

The LEGAL MONITOR

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



07 May 2012

Edition 142

COST-FREE

Buhera villagers fight violence

BUHERA-With the horrors of the 2008 politically-motivated and election-related violence still fresh in their minds, and another poll looming, villagers here have come up with strategies to survive the violence likely to emerge.

Community relations were destroyed as brother turned against brother and sister against sister during the 2008 violence resulting in tensions that are still running high in most parts of Zimbabwe largely because of the failure by the coalition government to carry out effective transitional justice and national healing programmes.

‘There are some traditional practices that can bring people together across the political divide and reclaim community peace that existed before the unfortunate 2008 violence’

In the absence of institutional and government support for these programmes, Buhera villagers are now taking the initiative to avoid a repeat of the 2008 situation.

According to Heal Zimbabwe Trust, which has been carrying out countrywide national healing programmes at grassroots level, peace clubs are taking root in Buhera to prevent future recurrence of violence.

Buhera was one of the areas worst affected by political violence.

“Some of the activities that have been taking place in the peace clubs are Nhimbos (community weeding and harvesting ceremonies), sport activities, burial societies and face-the-community interface meetings,” said Heal Zimbabwe.

“Membership cuts across the political divide and all ages. Heal Zimbabwe attended four of these activities on Monday last week and applauded villagers... for their efforts towards rebuilding relations and trust among each other.”

In Buhera West, villagers are meeting regularly under Heal Zimbabwe’s Kugara Hunzwanana peace building programme which was introduced last year.

“The programme is a response to the realisation that after the 2008 political violence period people in the same community and from different political parties have not been ‘seeing eye to eye’ due to

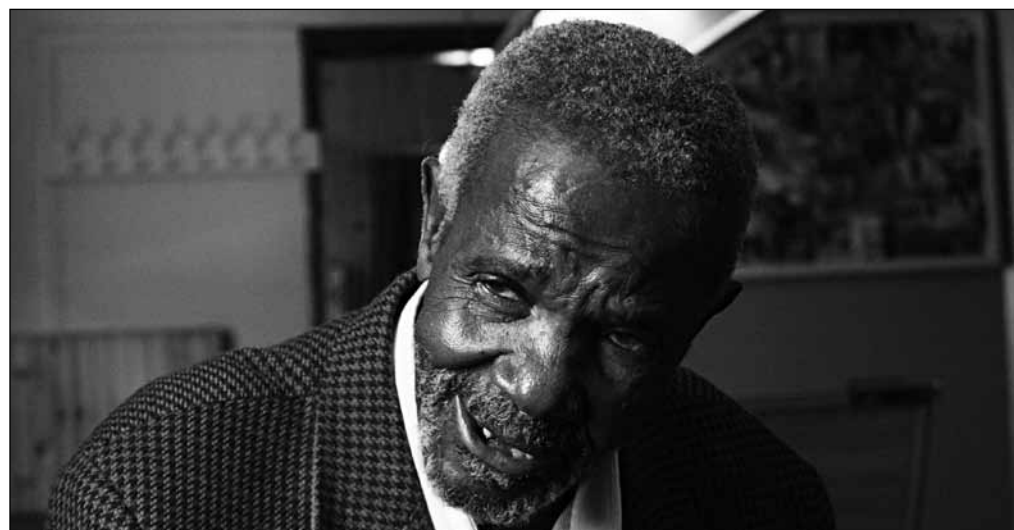
the tension and conflict brought by politically motivated violence,” the organisation said.

“The situation is made worse by the fact that the violence was between people of the same communities who continue to see each other often. Victims and perpetrators try to avoid each other but their proximity to each other makes it difficult.

“There are some traditional practices that can bring people together across the political divide and reclaim community peace that existed before the unfortunate 2008 violence.”

Community members were left at each other’s throats after being made to participate in violence initiated by people from outside the communities - a situation that organisations such as Heal Zimbabwe want to eradicate.

“It is sad that most of the cases of political violence in rural communities are initiated by outsiders; it might be politicians or state machinery but it is the local people who are left to do the ‘dirty job’ of writing names of perceived enemies and doing the actual beatings, killing of people and destroying their sources of livelihoods,” said Heal Zimbabwe.



Violence has been part of Zimbabwe’s political history mainly since 2000. Above, Rwisai Nyakauru, the octogenarian Nyanga headman last year succumbed to injuries he sustained after being attacked by suspected Zanu PF supporters in Nyanga.

