

The LEGAL MONITOR

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Bennett speaks out

HARARE-Deputy Agriculture Minister-designate Roy Bennett has said the military and ZANU PF have remained in control of the police and the judiciary, which they use to persecute political rivals despite the formation of the coalition government.

In an interview with *The Legal Monitor*, Bennett, Prime Minister Morgan Tsvangirai's treasurer-general in the Movement for Democratic Change (MDC) party, said real power still resided in the old order. This power was being abused to undermine the democratic agenda of the coalition government, said Bennett, days after the finalisation of his treason-related case was further delayed by the courts.

Chief Justice Godfrey Chidyausiku last week indefinitely postponed a ruling on the Attorney General's appeal against High Court Judge Chinembiri Bhunu's acquittal of Bennett on the charges in May.

Justice Chidyausiku said he needed time to study the "voluminous" submissions placed before him. Rights groups have previously said the judiciary was being used to delay Bennett's swearing-in as a government deputy minister.

Bennett told *The Legal Monitor* that his situation was just one of many cases highlighting how the rule of law was still being subverted in Zimbabwe.

"It is evident that this is more of a political process than a judicial one," Bennett, one of the most popular politicians in the MDC, said of his case.

"This clearly shows who is in power and how those people are using that power to subvert justice and the rule of law to persecute their rivals."

Bennett echoed civil society's stance that Prime Minister Morgan Tsvangirai's formation of a coalition government with long-time rival President Robert Mugabe had failed to influence reform. Instead, law enforcement arms have continued operating with impunity, and remain at the forefront of harassing and intimidating political and rights activists.

Bennett said he didn't expect his case to end soon because of the determination of ZANU PF elements in government and security departments to stop him from carrying out his mandate in the agriculture ministry. Mugabe refused to swear-in Bennett into government until the courts cleared the former commercial farmer of the charges.

"As long as ZANU PF remains in power, which they are, I don't see any improvement in the rule of law. And as long as the military junta remain in power, which is the case, then only the rule of the junta, and not of the law will prevail in Zimbabwe," said Bennett.



Roy Bennett surrounded by supporters outside the High Court

NCA vows to take charge

HARARE-The National Constitutional Assembly (NCA) has said it will intensify its campaign for Zimbabweans to reject the Parliament-led constitution making process, according to resolutions of a strategic planning meeting held last week.

The NCA, led by Dr Lovemore Madhuku, has said the process led by the Constitution Parliamentary Committee (COPAC) will produce a flawed political compromise suiting the wishes of coalition government leaders at the expense of the people.

COPAC has rejected the NCA's claims, insisting that MPs, being representatives of the people, had a legitimate leadership role in writing a new governance charter supposed to lay the foundation for future credible elections and stability.

Madhuku however, says his organisation is planning different strategies to sensitise the public to reject the COPAC draft when it eventually comes to a vote.

"The campaign will be under the Take Charge banner and will include extensive grassroots civic education, public meetings, road shows and demonstrations," said Madhuku, whose organisation is counting on the country's biggest labour federation, the Zimbabwe Congress of Trade Unions for support.

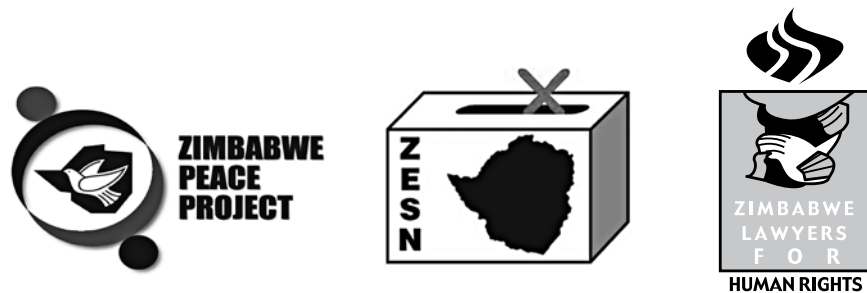
"The main purpose for this campaign is to subject the constitution making process in Zimbabwe to public scrutiny with a view to entrenching the principle that constitutions are made by and for the people," Madhuku said.

