

The LEGAL MONITOR

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COST-FREE

Police State



Protest at Mugabe's offices

HARARE-Police last week arrested Aaron Muzungu, the spokesperson of the MDC99 party, after he allegedly staged a one-man demonstration at Munhumutapa Building in central Harare which houses President Robert Mugabe and Prime Minister Morgan Tsvangirai's offices.

Muzungu, who was charged with disorderly conduct, was arrested outside Munhumutapa Building for allegedly demonstrating against the lackluster performance of the coalition government of President Mugabe and Prime Minister Tsvangirai and the poor remuneration of civil servants.

Last year, the police blocked award winning theatre actor, director and producer Silvanos Mudzvova from staging his one-man demonstration against the vast wealth of public officials in the country.

Mudzvova had been granted approval by the police to stage his protest march to Parliament building to push for all public office bearers to declare their assets before they assume public office.



Mudzvova

Govt digs in on HRDs

BANJUL, THE GAMBIA-The government says it is reluctant to protect human rights defenders (HRDs) and will continue clamping down on anti-government protests.

A representative of the government delegation at the 50th ordinary session of the African Charter on Human and Peoples' Rights (ACHPR) told delegates that regular protests staged by members of Women of Zimbabwe Arise (WOZA), a women pressure group would be suppressed as they are illegal.

"These women have vowed to continue violating the law. These women continue to flout the law and we will be arrested as long as they do not respect the law of the land," said the government representative.

The government representative was responding to a statement presented by Zimbabwe Lawyers for Human Rights (ZLHR) during the ACHPR session which cited the arbitrary arrests and the unwarranted attacks on women HRDs.

ZLHR said it had offered legal assistance to several HRDs who were under attack since the last session of the ACHPR in May.

"Human rights lawyering remain risky business in Zimbabwe. Arbitrary arrests remained commonplace," ZLHR said.

Meanwhile, two Hatcliffe residents who were arrested last week following skirmishes with some ZANU PF supporters in the politically volatile suburb have been denied bail.

Jairosi Karasa, who turns 62 years old soon and Fani Tsoka were arrested last Sunday in Hatcliffe and charged with public violence in contravention of Section 36 of the Criminal Law (Codification and Reform) Act.

On Thursday Magistrate Don Ndirowei turned down the residents' bail application, which was filed by their lawyer Denford Halimani of Wintertons Legal Practitioners. Magistrate



Government delegation at the 49th session of the ACHPR held in The Gambia in May



Persecuted for legitimate demands... WOZA member during a protest

Who will defend the defenders?

MBARE-A group of suspected ZANU PF supporters on Monday detained, harassed and threatened two human rights lawyers with assault, who had represented two Mbare residents, who were recently charged with committing sodomy.

The suspected ZANU PF supporters numbering about 40, blocked Charles Kwaramba and Obey Shava of Mbidzo, Muchadehama and Makoni Legal Practitioners, members of Zimbabwe Lawyers for Human Rights (ZLHR) from leaving Mbare Magistrates Court after they assumed representing Mbare residents, Lionel Grezha and Ngoni Shanya, who had appeared in court before Magistrate Brighton Pabwe.

The two human rights lawyers successfully sought for a postponement of the duo's trial to 8 November from Monday to allow them to take instructions from their clients and properly represent them as they had just assumed representing them from other lawyers.

The rowdy suspected ZANU PF supporters who were following the case in court parked their truck and camped outside the exit point at Mbare Magistrates Court where they blocked the lawyers from leaving court.

They threatened to inflict damage on the lawyers' vehicle and assault them if they attempted to leave forcing them to retreat into the court building where they were "detained" for almost two hours.

Kwaramba and Shava informed Magistrate Pabwe of the security threat posed by the ZANU PF supporters and the Magistrate advised them to liaise with the officer in charge at the police post located at the court.

The lawyers, who made a report at Mbare Police Station only stealthily escaped after spending two hours while holed up in the court building.

