

The LEGAL MONITOR

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A newsletter published by Zimbabwe Lawyers for Human Rights for members & human rights defenders



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COST-FREE

Tomana dumps alleged abductors

HARARE-The Attorney General (AG) Johannes Tomana's Office last week advised the High Court and lawyers representing 17 abductees that it had stopped representing government ministers, senior police officers and State security agents who are being sued

by the human rights and political activists. The 17 abductees are suing Kembo Mohadi, Giles Mutsekwa, Patrick Chinamasa, Didymus Mutasa, Augustine Chihuri, Paradzai Zimondi, Happyton Bonyongwe, Senior Assistant Commissioner Nyathi, Chief Superintendent Makedenge,

Detective Inspector Mpofu, Chief Superintendent Magwenzi and Asher Walter Tapfumaneyi all senior government and security service chiefs in both their personal and official capacities for the abusive treatment they received as a result of their abduction and detention in 2008.

In a Notice of Renunciation of Agency filed with the High Court last Friday, the AG's Office stated that the alleged abductors would now be represented by Mutamangira and Associates.

Persecution continues

MUTARE-It will be a hectic week at two of the country's Magistrates Courts as cases involving Deputy Agriculture Minister-Designate and Movement for Democratic Change (MDC) treasurer Roy Bennett and prominent human rights lawyer Alec Muchadehama commence in Mutare and Harare respectively.

First to stand trial at the Mutare Magistrates Courts on Tuesday will be Bennett who was arrested in February as he prepared to leave for South Africa to join his family in celebrating St Valentine's Day and his birthday. Bennett will stand trial for allegedly contravening section 10 (1) of Public Order and Security Act (Chapter 11:17).

The State alleges that the former Chimanimani legislator was found in possession of weapons with an intention to commit sabotage, terrorism, banditry and insurgency. He is also accused of contravening section 25 (1) of the Immigration Act in that he did not present himself to an immigration officer at a port of exit when he prepared to leave for South Africa from Charles Prince Airport, which was thrown out at the initial remand proceedings.

Bennett's lawyer, Trust Maanda, who is a member of Zimbabwe Lawyers for Human Rights, said if the trial fails to commence on Tuesday he will apply for the removal of his client from remand as the trial would have failed through no fault of Bennett.

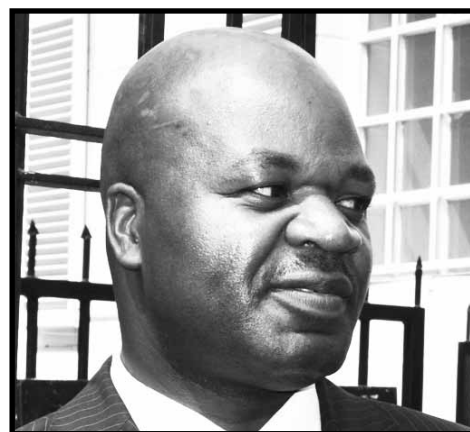
Maanda disclosed that the State had not yet supplied Bennett with the State papers including the State outline, charge sheet, witnesses' statement and any other documents or exhibits that it will rely on in the prosecution of the Deputy Minister-Designate to enable him to prepare his defence in spite of the numerous requests for such papers.

In Harare, Muchadehama, a human rights lawyer who has successfully represented several human rights activists including victims of State sponsored abduction and torture will stand trial on Wednesday for alleged contempt of court.

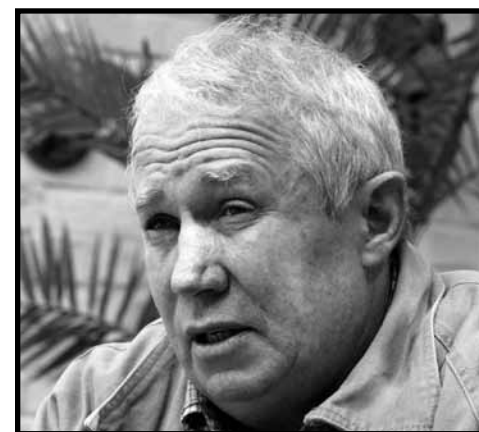
Muchadehama, who is jointly charged with Constance Gambara, the clerk of High Court Judge Chinembiri Bhunu is accused of causing the illegal release from Chikurubi Maximum Prison of freelance photo-journalist Andriison Manyere and two senior Movement for Democratic Change (MDC) officials Kisimusi Dhlamini, the party's director of security and Gandhi Mudzingwa, the Principal Director Infrastructure Cluster, in the Prime Minister's Office in April. The three were being detained following their abduction by State security agents late last year.