The NCA urged civil society to "be resolute and not to be seen as an appendage of the inclusive regime as we saw in the rush to blindly support the flawed process".

COPAC is currently on a countrywide outreach programme to gather public views, which together with electronic and print submissions by various interest groups, should form the content of the planned constitution.



Dr Lovemore Madhuku



ZZZICOMP Weekly Report

1-12 July 2010
Press Statement

A. Introduction

This Report is part of protracted efforts by ZZZICOMP to contribute to transparency in the ongoing Article VI constitution-making process and seeks to accurately reflect the level and method of societal input during the outreach exercise. As a Shadow Report, it seeks to raise awareness and knowledge on the process and content of the constitution-making process with the hope that issues highlighted in the report will form a basis for informed and constructive interventions in the ongoing constitution making process, and will allow stakeholders to decide how far the process and content can be said to be participatory and people-driven.

To this end the Report will provide an update on the ongoing outreach programme by assessing the operational environment; meetings held, cancelled or disrupted; attendance and participation levels; transparency of the process; its publicity; and the fairness of media coverage.

In line with ZZZICOMP best practices of objective and balanced reporting, considerable effort is made to capture the process in both its positive and problematic contexts.

B. Some Positive Developments

Although isolated incidents in which ZZZICOMP observers are denied access to some outreach meetings are still reported, the period under review has in the main experienced some warming in relations between ZZZICOMP and COPAC. ZZZICOMP observers have since been accredited and are officially recognized as observers in the ongoing outreach programme. These developments are welcome as reports of the arrest and detention of the five ZZZICOMP observers [names withheld] on 8 July at Charandura Police Station near St Joseph's Mission in Chirumanzu of the Midlands province, had nearly scuttled outreach monitoring efforts by civil society organizations. This police action was particularly unsettling as it had gone ahead despite the decision by COPAC on 6 July to allow members of civil society to monitor the outreach process.

ZZZICOMP is encouraged by those incidents (though few) in which meetings were reportedly conducted in an atmosphere in which people were generally free to express their views. Among the cited cases were meetings held in the constituency of Chivi South in the province of Masvingo at venues such as Maringire Business Centre in Ward 22 on 7 July, Masasa Business Centre in Ward 23 on 8 July, and Kushinga Secondary School in Ward 24 on 8 July. In the Matebeleland North province, reported cases are meetings that were held on 9 July at the Roman Catholic Church in Ward 5 of the Hwange West constituency, Abundant Life Church in Ward 10 of the Hwange East constituency, and Mosiatunya Secondary School in Ward 9 in the Hwange West constituency. ZZZICOMP fervently hopes these experiences will cascade to other areas and thereby enrich the outreach information-gathering process.

Equally worth noting is an incident in which COPAC members were reported by ZZZICOMP observers to have on 7 July successfully ejected suspected intelligence operatives from an outreach meeting held at Chichera Village in Ward 12 of the Shamva South in the province of Mashonaland Central. Such moves are to be encouraged as they go a long way in warding off undue influence and intimidation during and after outreach meetings.

ZZZICOMP also positively notes that although the outreach process remains saddled with incidents of low turnout at some of its meetings (as will be shown in the later parts of this report), the outreach programme made noticeable inroads, holding a total of 347 meetings in the various wards of the eight provinces in which the outreach programme is currently underway. Of this total, 18.2% (63) were held in Matebeleland North, 17.6 % (61) in Mashonaland East, 15.9 % (51) in Masvingo, 11.8 % (41) in Mashonaland Central, 11.5% (40) in Midlands, 6.6% (23) in Manicaland, 7.5% (26) in the province of Mashonaland West and 11% (38) in the province of Matebeleland South.

Equally positive was that 195 (56.2%) of the reported 347 outreach meetings were "high attendance" cases. In this Report, a high attendance case is when more than 100 people in a ward (of approximately 500-1000 people) attend an outreach meeting.

