Information Unit managed to produce human rights posters on the Universal Declaration of Human Rights. A number of banners were also produced during this period. Most of the materials we produce are distributed to other civics and at public fora like the Social Forum and the Annual International Book Fair.

All national workshop reports were produced in-house and were distributed in electronic format. Limited hard copies were also distributed due to rising costs of publication.

ZLHR Resource Centre

Towards the end of 2005, efforts had already started in establishing a small resource centre at our head office. An office was opened for these purposes and a sizeable number of resources were already in place by end of 2005. The idea is to expand this resource centre into a fully operational library that is well equipped as a one stop shop for human rights materials. The resource centre is meant to provide up to date information and databases on human rights and electronic journals for members and partners.

Members' Consultative Meetings

In collaboration with the office of the Programmes Coordinator, the ZLHR Information Unit hosted three meetings for members to discuss important issues affecting the country and map the way forward as regards the response of the organisation to the emerging crisis in the country.

The meeting on Operation Murambatsvina was meant to map a way forward as regards the legal implications of the Operation and a response to the Operation as an organisation. The meeting was held after ZLHR had assisted Hatcliffe residents of the “Dare Remusha” Housing Cooperative to take their case to the High Court wherein it was ruled that the demolitions were legal. The matter is currently on appeal.

ZLHR members resolved among other things to:

1. File an appeal in the Supreme Court against the decision of the High Court which looks patently wrong at law and is seen as yet another incident where the judiciary has failed to be the guarantor and protector of human rights and fundamental freedoms,
2. File further applications for relief for the victims of Operation Murambatsvina and Operation Restore Order (according to societal sector and geographic region) through various courts (Magistrates' Court, High Court and Administrative Court) countrywide. The challenges would include applications challenging the legality of the action taken, applications for interdicts and peace orders, and compensation claims, amongst others;
3. File a constitutional challenge with the Supreme Court raising among other issues the violation of rights as protected in the Declaration of Rights in the Constitution of Zimbabwe; in particular, Sections 12, 15, 17, 18, 21, 22 and 23 thereof, and rely upon relevant case law from the region and further afield in the area of forced evictions;

4. Send urgent appeals to the Special Rapporteur(s) on Adequate Housing (under the United Nations system) and the Special Rapporteur on the Rights of Women in Africa, and the Special Rapporteur on Refugees, Asylum-Seekers and Internally Displaced Persons in Africa (under the African system);

Another member consultative meeting was held in relation to **Constitutional Amendment No 17 Bill**, which has since been passed by Parliament. In the meeting ZLHR members condemned in the strongest possible terms the amendment of a flawed Constitution, which has served to render the Judiciary impotent and has highlighted the Executive's insistence on placing personal interests and patronage before the economic and socio-political interests of the people of Zimbabwe. The legislators have failed in their duty to protect all their constituents from the endless attacks to their basic rights and freedoms, and continue to ignore the universal calls for a consultative process of wholesale constitutional reform.

A third members' consultative meeting was held for the **report back of the African Commission visit and filing of cases by the ZLHR**. The meeting was held to appraise members of the developments at the Commission and the progress on the cases that were taken to the Commission.

Protests and Marches

March against Constitutional Amendment No. 17 Bill

Members of ZLHR marched through the streets of Harare to present a petition to the Speaker of Parliament and the Chief Justice of the Supreme Court agitating for the government of Zimbabwe to abandon its efforts to oust the jurisdiction of the courts to hear disputes involving fundamental human rights through Constitutional Amendment No. 17. ZLHR was calling for the respect of the courts as the final arbiter in human rights issues. The march was a campaign in support of the independence of the judiciary in Zimbabwe.