The State alleges that Muchadehama and Gambara "unlawfully and intentionally impaired the dignity, reputation or authority of a court or realising that there was real risk or possibility of impairing the dignity, reputation or authority of a court" by causing the release of the three abductees from prison whilst they were aware of Justice Bhunu's judgment in which he granted the State leave to appeal against an earlier bail order by Justice Charles Hungwe.

In July State prosecutors failed to nail Muchadehama on the same contempt of court charges after Harare Magistrate Munamoto Mutevedzi described the performance of prosecutors as "nonsense and ineptitude of the worst type".



Lawyer, Alec Muchadehama



Deputy Agriculture Minister-Designate, Roy Bennett

World condemns Zim torture

HARARE-An international rights group represented in over 100 countries has started a campaign against Zimbabwe's harassment of human rights defenders and continued protection of State agents involved in the abduction and torture of activists.

The campaign follows a recent Supreme Court ruling freeing peace advocate, Jestina Mukoko on treason charges because her rights were infringed while in State captivity.

State security agents abducted and tortured Mukoko and over a dozen other political and rights activists between October and December last year before charging them with terrorism and banditry.

Launched under the banner of the Observatory for the Protection of Human Rights Defenders (OPHRD), the campaign involves asking human rights defenders and the public to write directly to President Robert Mugabe asking him to free the other abductees and punish State agents involved in the kidnappings.

Because the Supreme Court ruling only freed Mukoko, the campaign wants to keep spotlight on the peace advocate's fellow abductees who still face life imprisonment for the treason charges. Some of the abductees whom the Attorney General (AG) has said will continue prosecuting despite Mukoko's landmark court victory are

Broderick Takawira and Andriison Manyere. Lawyers say the charges against the abductees are trumped up and meant to silence critics as well as mask the State's excesses in the torture and abduction case.

The campaign asks the public to write to Mugabe, Justice and Legal Affairs Minister Patrick Chinamasa, Home Affairs Minister Kembo Mohadi, Police Commissioner-General Augustine Chihuri and AG Johannes Tomana, among other senior officials demanding that the government:

- Guarantees in all circumstances the physical and psychological integrity of Mukoko as well as of all human rights defenders in Zimbabwe;
- Put an end to any kind of harassment, including at the judicial level, against Takawira and Manyere as well as against all human rights defenders in Zimbabwe;
- Order an immediate, thorough and impartial investigation into the above-mentioned allegations of torture and ill-treatment, in order to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its

Article 1, which states that "everyone has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental freedoms at the national and international levels", as well as above-mentioned Article 12.2 (the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure); and

- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Zimbabwe.
- The Observatory for the Protection of Human Rights Defenders is a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) established in 1997 to act against repression. Over 155 human rights organisations in nearly 100 countries are affiliated to the FIDH and OMCT. Both FIDH and OMCT have consultative or observer status with several international bodies, including the Economic and Social Council in the UN, UNESCO, the Council of Europe, African Commission on Human and Peoples' Rights, the Organisation Internationale de la Francophonie, and the International Labour Organisation.



ZLHR board chairman Andrew Makoni

Police quiz Dhlamini over killings dossier

HARARE-Lawyers have described as absurd the hostile interrogation of Movement for Democratic Change (MDC) director of security Kisimusi Dhlamini over evidence of election killings he submitted to the Attorney General (AG)'s Office.

Police from the dreaded Law and Order Section at the Harare Central Police Station quizzed Dhlamini for six hours last week, and indicated that they were unhappy about the circulation of a dossier detailing how people were murdered for supporting the MDC.