“Informed by this, efforts to promote peace and stability in rural communities cannot be achieved if efforts are not made to mend torn relations between neighbours, family members, relatives and also relations between ordinary

villagers and their local leaders. Communities need to continue to be reminded that community relations supersede political party relations,” said Heal Zimbabwe.

No freedom yet for Zim media on World Press Freedom Day

HARARE-As the world commemorated World Press Freedom Day on 3 May last week, Zimbabwean journalists and ordinary citizens had little to cheer as they continue to suffer persecution by the State, which routinely uses criminal defamation and insult laws to charge dozens of people and suppress criticism.

In a statement commemorating World Press Freedom Day, Zimbabwe Lawyers for Human Rights (ZLHR) said the laws relied upon by the State to muzzle free speech are outdated and have no place in a modern democracy.

“ZLHR remains greatly concerned by the ever-increasing persecution through prosecution of media practitioners and ordinary members of society on charges of criminal defamation and use of insult laws. In a modern world where vigorous legitimate criticism has become the norm, only those who fear scrutiny and accountability continue to abuse the law, the police and the prosecutorial office to shield themselves,” said ZLHR.

The group said the media is “regrettably and noticeably” being used to push the propaganda of some political parties and attack human rights defenders at a time when corruption is rife. “It is regrettable to note that some newspapers and electronic media continue to be used to further partisan

political agendas and to attack legitimate human rights defenders with continued impunity at the expense of providing accurate, balanced, fair and ethical news and information, whilst worrying allegations of corruption and bribery within the media profession are yet to be properly interrogated,” the organisation, which is dedicated to defending human rights in Zimbabwe, said.

“This situation prevails at the same time that investigative journalists who uncover shocking evidence of corruption and misgovernance are persecuted and prosecuted using colonial-style laws, instead of being acknowledged for their efforts to contribute to improved governance and accountability by exposing the rot in the public and private sectors,” said ZLHR.

ZLHR director Irene Petras was, last year in May, among a group of journalists and civil society activists harassed by Namibian security agents while lobbying Southern African Development Community (SADC) leaders to push for urgent reforms in member state, Zimbabwe.

The state broadcaster, ZBC later falsely claimed that the activists and journalists had gate-crashed a SADC meeting and had been sponsored by the Movement for Democratic Change party to influence SADC.



On World Press Freedom Day Zimbabweans deserve a free media and diverse information

Zimbabwe Lawyers For Human Rights (ZLHR) joins all supporters of media freedom in commemorating World Press Freedom Day on 3 May 2012, but calls for increased commitment by the government in eradicating media repression and facilitating media diversity, pluralism and responsible journalism in the country.

‘The electronic media similarly remains full of barriers, as the Zimbabwe Broadcasting Corporation (ZBC) continues to produce and air one-sided political content replete with hate speech and laughable propaganda’

Whilst several privately owned newspapers are now on the streets on a daily and weekly basis, ZLHR notes that these products, and thus access to alternative information, remain beyond the reach of the majority of Zimbabweans due to cost and accessibility.

The electronic media similarly remains full of barriers, as the Zimbabwe Broadcasting Corporation (ZBC) continues to produce and air one-sided political content replete with hate speech and laughable propaganda, and as licences are parcelled out to cronies who have shown themselves willing to continue with the same unfortunate agenda.

As can be seen from the myriad satellite dishes and short-wave radios littered around the country, as well as the general unwillingness by people to pay ZBC licence fees, they have lost faith in this broadcaster and cannot be fooled by its venom and lies.

It is regrettable to note that some newspapers and electronic media continue to be used to further partisan political agendas and to attack legitimate human rights defenders with continued impunity at the expense of providing accurate, balanced, fair and ethical news and information, whilst worrying allegations of corruption and bribery within the media profession itself are yet to be effectively interrogated. This situation prevails at the same time that investigative journalists who uncover shocking evidence of corruption and misgovernance are persecuted and prosecuted using colonial-style laws, instead of being acknowledged for their efforts to contribute to improved governance and accountability by exposing the rot in the public and private sectors.

ZLHR remains greatly concerned by the ever-increasing persecution through prosecution of media practitioners and ordinary members of society on charges of criminal defamation and use of insult laws. In a modern world where vigorous legitimate criticism has become the norm, only those who fear scrutiny and accountability continue to abuse the law, the police and the prosecutorial office to shield themselves.