March against brutality in Chitungwiza

On 15 November 2005, a woman was caught allegedly shoplifting, in Unit N, Chitungwiza. The shop employees who apprehended her, (2 males and 2 females), allegedly took her to a backroom where they proceeded to assault her. In a shocking act of sadism, one or some of these employees then shoved a stick up her private parts. The woman was taken to a hospital for medical attention. ZLHR mobilised a number of its members to protest against the abuse in Chitungwiza. ZimRights, a grassroots organisation also provided the bulk of the protesters. Ms Sarudzai Njerere, a ZLHR Board member was in attendance and pledged to take the case further in the courts for no charge. For ZLHR, the march provided rights literacy to the community of Chitungwiza to bring to the attention of ordinary citizens that human rights abuses cannot be tolerated and that the law ought to be respected. The march was also an opportunity to call for accountability from the state especially where human rights violations are concerned

The World Aids Day march

The commemoration march on 1 December 2005 was jointly organised and held in collaboration with Women and AIDS Support Network (WASN), Zimbabwe Activists on HIV/AIDS (ZAHA) and the Zimbabwe National Network of People Living with HIV/AIDS (ZNNP+). ZLHR also provided the legal expertise following an initial prohibition of the commemoration by the police. ZLHR took the matter to the High Court after the police refused permission. The High Court was able to grant the permission and the march was finally held. However towards the end of the march, 5 activists were arrested; these were Sostain Moyo of ZAHA, Munyaradzi Gwisayi of the International Socialist Organisation (ISO), Nickson Nyikadzino of the National Constitutional Assembly (NCA), Gladys Chiume and Anacolletta Penduka both of WASN for being part of the group commemorating the World Aids Day at the Africa Unity Square. The legal cover was provided by the Public Interest Litigation Unit of ZLHR. ZLHR was focusing its advocacy efforts on access to treatment and the right to life and right to health as fundamental.

March in commemoration of the International Human Rights Day

On 10 December 2005, ZLHR held its annual procession around the city and then proceeded to the Harare Gardens Human Rights Tree. ZLHR focus for the march was to urge the Government of Zimbabwe to mobilise commitment and resources towards access to Anti Retroviral Treatment for People Living with HIV and AIDS (PLWHA). The march sought public attention to the health crisis as regards to Anti Retroviral Treatment. ZLHR called upon the Government, especially the Ministry of Finance, to allocate money for the provision of antiretrovirals. Placards and banners were prepared carrying messages to this end.





Ms Nokuthula Moyo, delivering her speech at the Human Rights Tree in Harare Gardens on the 10th of December 2005, International Human Rights Day.

Strategic Planning Workshop

The ZLHR Information Unit organised a Strategic Planning Workshop on 21-22 October 2005. The workshop was necessitated by a need to have a revised strategy and project positioning to guide ZLHR for the next three years.

Several of the organisation's documents were reviewed as a prelude to a two-day workshop that attracted more than twenty-five board and ordinary members. In determining ZLHR's future potential to fulfil its mandate, it was important to assess the current operating environment as it relates to the factors within the organisation itself and those external to its control. This task was achieved through frank discussions on a break away basis, where participants were given an instruction to list & discuss internal and external environment of the organisation and how it has strengthened or weakened ZLHR's work, including other areas that present themselves as operational hazards. Participants were given the chance to recast the mission and vision of the organisation. In attempting to re-position the organisation's corporate direction against the environmental and operational challenges participants discussed in detail about their current stakeholders and ZLHR mandate to them. One participant warned: "our efforts must be driven by needs of beneficiaries as opposed to demands". The task was to re-look at the organisation's *raison de etre* i.e. the core business emphasising its competitive domain.

The outputs of the Strategic Planning Workshop were disciplined by the programme content that involved analysing stakeholder mandate and the core business/niche of ZLHR, and re-visiting own & stakeholder perceptions of the future.

Capacity Building and Staff Development

Ms Wozani Moyo (Projects Lawyer, Human Rights Training and Public Education) attended the Hivos funded annual summer school at the University of Humanistics (Kosmopolis Institute), Utrecht in the Netherlands. The main thrust of this three and a half weeks course is a North- South and South –South dialogue on issues around globalisation, human rights, human and sustainable development, civic society building, global ethics and world citizenship. Professors from India and the Netherlands facilitated this dialogue.