Andrew Makoni, chairman of Zimbabwe Lawyers for Human Rights (ZLHR), said it was disturbing that police chose to intimidate Dhlamini instead of investigating those exposed by the document as responsible for the political killings that shook the world last year.

Makoni (pictured left) told *The Legal Monitor* that Dhlamini, a victim of State sponsored abduction and torture, visited the police station on Monday. This was after police detectives, acting on the orders of one Superintendent Mundondwa, for two weeks left written messages at Dhlamini's residence and at his offices at Harvest House, the MDC's party headquarters, summoning him to the police station.

The MDC, through Dhlamini, recently submitted a dossier with details of alleged murders of its supporters and officials in military led pre and post 2008 election violence. Dhlamini requested the AG to take action on the basis of the information he supplied.

"He (Dhlamini) was interviewed extensively on the document. They asked him how the document had been circulated on the internet and we were very clear that although he indeed handed the dossier to the AG's office, he didn't circulate the document on the internet," said Makoni.

The MDC alleges that more than 100 of its supporters were killed and thousands more displaced between April and December 2008 when soldiers and militia loyal to ZANU PF waged a brutal presidential election runoff campaign on behalf of President Robert Mugabe.

Mugabe went on to declare himself winner of the June 27 presidential poll after Morgan Tsvangirai, who had won the first round voting, boycotted the run-off citing gross violence.

Although Mugabe and Tsvangirai formed a transitional government at the insistence of African leaders who rejected the poll runoff as a nullity, State institutions such as the police continue harassing political and rights activists.

Makoni challenges POSA legality

BINDURA-Bindura Magistrate Courts last week granted an application for referral to the Supreme Court to determine the violation of several of Mavambo Kusile Dawn leader Simba Makoni's constitutional rights through the draconian Public Order and Security Act (POSA).

Magistrate Felix Mawadze granted the application after Makoni's lawyer and ZLHR member, Simon Sadomba of Gill, Godlonton & Gerrans Legal Practitioners, applied for a referral to the Constitutional Court on the basis that the definition of the alleged offence of "unlawfully convening or organizing a public gathering without giving notice to the regulating authority" is too wide.

"I am satisfied that the application has merits. The case should be placed before a Constitutional Court. Accordingly, the application is granted," read part of Magistrate Mawadze's ruling delivered last Thursday at the Mashonaland Central Provincial Magistrates Court in Bindura.

Sadomba had argued that the piece of legislation infringed on Makoni's right to freedom of expression, assembly, movement and association as enshrined in the Constitution.

The human rights lawyer argued that Section 24 and 25 of POSA, which President Robert Mugabe's previous government religiously employed to persecute its perceived opponents are *ultra vires* the Constitution because they

violate Makoni's constitutionally guaranteed right to liberty and the right to the protection of the law. Sadomba said these rights were guaranteed under Section 13 and 18 respectively of the Constitution.

The State had argued that Makoni's application is not *bona fide* because the definition of public gathering is not too wide.

But Magistrate Mawadze dismissed the State's submissions and granted the application which must now determine the constitutionality of the provisions of POSA that Makoni is alleged to have violated.

Makoni, who came third in the 2008 March presidential election behind Movement for

Democratic Change (MDC) leader Morgan Tsvangirai and ZANU PF's Robert Mugabe, sought a referral after he was hauled to stand trial last month on allegations of addressing a political meeting without police authority during his presidential campaigns in the province.

The charges stemmed from a meeting allegedly attended by about 400 people in Mashonaland Central and addressed by the former finance minister on March 5 2008 without giving due notice to the police as required under POSA.

Although the alleged offence was committed almost a year ago the State only re-opened the case against Makoni in June this year.

Reprieve for elderly

HARARE-Four elderly families who were threatened with eviction from their Snake Park homes have won a temporary reprieve to stay their expulsion after Zimbabwe Lawyers for Human Rights (ZLHR) intervened.