As elections draw ever nearer, the urgency of genuine media reform must remain a priority, because without these freedoms, people remain uninformed and demobilised in the struggle to advance their rights and freedoms and freely choose their representatives. The battle for media plurality, diversity of information, legislative reform, and accountability must therefore be a fight taken on, not only by the media itself and media rights organisations, but also by the broader civil society and the general public as a whole. A closed society where archaic views and practices continue to prevail impacts us all, and for this reason ZLHR renews and reiterates its commitment to this struggle until victory is achieved.

Solidarity statement on International Workers’ Day: Unity required in the continuing struggle for workers’ rights

Zimbabwe Lawyers For Human Rights (ZLHR) joins the working class people of Zimbabwe and the rest of the world in commemorating International Workers’ Day on 1 May 2012.

This year, Workers’ Day provides an opportunity to take stock of what workers have achieved in uniting against oppression and exploitation, and seriously reflecting on the road still to be travelled.

Workers and their families in Zimbabwe continue to bear the brunt of misgovernance, state repression, and failure by the government to respect fundamental rights and freedoms - including the realisation of social and economic justice for all.

In the aftermath of the decade-long economic catastrophe that has stripped Zimbabweans of all their dignity, many workers have lost their jobs; others have been forced to fight against the loss of pensions and benefits they believed were secure. The freedom of labour activists to gather, organise and express themselves continue to be stifled by a repressive state apparatus intent on selectively and incorrectly applying the law against them, whilst the victories achieved in relation to the outcome of the International Labour Organisation (ILO) Commission of Inquiry in Zimbabwe remain aspirational, as government continues to pay lip service to the recommendations, despite accepting and pledging to implement them in the context of its legislative and institutional reform programme.

The private sector can also not go unmentioned, with its failure to adhere to labour laws and regulations in their interactions with those in their employ. All workers are entitled to, and deserve, protection of the law, and a decent living wage.

Whilst the working class continues to face such challenges, the inclusive government has demonstrated its narcissism by failing to deal timeously and seriously with the piteous plight

of workers in the public service. Instead, they continue to reward themselves with lavish increases, allowances and luxury vehicles – all on the backs, and at the expense, of the poverty-stricken workers of our country.

Whilst we hear every day about Zimbabwe’s abundant natural resources and plans for improving social and economic conditions based on indigenisation, empowerment and reallocation of such resources, no substantive efforts have been made to ensure an actual trickle-down effect, rendering such utterances by government propagandistic, impotent and unfortunate.

The labour movement has been the bedrock and the collective strength of the continuing struggle for improved democratic governance, better working conditions and rights realisation. There is need for it, and its partners – including those in the inclusive government – to revisit the objectives of the 1999 National Working Peoples’ Convention, and to reignite the struggle for a better life for all. At present, it would seem that our history is in danger of being forgotten.

On this important international day, ZLHR therefore calls for strength of unity and purpose within the labour movement and pledges its continued and unending support to the promotion and protection of workers’ rights in Zimbabwe. Long live the workers of Zimbabwe!

**Shinga
Mushandi
Shinga!**

**Qina Sisebenzi
Qina!**

Zimbabwe's retrogressive decades

HARARE- Zimbabwe might not be in the top ten list of the Committee to Protect Journalists' most censored countries, but the southern African country has a long road to travel before the media can declare that it is free.

Last week's World Press Freedom Day commemorations gave an insight into how journalists and the privately-owned media houses they work for are still under siege from state security agents and political party supporters angered by their work.

A key pillar for any functioning democracy, media personnel who dare to confront the State suffer arbitrary arrests, unlawful detention, intimidation and outright violence. This is so, even three years after the formation of a coalition government which at its inception in February 2009 was full of promises of reform.

The same promise was made at independence in 1980, only for the State to continue using brutal tactics adopted from the colonial regime of Ian Smith.

As veteran journalist Tagwireyi William Bango put it while delivering the inaugural annual Bornwell Chakaodza World Press Freedom Day Memorial Lecture in Harare last week: "At Independence, our revolutionaries promised a nation that guaranteed personal growth, the right to all citizens, black and white, young and old, to fashion and raise our arguments, a nation that pledged to help us to grow our skills and equal opportunities.