The Project Officers for the Public Interest Litigation and HIV/AIDS & Human Rights Law Projects attended a course on Participatory Project Management hosted by the Institute of Cultural Affairs in Zimbabwe from 22nd to 26th August. The course centered on project cycle management, covering topics that included situation analysis, logical framework (project planning matrix), network analysis, budgeting and budget control, monitoring and evaluation, project team building, conflict management and project team performance management. This has improved capacity in project management style, particularly in the area of monitoring and evaluation. This was followed by a Regional Training Workshop on Economic, Social and Cultural Rights from 24 September to 14 October 2005 hosted in Harare by the Human Rights Trust of Southern Africa (SAHRIT).

Evaluation

ZLHR granted Observer Status with the African Commission on Human and Peoples Rights

On 29 April 2005, ZLHR announced that it had been granted observer status with the African Commission on Human and Peoples' Rights. The Commission, sitting in Public Session at its 37th Ordinary session in Banjul, the Gambia, on Wednesday 27 April 2005 resolved to award ZLHR this invaluable status. The ACHPR has the function of protecting and promoting peoples' rights in Africa since 1988. In a bid to strengthen cooperation in executing its mandate, the Commission has been granting Observer Status to NGOs. As at the ACHPR's 36th Ordinary Session held in Senegal from 23 November to 7th December 2004, 319 NGOs had been granted Observer Status. ACHPR observer status is granted to national and international NGOs to assist the Commission in its mandate. ZLHR will thus be in a position to actively participate and assist the ACHPR in Zimbabwe and beyond.

Human Rights Awards



Mr. Jacob Mafume

Five members of ZLHR won awards in 2005.

Mr Jacob Mafume won the 2005 Zimbabwe Human Rights Lawyer of the Year award.

ZLHR Chairperson Ms Nokuthula Moyo won the Danish Foundation for Human Rights Award for 2005 along with Irene Khan, secretary of Amnesty International. The award letter said that, "The Foundation would like to honour your outstanding contribution to the struggle for human rights and democracy, Irene Khan leading Amnesty as an international main player in the field of protecting human rights, and you strongly serving as a national defender of the very same human rights".



Ms Nokuthula Moyo



Ms Beatrice Mtetwa

Beatrice Mtetwa was named a recipient of 2005 Press Freedom Award by the New York- based Committee To Protect Journalists. The press freedom organization said Mtetwa and three others had endured beatings, jail and intimidation for their work. CPJ paid tribute to her courage in fighting for human rights and press freedom in a dangerous country. She has been taken into custody several times by Zimbabwean police and beaten up. Mtetwa has defended and won several cases involving Zimbabwean journalists including the high profile trial of the Guardian's former Harare correspondent Andrew Meldrum, when he was tried for "publishing a falsehood", a criminal charge carrying a jail term of two years.

Irene Petras, received the Law Society Human Rights Award for her role in fostering a culture of human rights through her work since 2002 and as a founding member of ZLHR secretariat.



Ms Irene Petras



Mr. Arnold Tsunga

Arnold Tsunga, the Executive Director of ZLHR was granted the award on Civil Courage by the Northcott Foundation.



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Message

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Zim Lawyers for Human Rights

From: Muchena, Deprose (HARARE/DO) [dmuchena@usaid.gov]
Sent: Friday, June 24, 2005 5:21 PM
To: tinashe@zihl.org.zw
Subject: RE: Communique from Zimbabwe Lawyers for Human Rights

THanks T. Good pictures, although I struggled to pick myself out of the rest. You guys are a high performance team.
Deprose

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Zim Lawyers for Human Rights

From: Noel Kututwa [noelkututwa@sahit.org.zw]
Sent: Wednesday, November 16, 2005 4:41 PM
To: tinashe@zihl.org.zw
Subject: Re: 16 November 2005 - Worldwide Joint Appeal Press Statement

Well done guys. you have done it again. keep it up. I am proud to be associated with you.
Noel.