The four families, who are former employees of Granary Investments (Private) Limited, a subsidiary of diversified business group J.S Omar Holdings had been threatened with eviction from the properties they have been occupying, some for more than 52 years.

The company also wanted to demolish the elderly people's homes, about 15 km West of Harare, to pave way for the Snake Park Housing Development Scheme.

But the senior citizens, Angelo Chabwa (78), Faustina Gava (55), Chiranga Bakari and Jack Matope can continue occupying their homes after lawyers intervened on their behalf.

"Your letter dated 25 September 2009 has been referred to us, unfortunately our Mr. A.A Musunga who has been instructed to deal with this matter will be out of the country from the 4th of October 2009 to the

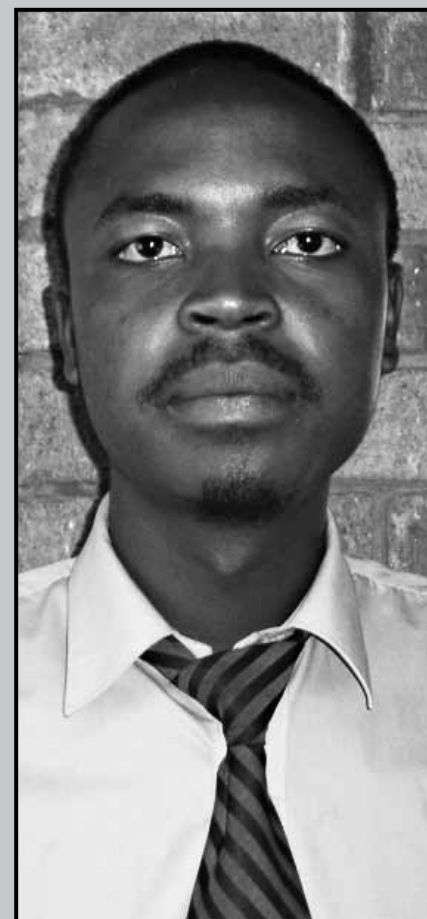
18th of October 2009. In the interim we have advised our clients not to evict your clients until we take full instructions," reads part of the letter written to the four's lawyers by Musunga and Associates, the legal practitioners for J.S Omar Holdings.

The legal practitioners' letter was in response to correspondence from Harare lawyer and ZLHR member Kudzayi Kadzere to J.S Omar Holdings stating that any eviction of the elderly families or demolition of their homes without a court order would be unlawful.

"You have no right to resort to self-help or to enlist the services of the Zimbabwe Republic Police in evicting our clients as apparent in your letter to our clients dated 23 May 2008 and 21 January 2009 respectively," read part of Kadzere's letter.

Some of the elderly members whose employment contracts were terminated two years ago by Granary Investments were employed as cattle herders, wood cutters and brick moulders.

Chabwa and Matope said they lost their jobs after the company transferred the cattle which they were looking after to Bulawayo.



Lawyer Kudzayi Kadzere

Children want role in constitution making

HARARE-Zimbabwean pupils want rights that affect children most, such as economic, social and cultural rights to take precedence in the constitutional reform process being undertaken by the transitional government.

More than 70 schoolchildren who attended a workshop organised by Zimbabwe Lawyers for Human Rights (ZLHR) to discuss the inclusion of children's rights in the new constitution said they were determined to press for their rights to take priority.

The workshop drew students from 15 Harare schools and brainstormed ways in which children could participate in the constitutional reform process.

Kesiwe Malindi, the convener of the workshop, said participants wanted children's rights organisations to help them understand their rights and empower them to articulate their views to the Parliamentary Select Committee.

"They want organisations that deal with children such as ZLHR and Childline to facilitate meetings where they can be taught about their rights so that when they meet thematic sub-committees they know exactly what they want enshrined in the Constitution," said Malindi.