C. Worrying Scenarios

1. The Politically Stressed Operational Environment

An environment that enables Zimbabweans to freely participate in the constitution-making process without fear of reprisals is critical to the success of the ongoing information-gathering process. It allows space for all citizens to express their feelings on how they wish to be governed if they choose to do so.

However, analysis of incidents as described in ZZZICOMP reports strongly point to an operational environment that is visibly polarized along party lines, and an environment in which people generally feel politically insecure and less inclined to express their political feelings in public. As described in ZZZICOMP reports, people were, among other factors, generally reluctant to make contributions at outreach meetings out of fear that video- and voice-recorded contributions will be used by perpetrators of violence to trace those who would have departed from set constitutional positions being pushed by their political party hierarchy. These perceptions may not be way off the mark given the experiences after the 2008 Elections in Zimbabwe where numerous people were victimized for having voted in the manner they saw fit.

A total of 201 cases of political interference and 153 cases of intimidation/harassment were recorded during the reporting period. Among these were incidents in which members of the public were reportedly threatened with

retribution if they departed from given constitutional positions in their contributions; party supporters were seen writing the names of those contributing at outreach meetings; people attended outreach meetings donning party regalia; and where the presence of suspected party youths, soldiers and central intelligence operatives (CIOs) at outreach venues intimidated people from expressing their own views.

For instance, on 10 July at an outreach meeting at Xanadu Farm in Ward 22 of Marondera East in the province of Mashonaland East, ZZZICOMP observers noted that the outreach venue was manned by youths donning ZANU PF regalia. This was despite the banning of such regalia at outreach meetings. At Nyamande School in Ward 9 of Goromonzi West in the same province, ZANU PF members on 7 July reportedly threatened people with a repeat of the 2008 reprisals after the World Cup.

2. Prevalence of Coaching Incidents

ZZZICOMP also notes with concern that incidents of "coaching" remain among the most commonly cited malpractices posing serious threats to members of the public freely expressing themselves at outreach meetings. A disturbing total of 191 coaching cases were recorded in the period under review, and were visibly present in all eight provinces. Monitoring coaching incidents is a challenge, as the coaching may be done before the meeting (for instance by distributing constitutional fliers to target villagers before outreach meetings in which there are pre-prepared questions and answers). It is also difficult because it may be conducted under the guise of a campaign. However at outreach meetings, coaching is plainly manifest when people are seen reading from prepared scripts, or when people simply rehearse party constitutional positions that are sometimes irrelevant to questions being asked by COPAC Teams, or when people make a contribution which they themselves clearly do not understand, or when very few people make contributions even where the meeting is highly attended, among others.

Descriptions by ZZZICOMP monitors of debating scenarios at outreach meetings point to cases of organized or selective participation; few people make contributions, while the rest simply ululate in support with no follow-up debate or alternative views on these contributions.

Among the coaching incidents cited in ZZZICOMP reports are meetings that were held on 4 July at Denda Business Centre in Goromonzi West constituency in Mashonaland East, Chihwino Primary School, and Crowhill Primary School in Ward 3 where ZZZICOMP observers heard ZANU PF local leaders instructing their supporters to speak with one voice in support of the party's constitutional position on the Kariba Draft. Also documented is a case at Thrums Primary School on 1 July in Ward 21 in Bindura North Constituency in Mashonaland Central where the ZANU PF Chairperson of the area [name withheld] reportedly made it clear to the people that what he was reading to them was what they were expected to say to the COPAC team.

In the same province and constituency, ZZZICOMP observers also claim to have on 7 July spotted two ZANU PF members writing down the names of those who were attending the outreach meeting at St Jude's Primary in Ward 4. It is also reported that on 6 July at Pote Clinic in Ward 5 in Goromonzi South, a Nissan T35 truck was used to transport ZANU PF supporters to the venue - a development that resulted in the ensuing debates being dominated by that party. ZZZICOMP observers further personally witnessed some ZANU PF supporters writing down the names of people who were making contributions at this meeting.