Zim Lawyers for Human Rights

From: Wozani Moyo [wmoyo@zihl.org.zw]
Sent: Monday, October 31, 2005 11:18 AM
To: atzunga@zihl.org.zw; irene@zihl.org.zw; tinashe@zihl.org.zw
Subject: FW: IT WAS A WONDERFUL SYMPOSIUM

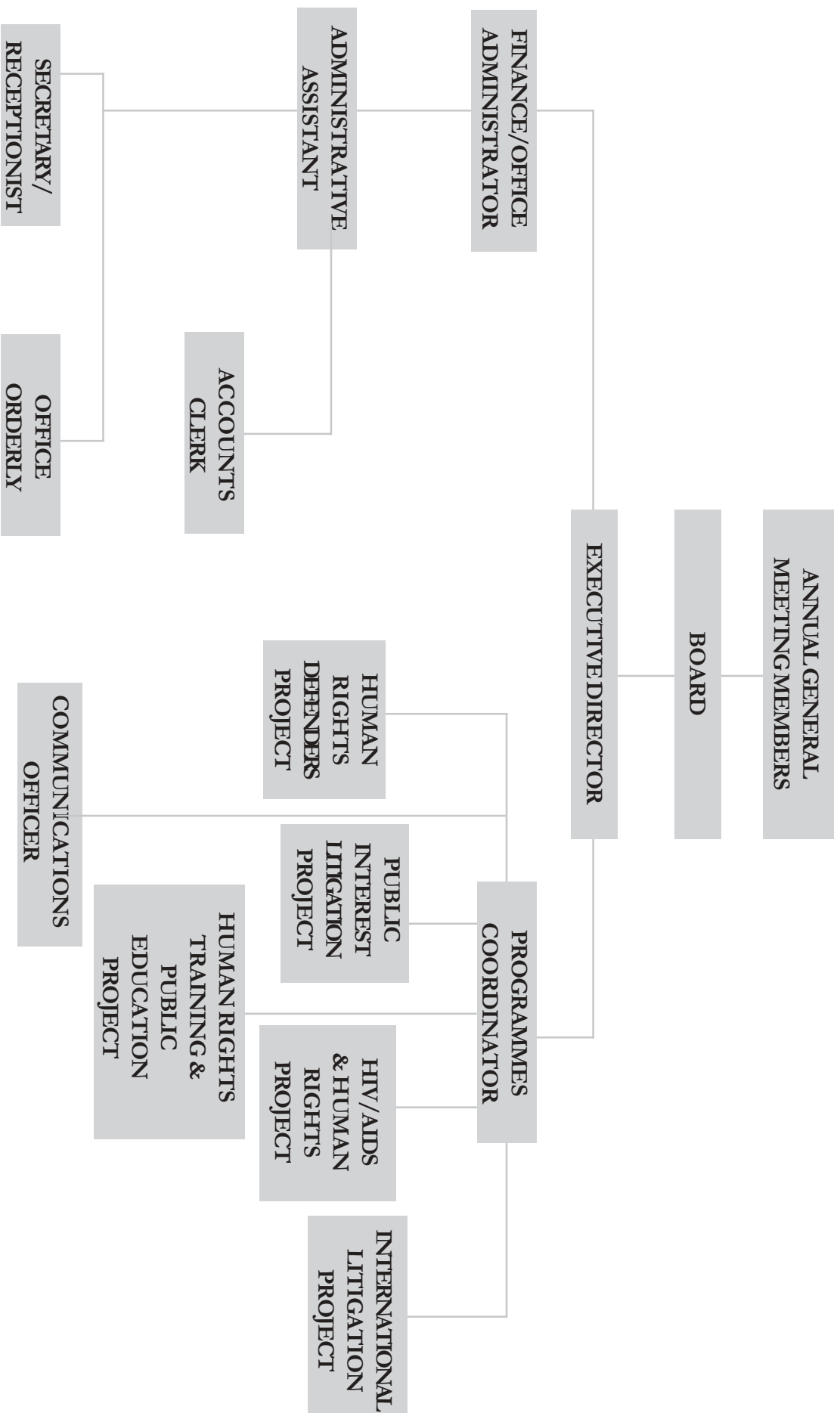
-----Original Message-----

From: Godwin Kunda [mailto:sadc@lawyers@info.bw]
Sent: Monday, October 31, 2005 10:08 AM
To: SMawanza@amnesty.org; 'Sibonelo Mdiuli'; 'Shella Jarvis'; 'Prof. M. Hansungule'; 'Omphemetse Motumise'; 'Elias Shikongo'; 'Charles Kamba'; 'Cephas Lumina'; 'Joseph James'; ekalomo@lac.org.na; kerryim@osiafrica.org; 'Irene Petras'; wmoyo@zihl.org.zw; 'Thoba Poyo'; andiswa@bla.org.za; 'Mabvuto Hara'; vincent@lrc.org.za
Subject: IT WAS A WONDERFUL SYMPOSIUM

Dear all,
May I be among the first to take this opportunity to thank every one who attended the SADC symposium in Harare for their active participation during the symposium and also for being such a lively and friendly group. Special thanks go to the Zimbabwe Lawyers for Human Rights for the excellent arrangements. The networks created during this symposium will go a long way in ensuring a cohesive and strong group of Human Rights activists in the SADC region.



Zimbabwe Lawyers for Human Rights Organogram





KPMG
Mutual Gardens
100 The Chase (West), Emerald Hill
P O Box 6, Harare
Zimbabwe

Telephone +263 (4) 303700
+263 (4) 302600
Fax +263 (4) 303699

REPORT OF THE INDEPENDENT AUDITORS TO THE MEMBERS OF ZIMBABWE LAWYERS FOR HUMAN RIGHTS

We have audited the financial statements of the Zimbabwe Lawyers for Human Rights for the year ended 31 December 2005, as set out on pages 3 to 8.

Respective responsibilities of the directors and auditors

These financial statements are the responsibility of the directors. Our responsibility is to express an opinion on these financial statements based on our audit.

Basis of opinion

We conducted our audit in accordance with International Standards on Auditing. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the committee as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In common with audits of similar organisations, verification of all sums receivable is not possible in respect of donations; our examination of income from this source has been confined to testing recorded receipts.