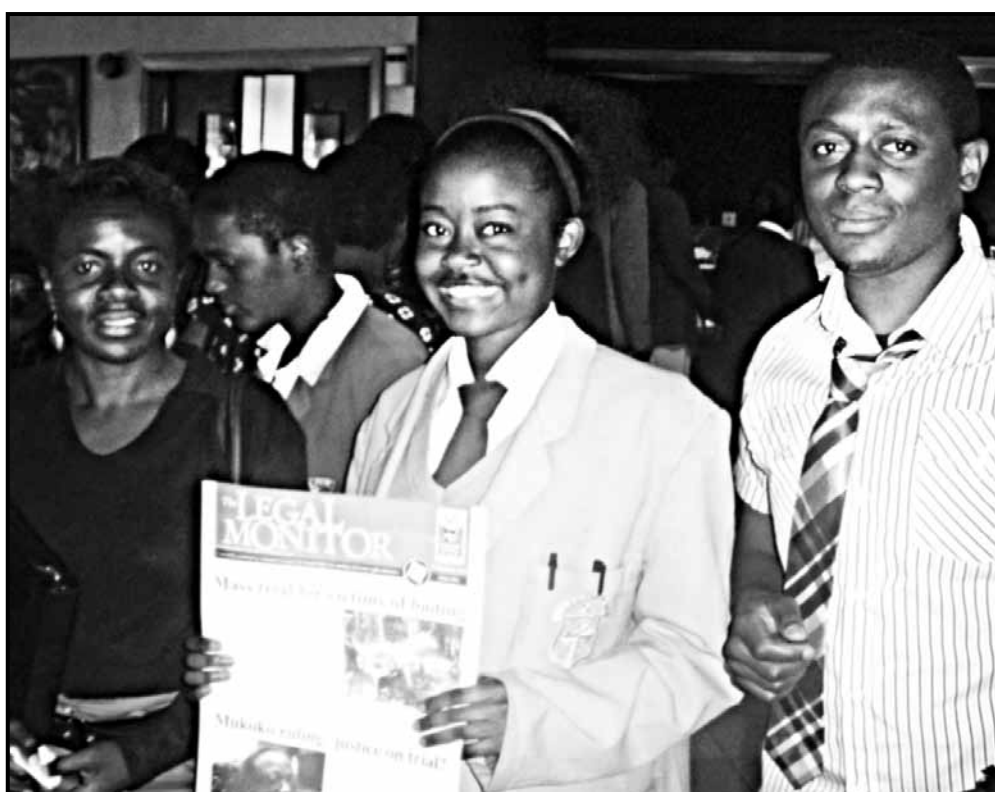
ZLHR held the workshop under the auspices of the Rights Club, a Human Rights and HIV/AIDS awareness tool founded in 2005 by ZLHR to raise rights' awareness among schoolchildren. ZLHR initiated the Rights Club, which has spread to schools in Mutare, Bulawayo, Gweru, and Masvingo, following a major sexual abuse case at Macheke Primary School where a caretaker sexually abused at least 53 pupils, infecting 16 of them with sexually transmitted diseases.

"Children at the workshop recommended the inclusion of school teachers and mothers in the constitutional reform process because of their deep knowledge of children's rights and needs," said Malindi.

Jessie Majome, the Deputy Minister of Justice and Legal Affairs, officials from the Ministry of Constitutional and Parliamentary Affairs, some members of the Parliamentary Select Committee and civic society organisations involved in the welfare of children attended the workshop.

Participants discussed topics on human rights principles focusing on the convention on the rights of the child; constitutionalism, constitution making and constitutional reform processes. The Inter Party Agreement's effectiveness in dealing with children's issues and the Parliamentary Select Committee's approach to child participation in the constitutional reform process also came under spotlight.

ZLHR has planned similar consultation programs countrywide to gather views directly from the children on constitutional reform.



Minister Majome poses with Wadzanai Nyakabau and Kesiwe Malindi at the child rights workshop in Harare

Mass trial on

NYANGA - The mass trial of 88 Nyanga villagers facing extortion charges for demanding the return of their looted property from ZANU PF supporters last year will now take place end of this month. The case failed to take off in September as the Magistrate allocated the matter had other commitments.

"I was told by court officials that Magistrate (Loice) Mukunyadzi had other businesses," Blessing Nyamaropa, the projects lawyer for Zimbabwe Lawyers for Human Rights (ZLHR) Manicaland satellite office said. The villagers lost property in the run-up to the hotly disputed June 2008 presidential election runoff.