"The promise was to be premised on free speech, before and after delivery, as a way to build and to be happy, to shun narrow-mindedness and injustice in fighting corruption," he said, reminiscing on independence promises that never came to fruition.

Chakaodza, one of the first black journalists to work for government after independence, was to die of cancer last year, now fighting the same government to ease restrictions on media and allow self regulation. He was the deputy board chairperson of the Voluntary Media Council of Zimbabwe (VMCZ), whose members include the majority of Zimbabwe's media houses.

The VMCZ has put in place self regulation mechanisms that stakeholders say have served the industry effectively, but the government persists with wielding regulatory powers.

The stoppage of a Radio Dialogue road show in Bulawayo, and the public attack and threats on the press by Media and Information minister Webster Shamu on World Press Freedom Day are just two current examples of how the State is determined to stifle the free flow of information.

Far from reforming, Shamu rubbed salt into the wounds of journalists who are already nursing injuries from an adverse operating environment in his World Press Freedom Day speech.

"As we go into fresh harmonised elections, the people of Zimbabwe are saying that World Press Freedom Day should include the freedom of the media industry and the journalism profession to develop and enforce stringent rules and standards which protect customers from injury and abuse with little government involvement (control)," he said.

"If the last five years of change do not show the media industry and the journalism profession

to have fulfilled their promises, then the sovereign people of Zimbabwe have no option but to intervene and protect themselves through instruments of the state, that is to revert to the regulatory regime of 2001-2007. Any credible administration emerging out of the imminent 2012 elections is bound to deal with these issues based on voter expectations. Some of these expectations were evident during the COPAC outreach but they still have not been published," he said, before making the gloomy situation worse by stating:

"I can also predict that if the clearly anti-African and anti-Zimbabwe frenzy we have experienced through some media outlets and platforms in the country continues, and if the conspiracy of silence within the media industry and journalism also persist, the gloves may soon be off here as well."

COPAC refers to the Constitution Select Committee, a parliamentary body mandated with leading the crafting of a new constitution, one of the major reforms that the coalition government is expected to implement together with other democratic reforms before calling for elections.

The number of journalists who have been arrested, detained and harassed since November 2011 shows the sorry state of affairs.

Nevanji Madanhire, Nqaba Matshazi, Stanley Gama, Xolisani Ncube, Andriison Manyere, Sydney Saize, Andrew Mambondiani, Chengetai Murimwa, Admire Matenda and Moses Matenga have all suffered arrests and detention and harassment since then with some criminal charges still hanging over their heads as their cases are pending in court.

Commemorating this year's World Press Freedom Day, media watchdogs and support groups were united in declaring that it is all gloom and there is not much to celebrate in Zimbabwe.

It becomes even bleaker when Prime Minister Morgan Tsvangirai joins in criticising his own government partners for stifling media reforms. Speaking at MISA-Zimbabwe World Press Freedom Day commemorations in Harare last week, Tsvangirai suggested Shamu's refusal to implement media reforms on which government leaders said they had agreed, meant he was acting on orders from above.

"We told him as leadership of government that the ZBC board must be changed, the Mass Media Trust (MMT) board must be changed to reflect the inclusive government, and he is refusing. Now the question is: Can Shamu refuse to implement what we have told him to do? This is a sign that someone is agreeing with us in public but goes behind to say 'don't do what we have agreed,'" said the Prime Minister, adding that free elections are impossible without media reforms.

The state-run ZBC is the country's sole broadcaster and is often criticised for acting as a propaganda mouthpiece of President Mugabe and his ZANU PF party while the MMT is government's investment vehicle into the print media.

MISA said it was "extremely worried" by the repeated failure to repeal - or at least amend

- the Access to Information and Protection of Privacy Act (AIPPA).

The VMCZ said Zimbabwe's media industry must be allowed to function in the best public interest and "without undue interference by the state" for it to play its role of keeping state excesses in check and promoting democracy.

Alec Muchadehama, the VMCZ board chairperson said the government and Parliament must do the following:

- De-criminalise freedom of expression via the repeal of undemocratic media regulatory laws such as AIPPA and POSA.
- Embrace media self-regulation as best democratic practice.
- Recognise and enact the right to media freedom as an ancillary to the right to freedom of expression in the constitution.

But as the campaign for a free press continues, it is respected international media watchdog Reporters Without Borders (RSF) that appears to have boldly stated the source of the problem.