3. Cancellation and Rescheduling of Outreach Meetings
ZZZICOMP is concerned with reports of incidents in which scheduled meetings continue to be either cancelled or rescheduled, in some cases by people who are not members of the COPAC Team.

At Avoca Primary School in Ward 7 in Bindura North constituency in Mashonaland Central, a meeting that was scheduled for 1 July was reportedly cancelled after only 8 people (who, as reported by ZZZICOMP monitors, included suspected members of the CIO) had turned up. In Shamva South constituency in the same province, meetings that were scheduled for Chikuri Primary School in Ward 1 on 3 July and Thrums Primary School in Ward 1 on 9 July were reportedly cancelled when people failed to turn up, allegedly after being misinformed that meetings had been postponed to some future dates.

On 10 July at Matibi Mission Hospital in Ward 3 in Mwenezi East in Masvingo province, ZZZICOMP observers reported that COPAC was forced to cancel the meeting when less than 10 people attended. At Mt. Makomwe Primary School in Ward 10 in Mutare West constituency in Manicaland, a COPAC meeting was reportedly disrupted by the local Chief [name withheld] allegedly claiming that the meeting was not well publicized while at Lalapanzi clinic in Ward 17 in Chirumanzu constituency in the Midlands province, a war veteran [name withheld] reportedly changed the meeting without the consent of COPAC members.

4. COPAC Teams failing to turn up for scheduled meetings

Equally of concern to ZZZICOMP are continued reports of incidents in which COPAC Teams reportedly fail to turn up at scheduled venues, in some cases with no explanation, leaving people who would have in some cases turned up in large numbers disappointed. In Mashonaland East province, COPAC Teams reportedly failed to turn up at a meeting that was scheduled for 4 July at Crowhill Primary School in Ward 6 of Goromonzi South. In Mashonaland Central, more than 200 people who had turned up for the meeting

in Ward 3 of Shamva North on 6 July, were reportedly left disappointed when COPAC teams failed to turn up with no explanation given. This was also the case at Rhodes Store in Ward 3 in Goromonzi South constituency in Mashonaland East province where the COPAC team reportedly failed to pitch up for the scheduled meeting. Implied in these experiences is that COPAC administrative and logistical hitches are not yet over, and effective communication networks are not available to the public, or are not being utilized.

5. Clandestine barring of ZZZICOMP observers from outreach meetings

Although ZZZICOMP monitors have been officially accredited and their activities formally recognized by COPAC, reports of their being clandestinely barred from attending outreach meetings on grounds that they are not residents of those wards, are still being received. For instance, on 10 July the ZZZICOMP office in Harare received a report that one of its observers [name withheld] had been denied access to a meeting at Shayamavhudzi in Ward 4 of Mwenezi West constituency in Masvingo province by the local political leadership on grounds that he was not a resident of that ward. The decision was reportedly taken despite pleas from COPAC members. The same technicality was used to bar ZZZICOMP monitors from attending outreach meetings that were held on 8 July at Tsatse High School Ward 3 and Amatsa Primary School in Ward 8 in Goromonzi South constituency in Mashonaland East province. In Mashonaland Central province, cases of this nature were experienced on 7 July at Thrums Primary School in Ward 21 in Bindura North.

6. Skewed and partisan State Media Coverage

The Zimbabwe Broadcasting Corporation (ZBC) and Zimpapers, as publicly-owned media, have an obligation to inform the public about the COPAC outreach process. However, these unreformed and state-controlled entities continue to fail in this regard. While ZBC is quick to report on COPAC administrative and logistical hitches in both its print and electronic press, it has been visibly silent on providing public service information relating to meetings, as well as in relation to incidents of coaching, political interference and other forms of intimidation. The Media Monitoring Project of Zimbabwe (MMPZ) Report No. 18-2010 notes that ZBC news stories on constitutional reforms remain heavily skewed towards ZANU PF and that in the few cases where the MDC T is quoted, reports tend to be disparaging. This skewed coverage is also manifest in relation to the COPAC team, with ZANU PF co-chair, Paul Mangwana, reportedly the most quoted in the State media. In private radio stations and Online News Agencies, the MDC T is generally the most heard political party followed by ZANU PF.