Nyamaropa added: "The mass trial will now resume on 28 October. I am not sure how long it (the trial) will take."

The villagers, who are out of custody on bail, were arrested early this year after they allegedly approached some ZANU PF supporters in Chifambe Village under Chief Katerere, Nyanga North, demanding back their property which includes: goats, chickens and grain.

The 88 villagers were beaten and ordered to give up their goats, chicken and grain to feed the very same people that unleashed violence against them at one of the bases called 'Chamagonahapana. Police ignored reports made by the villagers.

Since the signing of the Inter Party Agreement last year, and the formation of the transitional government in February, attempts to reconcile perpetrators and victims of political violence have been undermined by the arrest and malicious prosecution of the same victims whom the law failed to protect during the electoral violence.

Bill watch special

The Second Session of the Seventh Parliament of Zimbabwe was officially opened on Tuesday 6 October.

The President (Robert Mugabe) performed the ceremonial opening of Parliament while Senators joined members of the House of Assembly in the chamber of the House of Assembly to hear his speech. Thereafter both Houses held brief separate sittings and adjourned to Tuesday 20 October. When the Houses resume sitting they will commence their customary debates on the President's speech – traditionally an opportunity for members not only to discuss the content of the speech but also to raise matters of concern in their constituencies. Work will hopefully start then on Bills that have been gazetted and are ready for introduction – the Reserve Bank of Zimbabwe Amendment Bill and other Ministry of Finance Bills. In his speech the President outlined the legislative agenda for the Session. Last year quite a few Bills were mentioned that were never brought to Parliament, so this list is no guarantee that these Bills will come up.

Highlights of the President's Speech

Highlights of the speech included references to:

- The recent agreement among the three principals to the Global Political Agreement to restructure the management of the Parliamentary Select Committee on the new Constitution, to "expedite work" towards a new Constitution.

- The establishment of four Independent Constitutional Commissions – the process "is progressing well" and "conclusion imminent".
- Medium to long-term plans to succeed the Short-Term Emergency Recovery Programme (STERP) to move from economic stabilisation to growth and development.
- The President did not mention any Bills to implement media reform, and repeal or amend AIPPA and POSA.
- Regional and international agreements to be laid before Parliament for approval during the session.
- Plans for the development of the Chiadzwa diamond field – but without mention of the recent High Court decision restoring the mining rights over the field to the African Consolidated Resources from which Government confiscated the precious minerals in 2006.
- An indication of the policy objectives of the Mines and Minerals Amendment Bill – to strengthen the relationship of government to mining houses, broaden ownership rights in line with the Indigenisation and Economic Empowerment policy, to promote Foreign Direct Investment and enforce the "use it or lose it" principle.
- A programme for the restructuring, commercialisation and possible privatisation of some State enterprises and parastatals.

- The meagre remuneration of public servants – with a plea for patience until resources permit salaries and allowances to be benchmarked against the poverty datum line.
- The realignment of water, electricity, fuel and transport charges to regional levels.
- Re-engagement with the European Union and the Western bloc – and the government's expectation that those countries that have imposed "illegal sanctions" will remove them, as Zimbabwe remains "in a positive stance to enter into fresh, friendly and cooperative relations with all those countries that have been hostile to us in the past".

Government's Legislative Agenda for Second Session

The President announced that the following Bills would be brought to Parliament during the Session (Note that only a few of these Bills are ready for Parliament now – those gazetted or about to be gazetted, as indicated below. The others will reach Parliament later in the session, as drafting is completed and final Cabinet approval is obtained. Some of them may only be dealt with well into 2010. Some may not make it at all.)