In its 2012 report on press freedom worldwide, RSF says President Mugabe is among the "predators of freedom of information" in the world.

"It is thanks to its president that Zimbabwe's privately-owned print media are constantly harassed and that the state-owned ZBC has a monopoly of radio and TV broadcasting. Robert Mugabe blocks everything, prevents the national unity government from functioning properly, makes sure the independent media are unable to express themselves freely and, with the help of his closest aides, keeps the State media under tight control," said RSF.

Ghost of 2008 torments a Bulawayo woman

BULAWAYO-The ghost of 2008 is still haunting Bulawayo resident Duduzile Sibanda.

Five years on, Sibanda is still fighting for her freedom at the courts after being accused of defacing a campaign poster. Police charged her with contravening the Electoral Act, and the matter is still pending at the courts.

Sibanda is denying the charge.

Tired of the delays, she notified the Bulawayo Magistrates' Court last week on Wednesday of her intention to apply to have the matter referred to the Supreme Court for a determination on the possible violation of her constitutional rights.

"We gave notice to the state that we will be filing an application to refer the matter to the Supreme Court on the basis that her right to fair trial within a reasonable time has been violated," said Nosimilo Chanayiwa of Zimbabwe Lawyers for Human Rights (ZLHR), who is representing Sibanda.

She said the matter was postponed "over and over" until an application for refusal for further remand was made in 2011.

"Since then, she has been summoned twice, but trial has failed to take off. She was recently summoned to appear in court on 24 April. Then the matter was postponed to 2 May, and we gave a notice to the State that we will be filing an application to refer the matter to the Supreme Court," said Chanayiwa.

The year 2008, when Sibanda allegedly committed the offence, was a horrific one for many Zimbabweans. A wave of violence, politically motivated arrests and abductions swept across the country as President Robert Mugabe battled to overturn a first round presidential election defeat to bitter rival and now transitional government partner Prime Minister Morgan Tsvangirai.



An election campaign poster of the 2008 polls



William Bango addressing journalists on the World Press Freedom Day

Kambuzuma mother fights on

HARARE – A Kambuzuma woman, Dorothy Chiwaridzo is this week expecting an independent pathologist's post-mortem results for her son who she suspects died as a result of police brutality.

Last month, Zimbabwe Lawyers for Human Rights (ZLHR) assisted Chiwaridzo to lodge a successful urgent application to stop police from conducting a pauper's burial of her son, Tendai Batsirai Dzigarwi.

The police had insisted on conducting a pauper's burial, claiming that a government pathologist had already performed a post-mortem and had concluded that Dzigarwi died of gunshots as he tried to flee from Harare's Southerton police station in March this year. He was being held at the station in connection with a car theft case.

"We hope the results of the independent post-mortem will be out within a week or so. We, however, requested a comprehensive report so it may take longer," said ZLHR's Tawanda Zhuwarara on the post-mortem conducted by a South African pathologist last Thursday.

Zhuwarara is the lawyer who took Chiwaridzo's case before High Court Justice Susan Mavangira, who ordered that an independent postmortem be carried out.

A government pathologist, Gabriel Agüero-Gonzalez conducted the first post-mortem on 23 March.

As of last week, the family of the deceased had still not been furnished with the results of the first post-mortem and to date have not even received a formal death notice from the police.

"The family of the deceased insisted on the second post-mortem in order that they be furnished with some information relating to the death of their son. They have a right to know what happened and it is only fair and just that all efforts be made to ensure they get the full story," added Zhuwarara.

Chiwaridzo only learnt of the death of her son through the rumour-mill, three days after he was brutally assaulted by the police in her presence.

She said she heard that her son had been shot while trying to escape from police custody at Southerton police station. He had been arrested and charged with car theft by the Criminal Investigations Department Vehicle Theft Squad.

"As the police officers arrested my son, they severely assaulted him and this assault was perpetrated at my place of residence," said the Kambuzuma woman in her affidavit.

The incident occurred on 19 March during the evening.

"While my son was suspected of having committed a serious crime, it was still heart-wrenching and painful to watch him being sadistically assaulted without any justification. To this day, his screams and pleas for mercy still haunt me," she said.

For the next two days, Chiwaridzo had to take food to Southerton police station for her son, but did not see or talk to him.