7. Low Attendance at Outreach Meetings

Citizen participation is the hallmark of any democratic constitution-making process. It ensures that the diverse and usually conflicting interests of members of society are taken on board. Against this background, ZZZICOMP notes with concern that while 347 meetings may have been recorded as "successfully held meetings", the extent to which these meetings may have provided a democratic, transparent and inclusive platform for gathering citizen views, remains suspect.

It is even more suspect given that, of the 347 meetings held in the period under review, 156 (49.2%) were low attendance cases with a visible spread in five provinces that include the Midlands province with 30.13% (47) cases, Matebeleland North province with 22.4% (35) cases, Mashonaland East province with 15.4% (24) cases, Masvingo province with 14.1% (22) cases and Matebeleland South province with 12.8% (20) cases. In this report, a low attendance case is where less than 100 people in a ward attended an outreach meeting.

The prospects are even more suspect, given reports of cases where meetings reportedly went ahead even where less than 20 people were in attendance. In Shamva North constituency in Mashonaland Central province, ZZZICOMP reports refer to a meeting at Nyamaropa in Ward 8 on 7 July which reportedly went ahead when only six (6) people were in attendance, while at Mapfuridze Secondary School in Ward 10 in same the province and constituency, the meeting reportedly went ahead on 6 July when only eleven people (11) were in attendance. Below are some of the low attendance cases sampled from the provinces of Matebeleland South, Matebeleland North, and Mashonaland Central.

SAMPLED CASES OF LOW ATTENDANCE

Province	Constituency	Ward	Venue	Attendance Level	DATE
Matebeleland South	Gwanda South	Ward 20	Seboza Mlambepele Manama	85	3 July
		Ward 19		99	3 July
		Ward 17		45	7 July
	Gwanda Central	Ward 3	Municipality Hall Old Gwanda ZINTEC Nsindi	90	8 July
		Ward 6		53	7 July
		Ward 21		80	6 July
Matebeleland North	Hwange West	Ward 9	Mosi oa Tunya School Little Harold Shop Council Chambers Roman Catholic Church	54	7 July
		Ward 2		33	9 July
		Ward 1		34	9 July
		Ward 5		57	9 July
	Hwange East	Ward 8	Sibindi Clinic Gondwa Abundant Life Church	85	8 July
		Ward 6		70	9 July
		Ward 10		42	10 July
Mashonaland Central	Bindura North	Ward 8	Chipadze High School Sydenhum Chiwaridzo Beer Hall Bindura Primary School Civic Centre	96	2 July
		Ward 15		37	1 July
		Ward 9		77	7 July
		Ward 2		53	2 July
		Ward 3		85	2 July
	Shamva North	Ward 5	Kariwo Village Mapfuridze Sec Nyamaropa Sec School	96	5 July
		Ward 8		11	6 July
		Ward 10		6	7 July

8. Low Youth Attendance at Outreach Meetings

Attendance Profile
Analysis of the profile of the 30,364 people reported to have attended meetings in the period under review show that 40.3 % (12,226) were male adults, 11,976 (39.4%) were females adults, 3,084 (10.2%) were male youths, and 10.1% (3,078) were female youths. (See Figure 1 below)

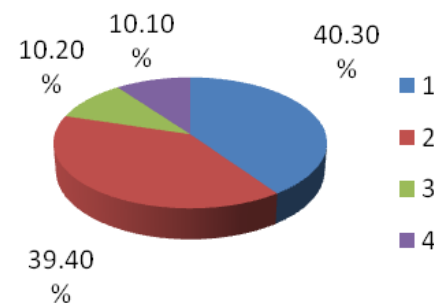


Figure 1

Suggested in this statistical spread is a low profile youth attendance at the ongoing outreach meetings and high risk of marginalization of the interests of the youth in the constitution-making exercise. This issue has to be urgently investigated as it may see the interests of this critical population being sidelined.