Departures from International Financial Reporting Standards

The Zimbabwe economy is recognized as being hyperinflationary for purposes of financial reporting. These financial statements have not been prepared in conformity with International Financial Reporting Standards in that the requirements of IAS 29 (Financial Reporting in Hyperinflationary Economies) have not been complied with. The Standard requires that financial statements that report in the currency of a hyperinflationary economy should be stated in terms of the measuring unit current at the balance sheet date. The requirements of all other International Financial Reporting Standards have been complied with.

The financial effect of non-compliance with IAS 29 has not been formally established as it is the opinion of the ZLHR Board that the inflation adjusted financial statements add no value to the users of the financial statements, and as such would be an unnecessary cost.

Opinion

In our opinion, because of the effects of the matters described in the preceding paragraph, the financial statements do not give a true and fair view of the financial position of the company at 31 December 2005, and of the results of its operations and its cash flows for the year then ended in accordance with International Financial Reporting Standards.



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The attached financial statements have been prepared under the historic cost convention and would form the basis for the restatement in terms of IAS 29. Except for the effect of the matter, if any, of the matter referred to in the paragraph above to in respect of donations the historical cost financial statements present a true and fair view of the financial position of the organisation at 31 December 2005 and of its operations and its cash flows the year then ended, as measured by that convention.