- Human Rights Commission Bill
- Public Finance Management Bill (to be gazetted on 9th October)
- Audit Office Bill (gazetted on 2nd October)
- Reserve Bank of Zimbabwe Amendment Bill (gazetted on 14th August)

- Income Tax Amendment Bill
- Mines and Minerals Amendment Bill
- National Incomes and Pricing Commission Amendment Bill
- Railways Amendment Bill
- National Information Communication Technology Bill
- Small and Medium Enterprises Bill
- Education Amendment Bill
- Zimbabwe Qualifications Authority Bill
- National Youth Service Bill
- Food Control Bill
- Bacteriological Weapons Convention Bill

Regional and International Agreements to be Placed before Parliament for Approval

- SADC Protocol on Gender and Development
- SADC Protocol on Wildlife Conservation and Law Enforcement
- SADC Protocol on Fisheries
- Basel Convention on Transboundary Movement of Hazardous Wastes and Their Disposal
- Stockholm Convention on Persistent Organic Pollutants
- Rotterdam Convention on Prior Informed Consent
- RAMSAR Convention on Wetlands
- (Note: no mention of sorting out Zimbabwe's membership of SADC Tribunal)

Source: Veritas

Zim worst governed state

HARARE-Zimbabwe, war torn Somalia and Chad are Africa's worst governed countries, according to results of a survey by an authoritative governance foundation.

The Southern African nation, seven months into a transitional government, scored 31.3 out of 100 points and was ranked 51 out of 53 countries in the 2009 Ibrahim Index of African Governance, whose results were released in South Africa last week.

Although the index showed that the Southern African region was the best governed on the continent, Zimbabwe remains a blight, only doing better than Chad and Somalia.

"Within the Southern African region, Zimbabwe was ranked last, in 12th place. Zimbabwe also scored below the overall continental average, which was 51.2 points. At category level, Zimbabwe scored well below the continental average in all four categories - Safety and Rule of Law, Participation and Human Rights, Sustainable Economic Opportunity and Human Development," read a statement posted on the Mo Ibrahim Foundation website.

Sir Ketumile Masire, a former President of Botswana, Mary Robinson, who became Ireland's first female President in 1990 and Salim Ahmed Salim, former Prime Minister of Tanzania and former Secretary General of the Organisation of

African Unity, the African Union's predecessor are part of the foundation's diverse board.

The Ibrahim Index of African Governance was created in recognition of the need for a robust, comprehensive and quantifiable tool for citizens and civil society to track government performance in Africa, according to the foundation's website.

Zimbabwe is crawling out of a decade of political strife and economic collapse largely blamed on poor governance highlighted by State repression. A transitional government formed by Prime Minister Morgan Tsvangirai and President Robert Mugabe in February is struggling to end lawlessness and abuse of State power resulting

in the continued harassment of political and rights activists.

Mauritius tops the 2009 Ibrahim Index followed by Cape Verde, Seychelles, Botswana and South Africa.

The Mo Ibrahim Foundation confers the Ibrahim prize for Achievement in African Leadership, the largest annually awarded prize in the world. The Prize Committee, chaired by former UN Secretary General, Kofi Annan, awards US\$5 million to a former Executive Head of State or government who has demonstrated excellence in leadership during their time in office. This year's winner will be announced on 19 October.

WOZA honoured

BULAWAYO-Women's rights activist Magodonga Mahlangu and her organisation, Women of Zimbabwe Arise (WOZA) will next month receive this year's Robert F. Kennedy (RFK) Human Rights Award for her "courageous and selfless struggle to defend human dignity".

Established in 1984, The Robert F. Kennedy Human Rights Award honours innovative human rights defenders throughout the world who stand up against injustice, often at great personal risk. The award includes a cash prize of \$30,000 and on-going legal, advocacy and technical support through a partnership with the RFK Center. Winners are selected by an independent panel of human rights experts.

Each year, the RFK Center awards an individual whose courageous activism is at the heart of the human rights movement.

"In a country torn by violence and economic ruin, Magodonga Mahlangu and WOZA provide a desperately needed voice for the people of Zimbabwe and we were proud to select her and her organisation for this prestigious award," said Gay McDougall, RFK Human Rights Award Judge and UN Independent Expert on Minority Issues.

"Magodonga and the members of WOZA's courageous and selfless struggle to defend human dignity sets a powerful example, not only for Zimbabwe, but for the entire world," the judges noted.