Profile by Age

The profile is even more heavily skewed in favour of adults when analyzed on the basis of age. Of the 30,364 people recorded as having attended the meetings, 79.7% (24,202) are adults while 20.3 % (6,162) are youths. (See Figure 2 below)

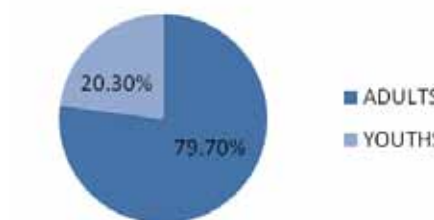


Figure 2

Suggested here is the possibility of the dominance of adult interests in the ongoing constitutional outreach consultations.

Profile Analysis by Gender

When this aggregate total is further analyzed from a gender perspective, it shows a slight skew towards the male category (both adults and youths) with males constituting 50.4% (15,310) while females (both youths and adults) are 49.6 % (15,054). Implied here is that the visibility of the adult population in both the male and female categories. (See Figure 3 below)

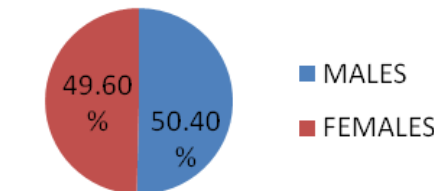


Figure 3
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Reprieve for abductees

HARARE-High Court Judge Justice Joseph Musakwa has relaxed bail conditions for three victims of abduction who approached the court seeking an alteration of their reporting conditions.

The three abductees namely Gandhi Mudzingwa, Kisimusi Dhlamini, and Andrison Manyere, who were abducted by State security agents in 2008 and later charged with committing acts of insurgency, banditry, sabotage or terrorism filed an application last Tuesday seeking to amend their reporting conditions by scrapping the requirement to report to the police.

The three abductees who were granted bail on 12 May 2009 by High Court Judge Justice November Mtshiya were reporting once every week on Fridays between 6am and 6pm at Mabelreign Police Station as part of their bail conditions.

In the application filed by the abductees’ lawyer Jeremiah Bamu of Zimbabwe Lawyers for Human Rights (ZLHR) the abductees wanted the court to cancel the reporting obligation from their bail conditions while other bail provisions remained.

The abductees argued that the condition to report to the police every week was no longer

necessary and was an inconvenience especially for Mudzingwa who by virtue of his duties as Principal Director for Infrastructure in the Prime Minister’s Office was required to travel abroad regularly on government business.

Mudzingwa, Dhlamini and Manyere stated that since their placement on bail more than a year ago they had never attempted to escape and they had no reason to so attempt in future.

The abductees will no longer report to the police after Justice Musakwa granted an order on Friday sought by the abductees which was consented to by the State.

“The respondent (State) submits that the administration of justice will not be prejudiced if that condition is cancelled in the circumstances,” read part of the State’s response to the abductees application, which was signed by a law officer in the Attorney General (AG)’s Office only identified as S Fero.

Mudzingwa, Dhlamini and Manyere’s cases are pending as constitutional matters in the Supreme Court.



Andrison Manyere Kisimusi Dhlamini Gandhi Mudzingwa

Police defy Maguwu property order

HARARE-Police have failed to surrender tormented diamond rights researcher Farai Maguwu’s property despite a standing High Court order, in actions that buttress international and local rights groups’ charges that law enforcement agencies are operating with impunity.

Maguwu is on bail under stringent conditions after spending over a month in remand prison after being charged with publishing or communicating false statements prejudicial to the State as defined in section 31 (a) (ii) of the

Criminal Law (Codification and Reform) Act. The charges and subsequent harassment that included torture followed extensive work in investigating activities in Marange diamond fields as well as whistle blowing to a diamond regulator on illegal mining and human rights abuses in army controlled Marange fields by the Mutare-based Centre for Research and Development (CRD). Maguwu is the CRD executive director.