KPMG Harare
8 June 2006



ZIMBABWE LAWYERS FOR HUMAN RIGHTS

INCOME AND EXPENDITURE ACCOUNT

period ended 31 December 2005

INCOME	Note	2005 \$	2004 \$
Grants received from donors	2	13 398 379 401	3 235 669 259
Other			
- donations - miscellaneous	3	74 077 307	16 662 940
- membership fees		15 402 000	1 933 050
- reimbursement from other projects		182 975 734	63 651 869
- subscriptions to Bulletin		5 385 024	1 346 800
- income - services rendered		243 051 329	-
- Humanitarian Assistance Fund		10 000 000	-
- Prisoners condition fund		30 000 000	-
		<u>13 959 270 795</u>	<u>3 319 263 918</u>
EXPENDITURE			
Operational		3 207 776 486	737 194 399
Accounting fees		84 300 000	32 005 350
Audit fee		773 093 750	35 500 000
Bank charges		50 230 059	10 006 609
Board expenses		94 665 731	23 793 173
Computer expenses		307 749 555	7 018 527
Consulting fees		-	1 123 928
Delivery and postage		5 395 290	2 205 263
Depreciation of property, plant and equipment	4	140 600 636	32 826 597
Fees contract work and gratuities		-	286 625
Publicity/public relations		-	5 673 530
Donations		2 000 000	5 000 000
General expenses		40 053 911	5 808 537
Insurance		23 951 017	4 403 611
Printing and stationery		69 100 096	37 960 080
Rent, email, telefax and telephone		332 100 569	83 961 001
Repairs and maintenance		69 442 222	18 188 816
Salaries and wages		896 652 704	401 420 396
Subscriptions and library costs		31 414 673	6 119 908
Transport and parking		277 661 894	23 892 448
Security		6 167 680	-
Cellphone stolen		3 196 699	-
Projects		10 331 022 257	1 730 840 136
Zimbabwe Human Rights Bulletin		143 008 529	49 815 052
Public education costs		3 537 660 728	733 625 635
Litigation		829 032 663	545 997 932
HIV/AIDS		1 086 491 905	62 361 287
Lobby and advocacy		193 898 228	238 312 226
Human rights defenders		381 635 120	22 759 854
Publications		140 960 144	49 105 575
Capacity building and staff development		597 548 733	28 862 575
Human rights lecture		187 638 336	-
Rapid Reaction unit		754 636 007	-
Rapid mobile reaction unit		41 653 624	-
International litigation		1 401 376 339	-
Torture and impunity		639 996 847	-
Operation Murambatsvina		77 601 205	-
All stakeholders conference		317 883 849	-
Total expenditure		13 538 798 743	2 468 034 535
Surplus from operations		420 472 052	851 229 383
Bank interest received		22 553 535	1 727 770
Bank interest paid on overdraft		(1 291 206)	(1 288 154)
Profit on foreign exchange		12 344 747 246	187 753 016
Surplus for the period		12 786 481 627	1 039 422 015
Balance at the beginning of the period		1 088 697 120	49 275 105
Balance at the end of the period		13 875 178 747	1 088 697 120



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ZIMBABWE LAWYERS FOR HUMAN RIGHTS

BALANCE SHEET

31 December 2005

	Note	2005 \$	2004 \$
ASSETS			
Non-current assets			
Plant and equipment	4	1 515 402 631	233 649 854
Current assets			
Other debtors		292 527 208	5 554 000
Prepayments		253 705 856	54 314 204
Cash and cash equivalents		14 959 599 660	1 203 064 261
		15 505 832 724	1 262 932 465
Total assets		17 021 235 355	1 496 582 319
EQUITY AND LIABILITIES			
Capital and reserves			
Accumulated funds		13 875 178 747	1 088 697 120
Current liabilities			
Trade creditors		373 043 344	133 219 669
Other creditors	5	2 773 013 264	274 665 530
		3 146 056 608	407 885 199
Total equity and liabilities		17 021 235 355	1 496 582 319