The award will be presented to Mahlangu and WOZA at a ceremony in mid-November. Mahlangu joins 39 RFK human rights laureates in 23 countries as the recipient of the 26th annual prize.

"I feel both great excitement for the recognition of my work with WOZA and sadness because although my work has gained recognition internationally, in my own country I have been labeled an enemy of the state," said Mahlangu. "Now I know I am not alone, the world is watching and one day Zimbabwe shall be a normal society. With the determination of the members of WOZA, anything is possible."

The organisers described Mahlangu as "a bold leader and a pioneer of the women's rights movement in Zimbabwe who has led WOZA's determined campaign of direct action. Tens of thousands of women have joined WOZA in standing up for human rights and speaking up about the worsening economic, social and political conditions in Zimbabwe".

WOZA is a grassroots movement of over 60,000 Zimbabweans working throughout the country, empowering women to mobilize and take non-violent action against injustice.

Since its formation in December 2002, WOZA has staged more than 100 non-violent marches in support of democratic reform and women's empowerment. The previous government jailed Mahlangu and thousands of WOZA supporters many times for participating in demonstrations.

Mahlangu, who has been arrested over 30 times, organises WOZA's protests and helped create its signature style of peaceful, yet relentless actions. Along with WOZA co-founder Jenni Williams, she has led campaigns with WOZA supporters to address many of the most crucial human rights issues facing Zimbabwean women, including domestic violence and rape, the right to food and education for children, the rights to participation and the right to association.

"Despite constant harassment and 2500 members spending time in police custody, WOZA members continue to build a grassroots movement to ensure that the voice of the people of Zimbabwe is central to determining the future of their country," said Monika Kalra Varma, Director of the RFK Center for Human Rights.

"Today the RFK Center begins a partnership with Magodonga and WOZA to contribute to their efforts and stand up for the rights of all Zimbabweans," she added.

For 41 years, the Robert F. Kennedy Center for Justice & Human Rights (RFK Center) has worked for a more peaceful and just world.

Gokwe villagers freed



ZLHR board member Reginald Chidawanyika poses with Gokwe villagers after their acquittal

GOKWE-A Magistrate last week acquitted eight villagers charged with extortion for demanding property forcibly taken away by militia in last year's pre- and post election turmoil.

The villagers are community leaders in Dambazura village, Gokwe North and had been on trial for extortion since last June for allegedly contravening Section 89 (1) (a) of the Criminal Law (Codification and Reform) Act Chapter 9:23.

Magistrate Mpeiwa dismissed State prosecutor, Mandla Ndlovu's case that the villagers teamed up to round ZANU PF supporters whom they accused of harassing them and confiscating their property during the violent 2008 June presidential run-off.

Leonard Hokoyo Tshuma, Stanford Munyaradzi, Marshall Madzura, Edson Machava, Norman Fanyana Tauya, Tatayi Mapfudza, Morris Mukundiwa and Pedzisai Zhou walked free after the court ruled that the prosecution's evidence was weak.

The villagers allegedly apprehended Setty Mushandu, the ZANU PF district chairman for Dambazura area and assaulted him with clenched fists, switches, knobkerries and open palms.

Zhou was first acquitted at the close of the State case for lack of evidence while the other seven were freed at the close of the defence case.

The villagers' lawyer, Reginald Chidawanyika, who is a ZLHR board member, said Magistrate Mpeiwa noted that apart from the complainant, three witnesses called in by the prosecution to testify against the villagers failed to link the villagers with the offence.

"The Magistrate pointed out that although it was legal to convict on the basis of a single State witness as per the provision of Section 269 of the Criminal Procedure and Evidence Act, in this matter the complainant had failed the credibility test. The complainant was found not to be honest," said Chidawanyika.

The eight villagers were victims of politically motivated violence and lost their belongings to ZANU PF supporters while others had their property demolished as punishment for supporting MDC President, Morgan Tsvangirai who had won the first round of voting in March.

Some of the villagers lost their livestock such as goats, chickens and maize grain.