Maguwu should have received his property, including a laptop and his passport back after

being granted bail, according to a High Court order handed down on 14 July this year.

Tinoziva Bere, Maguwu’s lawyer said police were still holding on to Maguwu’s property. He said efforts to force the police to immediately comply with the order were unsuccessful after Magistrate Don Ndirowei “simply” urged the state to comply with the order by 17th August 2010, the date Maguwu returns to court.

“No concern was expressed, no criticism was articulated, no final or any warning administered, no reprimand ever made and no consequences

set out. It was a disappointing but not new development in this country. The State does as it pleases and the court does not react even as its authority is undermined,” said Bere.

A report by eminent international lawyers’ groups last week recommended that: “The culture of impunity on the part of the police and state security forces should be ended forthwith. Those suspected of having committed criminal offences should be investigated and if appropriate prosecuted regardless of their political affiliation.”

ZZZICOMP Weekly Report

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D. Incidents Spread by Provinces
Below is a detailed statistical profile of provincial incidents between 1 and 12 July 2010:

Acts	Provinces								Total
	Manica-land	Midlands	Mashonaland East	Mashonaland West	Mashonaland Central	Masvingo	Matebeleland North	Matebeleland South	
Meetings actually held	23	40	61	26	41	55	63	38	347
Disrupted/Cancelled Meetings	3	4	4	2	2	12	14	1	42
Meetings held at Scheduled Venues	23	40	61	26	41	54	59	35	339
Meetings held at rescheduled Venues	0	5	0	0	0	1	2	0	8
Low attendance (Less than 100)	3	47	24	1	4	22	35	20	156
High Attendance	20	23	32	25	37	23	18	17	195
Harassment/Intimidation	12	21	41	26	28	16	7	2	153
Violence during meetings	0	0	0	0	0	0	0	1	1
Coaching	21	36	37	22	31	22	15	7	191
Political Interference	21	36	37	26	31	25	16	9	201
Violation of Freedom of Speech	14	25	28	26	31	19	2	18	163
Male Adults	1232	1956	1610	2706	1961	2619	1723	1125	12226
Female Adults	1515	1775	2013	2185	2129	2398	1313	833	11976
Male Youths	324	428	471	1529	609	709	367	176	3084
Female Youths	270	257	501	726	873	759	283	135	3078
Total	3481	4693	4920	180	5818	6734	3917	2417	32164

E. Emerging Issues

1. What is the threshold attendance number on which COPAC teams can decide whether to cancel or go ahead with the meeting?
2. How is COPAC supposed to react where people outside that team cancel a meeting?
3. How can communication networks be improved to ensure that people are informed in advance if a meeting has to be cancelled or rescheduled?
4. What measures need to be put in place to free the media space and ensure that the public broadcaster and print media are adhering to their obligations and providing accurate, diverse and unbiased information to the public?
5. Should COPAC go ahead where there is no deployment of police at meetings?
6. What can COPAC do to ensure that measures are in place for accredited monitors to be able to access meetings without difficulty? Why are such incidents still occurring.
7. How should COPAC deal with incidents in which, for instance, less than five people dominate contributions at a meeting which has over five hundred people in attendance? Should the views expressed by such a tiny fraction of the population be taken as representative of the people at that meeting point and in that Ward?
8. How should COPAC deal with incidents of coaching and how will it encourage debate and diversity of opinion in such circumstances?

F. Recommendations

- COPAC should urgently investigate emerging cases of low attendance and snubbing of meetings especially by the youth.
- COPAC should make a follow up to reported incidents of outreach-related malpractices. This would go a long way in building confidence among members of the public. The tendency by COPAC to either flatly deny or profess ignorance when issues are reported is hardly in the interest of the transparency and acceptability of the information-gathering process.
- All parties in the unity government should respect and protect the rights of freedom of expression and association to ensure that everyone has unfettered access to outreach consultation meetings.
- Any identified practices at meetings that suggest coaching, organized or selective participation should be promptly dealt with by the COPAC Team Leaders and members collectively, and reported.
- State media should provide information which is in the public interest in relation to upcoming meetings. It should also give unbiased and substantive coverage to issues of violence and other ongoing malpractices. Currently, its coverage is restricted to administrative hitches affecting COPAC.