Chairperson

8 June 2006


Committee member



ZIMBABWE LAWYERS FOR HUMAN RIGHTS

CASH FLOW STATEMENT

period ended 31 December 2005

	Note	2005 \$	2004 \$
NET CASH FLOWS FROM OPERATING ACTIVITIES			
Surplus for the period		12 786 481 627	1 039 422 015
Cellphone stolen		3 196 699	*
Depreciation of plant and equipment	4	140 600 636	32 826 596
Increase in creditors		2 738 171 409	353 520 791
Increase in debtors		(486 364 860)	(59 564 204)
Net cash flows from operations		15 182 085 512	1 366 205 198
NET CASH FLOWS FROM INVESTING ACTIVITIES			
Acquisition of plant and equipment		(1 425 550 112)	(261 897 337)
Net movement in cash and cash equivalents		13 756 535 399	1 104 307 861
Cash and cash equivalents at the beginning of the year		1 203 064 261	98 756 400
Cash and cash equivalents at the end of the year		14 959 599 660	1 203 064 261



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ZIMBABWE LAWYERS FOR HUMAN RIGHTS

ACCOUNTING POLICIES

31 December 2005

The principal accounting policies adopted by the organisation, applied on a basis consistent with the previous year are as follows:

DEPRECIATION

Depreciation on plant and equipment has been provided at rates estimated to write the asset down to a nominal value at the end of their anticipated useful lives, on the straight line basis at the following rates:

Computer software and hardware	33 1/3% per annum
Furniture and equipment	10% per annum
Motor vehicles	20% per annum

TAXATION

The organisation is exempt from income tax in terms of paragraph 2(d) of the Third Schedule to the Income Tax Act (Chapter 23:06).

FOREIGN CURRENCY TRANSACTIONS

Transactions in foreign currency are converted at the exchange rates applicable at the time of transaction. Assets and liabilities in foreign currency are translated at the rates applicable at the balance sheet date. Any exchange differences are taken to the income and expenditure account.

PROVISIONS

A provision is recognised in the balance sheet when the organisation has a legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation.

DONATIONS

Donations received are brought to account on receipt.

FINANCIAL INSTRUMENTS

Financial instruments carried in the balance sheet include cash and bank balances, investments, trade receivables, trade payables and borrowings. These instruments are generally carried at their estimated fair values.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, deposits held at call with banks, and investments in money market instruments. In the balance sheet, bank overdrafts are shown under current liabilities.



ZIMBABWE LAWYERS FOR HUMAN RIGHTS

ACCOUNTING POLICIES

31 December 2005

Trade and other receivables

Trade and other receivables are carried at anticipated realizable value. An estimate is made for doubtful receivables based on a review of all outstanding amounts at the year-end. Bad debts are written off in the year they are identified.

Trade and other payables

Trade and other payables are stated at their cost adjusted for subsequent payments made.

Financial liabilities

Financial liabilities are recognized at amortised cost, namely original debt less repayments and amortizations.

Other assets

Assets valued at amortised cost are subjected to a test for impairment. Amounts relating to amortization and fair value adjustments are treated in income for the year.





ZIMBABWE LAWYERS FOR HUMAN RIGHTS

NOTES ON THE FINANCIAL STATEMENTS

31 December 2005

1. STATUS AND ACTIVITIES

Zimbabwe Lawyers for Human Rights was formed in Zimbabwe on 12 February 1996, as a non-profit making organisation with the legal status of a universitas. Its main objectives are to foster a culture of human rights in Zimbabwe and to encourage the growth and strengthening of human rights at all levels of Zimbabwean society. Zimbabwe Lawyers for Human Rights operates actively through a group of professional lawyers and student members.