The detention of the lawyers follows the recent harassment of three human rights lawyers employed by ZLHR, who first represented the two Mbare residents last week. On Monday 24 October, the ZANU PF youths, who were led by Jim Kunaka,

the party's Harare province youth chairperson ambushed Belinda Chinowawa and her co-counsel, Jeremiah Bamu and Kennedy Masiye all of ZLHR as they left the court room and interrogated them for being "unpatriotic", by representing the two Mbare residents, who were accused of committing sodomy, against President Robert Mugabe's pronouncements castigating the practice.

At first Chinowawa, Bamu and Masiye tried to explain to the ZANU PF mob that as lawyers it was their function and duty to represent anyone who sought their services. But this only served to further incense the youths as they began hurling profanities and threatened to assault the lawyers.

Kunaka blocked the lawyers as they attempted to drive away from the court and launched a tirade against them and threatened to stone their car if they defied him by continuing to drive.

The ZANU PF youth leader threatened the lawyers with violence should they dare to return to court last Tuesday for the delivery of the ruling of a bail application which they had filed for their clients before recording the registration numbers of their vehicles.

In response to the harassment of the lawyers, ZLHR executive director Irene Petras protested to Magistrate Pabwe, the Resident Magistrate at the Mbare Magistrates Courts against the treatment of the legal practitioners whom she said faced "a serious security issue in terms of which the lawyers face the very real probability of being assaulted and possibly even worse should they attend the Mbare Magistrates' Court."

Petras requested that the matter be moved from Mbare Magistrates Court to any other court where the lawyers can continue to represent their clients without fear of reprisals. The human rights lawyer said not only will the trial of the Mbare residents be imperiled should the behaviour of the ZANU PF supporters not dealt with effectively and urgently by the appropriate judicial and law enforcement authorities, but also such impunity will spur similar criminal acts and escalate the assault against the justice delivery system in future cases which are



Targeted... Charles Kwaramba

not to the liking of particular individuals and/or sectors of society.

The harassment of Kwaramba and Shava also makes a mockery of Magistrate Pabwe's security guarantees which he pledged recently in response to Petras' letter.

Magistrate Pabwe had on Thursday 27 October, assured Petras of some security guarantees for her lawyers to represent their clients when trial commenced on Monday 31 October. The Resident Magistrate had also undertaken to carry out a vetting exercise for all civilians entering the court house.

Biscuit man bites last



Clampdown

HARARE-Zealous police on Tuesday clamped down on innocent pedestrians and motorists in central Harare and besieged Harvest House, the headquarters of the Movement for Democratic Change (MDC) in a fresh assault on civilians.

The police who were armed with truncheons and travelling in a truck and two pick up vehicles while others roamed on foot, indiscriminately fired tear gas in the Central Business District (CBD) inconveniencing pedestrians and motorists.

Information obtained by Zimbabwe Lawyers for Human Rights show that the police were engaged in some skirmishes with vendors outside OK Supermarket along First Street and some hawkers operating along Nelson Mandela Avenue and close to the MDC's offices.

Instead of attending at the spots, the police barricaded Harvest House and started firing tear gas into the offices of the MDC party where they demanded to search every office at Harvest House of which they were allowed to.

After the search, the police took into custody Tawanda Nyamadzawo Mandidzinga, a security officer at the former opposition party's offices whom they accused of refusing to cooperate with them.

Mandidzinga was freed from police custody on Friday after Harare Magistrate Don Ndirowei granted him \$20 bail.

He was charged with obstructing the course of justice in contravention of Section 81 (e) of the Criminal Law (Codification and Reform) Act. Prosecutor, Tapiwa Kasema charged that Mandidzinga, who was represented by Marufu Mandevere of Mbidzo Muchadehama and Makoni Legal Practitioners blocked the police from arresting suspects at his workplace.

Below The Legal Monitor's lens captured the scenes as the police clamped down on citizens