Abductee hounded again

BANKET-Police on Wednesday arrested and detained Fanny Tembo, a councillor for Banket Town Council and a victim of a previous State sponsored abduction after attempting to report a case of harassment by some ZANU PF supporters.

Tembo was arrested as he reported a case of harassment by some ZANU PF supporters who confronted him on his way from Banket Police Station, where he had gone to report to the police in accordance with his bail reporting conditions. Tembo, together with another Banket Town councillor Emmanuel Chinanzvavana and Givemore Hodzi are reporting to the police everyday as part of their bail conditions in a case in which they are accused of murdering a ZANU PF special interest councillor Lancelot Zvirongwe.

The ZANU PF activists who confronted Tembo accused the abductee of exposing him to the media for victimising the councillor on an earlier occasion.

Tembo was manhandled and had stones thrown at him. He tried to defend himself from this unprovoked attack and then went to the police station to report the matter. At the police station Tembo was surprised to be informed that he was being detained on public violence charges.

The Banket Town councillor was only released around 1 am on Thursday after spending six hours in police detention.

Tembo was abducted together with Terry Musona and Lloyd Tarumbwa from their Banket homes in 2008 and was later located in Harare. The police claimed at the time that they were in protective police custody as they were to be used as State witnesses against other abductees who were



Experiencing no peace... Fanny Tembo (right)

kidnapped by State security agents and accused of plotting to topple President Robert Mugabe's previous administration.

Meanwhile, Movement for Democratic Change (MDC) organising secretary Morgan Komichi was on Thursday transferred from Lupane Police Station where he was detained upon his arrest on

Wednesday to Hwange Police Station, where he was charged with contravening Section 31 (a) (iii) of the Criminal Law (Codification and Reform) Act Chapter 9:23, for allegedly publishing or communicating false statements prejudicial to the State which undermined public confidence in the police.

The police allege that the non-constituency Senator made a statement claiming that the police were wrongfully impounding and stripping vehicles belonging to his party.

Kossam Ncube, a member of Zimbabwe Lawyers for Human Rights (ZLHR) is representing Komichi.



Irene Petras

Quote of the week

"We cannot have a constitution for the people without a government elected by the people": ZLHR executive director Irene Petras during a Mass Public Opinion Institute (MPOI) discussion on "Constitution Making Process, Problems and Progress held last Thursday in Harare".

Students acquitted

BINDURA-A Magistrate has acquitted seven students who were accused of breaching peace at Bindura University of Science Education (BUSE) by staging a demonstration at the institution.

The seven, who include student leader Joshua Chinyere, had been on trial after they were arrested in January and charged with contravening Section 37 of the Criminal Law (Codification and Reform) Act by participating in a gathering with intent to cause a breach of the peace or bigotry.

The students were accused of contradicting BUSE authorities and misrepresenting to other students by claiming that the Ministry of Higher Education had resolved that university students should be allowed to sit for their examinations but would not get their results until payment of the fees.

The State said the students' claims contradicted the university authorities' position.

But the Magistrate acquitted the seven students after their lawyer Tawanda Zhuwarara of Zimbabwe Lawyers for Human Rights (ZLHR) applied for discharge at the close of the State case.

In his application for discharge Zhuwarara argued that the State witnesses' evidence was contradictory and inadequate to cause a conviction.

21 other students, who were facing the same charge as the seven student leaders were acquitted a fortnight ago.

Chinyere told *The Legal Monitor* that the acquittal of the students prove accusations that the police were harassing students.

"This was just victimization of students. They (State) have failed to prove that we are guilty," said Chinyere.