2. GRANTS RECEIVED FROM DONORS

	2005	2004
Hivos	2 791 004 070	174 374 531
British Council	191 238 667	143 257 640
Netherlands Embassy	964 641 172	590 577 030
NORAD	1 767 006 520	326 884 016
Pact	2 740 635 025	657 703 273
Trocaire	1 537 080 401	806 847 086
CIDA donor	1 058 248 799	155 917 790
Swiss Government	363 953 728	310 526 185
US Aid	34 750 681	-
Action Aid	296 802 000	-
OSISA	120 944 584	-
Lawyers for lawyers	155 114 934	-
NED	1 289 505 988	-
Open Society Justice Initiative	30 587 731	-
International Commission of Jurists	56 865 101	-
Frontline	-	51 882 733
Apheda	-	17 698 975
	<u>13 398 379 401</u>	<u>3 235 699 259</u>

3. Included in donations miscellaneous is an amount of \$68 957 892.40 which ZLHR had accrued for in 2004 after the Legal Resources Foundation had failed to pay off lawyers for cases they had undertaken. Legal Resources Foundation managed to settle the debt in 2005, leaving ZLHR without an obligation to settle the debt.

4. PLANT AND EQUIPMENT

	Motor Vehicle \$	Computer hardware \$	Computer software \$	Furniture & equipment \$	Total \$
4.1 <i>Cost</i>					
At 31 December 2004	-	113 828 028	20 358 361	133 383 711	267 570 100
Additions	303 916 885	65 012 246	-	1 056 620 982	1 425 550 113
Disposals	-	-	-	(3 648 928)	(3 648 928)
At 31 December 2005	<u>303 916 885</u>	<u>178 840 274</u>	<u>20 358 361</u>	<u>1 186 355 765</u>	<u>1 689 471 285</u>
4.2 <i>Accumulated depreciation</i>					
At 31 December 2004	-	21 647 622	5 574 524	6 698 100	33 920 246
Charge for the period	50 927 436	46 269 875	6 786 120	36 617 205	140 600 636
Disposals	-	-	-	(452 228)	(452 228)
At 31 December 2005	<u>50 927 436</u>	<u>67 917 497</u>	<u>12 360 644</u>	<u>42 863 077</u>	<u>174 068 654</u>
4.3 <i>Net book amount</i>					
At 31 December 2005	<u>252 989 449</u>	<u>110 922 777</u>	<u>7 997 717</u>	<u>1 143 492 688</u>	<u>1 515 402 631</u>
At 31 December 2004	<u>-</u>	<u>92 180 406</u>	<u>14 783 837</u>	<u>126 685 611</u>	<u>233 649 854</u>



ZIMBABWE LAWYERS FOR HUMAN RIGHTS

NOTES ON THE FINANCIAL STATEMENTS

31 December 2005

5. OTHER CREDITORS	2005 \$	2004 \$
Hurinet	271 779 862	-
LP Foundation	1 339 378 193	-
Provision for audit fees	751 933 433	32 642 433
Provision for Pay As You Earn	258 691 474	138 776 277
Accrued expenses	151 230 302	103 246 820
	<u>2 773 013 264</u>	<u>274 665 530</u>

Included in other creditors is an amount of ZW\$1 339 378 193 which belongs to the former chairperson of ZLHR who was nominated by a Danish Human Rights organisation for outstanding performance and was awarded US\$15 834.22. The organisation is therefore keeping the money in its bank account on behalf of the former chairman.

6. FOREIGN CURRENCY BANK BALANCES

The organisation's foreign currency bank balances at 31 December 2005 were translated at official rates as follows:

Currency	Amount	Rate	Z\$ equivalent
Euro	1 014.84	100 426.59	101 916 921
US\$	<u>165 626.13</u>	<u>84 587.57</u>	<u>14 009 911 865</u>

7. FAIR VALUES OF FINANCIAL ASSETS AND FINANCIAL LIABILITIES

The considered view of the organisation is that the fair values of the financial assets and financial liabilities are not less than the values shown on the balance sheet.