She only heard of Dzigarwi's death from a certain Mr Ngundu, whose son Emson was a co-accused.

Chiwaridzo said Mr Ngundu told her that her son and Emson Ngundu had been shot and killed the very day they were arrested.

Since then she has been trying to get the body of her son from the morgue to enable her to get an independent post-mortem from a pathologist to establish the cause of his death.

But instead the police had, until the case was heard last week, been threatening to give her son a pauper's burial if she failed to collect the body.

In her affidavit Chiwaridzo said police and Harare

Central Hospital officials refused to allow her to seek the services of an independent pathologist to do a post-mortem.

She said police told her that a state appointed pathologist had conducted a post-mortem on her son in March.

"On the appointed day of the post-mortem, I and some of my family members were in attendance at Harare Hospital Mortuary, but we were denied the opportunity to witness the post-mortem or obtain a copy of the results of the post-mortem," she added.

"I am informed that my son was severely tortured prior to him being shot and killed. I have no idea if the post-mortem carried out by the state-appointed pathologists investigated this allegation or even reflects such evidence."

At the time her urgent application was granted by Justice Mavangira to stop police from conducting a pauper's burial of her son, police had not informed her of the circumstances relating to her son's death.

"The circumstances relating to my son's death remain a mystery to me and I believe I have the right to investigate and obtain full details of what led to his demise. To this end, I engaged Zimbabwe Lawyers for Human Rights to arrange for a second post-mortem to be carried out," the single mother added. Her husband Cosmas died in 2009.

She added that police had verbally told her lawyer that they would not release the body of Dzigarwi for a second post-mortem by an independent pathologist.

Frivolous police target priest

MUTARE-An Anglican priest, Abel Waziweyi knows how it feels to be an independent thinking clergyman and human rights defender.

The Mutare-based priest has been at the receiving end of police harassment and abuse from a breakaway Anglican church faction that enjoys the support of state institutions such as law enforcement agents.

Often-violent supporters of excommunicated bishop Nolbert Kunonga, with the help of the police, routinely disrupt Waziweyi's church services thereby infringing on his right to freedom of conscience, according to his lawyers.

The harassment has not stopped there.

Waziweyi was summoned to appear in court two weeks ago to answer charges of criminal nuisance under Section 46 of the Criminal Law (Codification and Reform) Act and he sought the assistance of Zimbabwe Lawyers for Human Rights (ZLHR) to challenge the deliberate persecution.

After representations by his lawyers from ZLHR during the vetting of the docket at the Magistrates' Court here, state prosecutors concurred that Waziweyi's alleged conduct did not constitute any nuisance.

Police had alleged that Waziweyi told an unnamed priest from Kunonga's outfit that he would hire thugs to assault him.

"The docket was referred back to the officer in charge (Mutare Central Police) on the grounds that the way the charge was drafted was frivolous and vexatious," said Peggy Mapfumo, of ZLHR.

Waziweyi's harassment has been running through the entire Anglican Church in Zimbabwe since Kunonga formed his renegade Anglican Church of the Province of Zimbabwe after his ex-communication in 2007.

Legitimate Anglicans under the banner of the Church of the Province of Central Africa (CPCA) led by Bishop Chad Gandiya have routinely suffered persecution and violence.

The harassment includes police often tear-gassing church members, who include children; priests forcibly being removed from their homes and unjustly imprisoned; care assistants being evicted from orphanages, leaving orphans without proper care; and church schools being taken over.

A close associate and supporter of President Robert Mugabe's administration, Kunonga obtains the assistance of the police at will to evict clergy, teachers and medical personnel from churches, schools and medical centres.

The harassment continues despite several cases having been lodged with the country's courts. See timeline of legal cases below:

The legal actions: case by case



Peggy Mapfumo

Since 2007, Kunonga and his followers have asserted their right to use the buildings belonging to the Diocese of Harare (CPCA).

- 19 January 2008: Justice Rita Makarau (HC 345/08) ruled that Kunonga and his followers should share the church premises with the CPCA, with the former conducting their services first before the latter conducting their services 90 minutes later
- 24 July 2009: In case number HC 4327/09, Justice Ben Hlatshwayo declared that Kunonga's supporters were the legitimate Board of Trustees for the Diocese of Harare. The ruling further affirmed that the property belonged to the Diocesan Trustees for the Diocese of Harare under Kunonga. Aggrieved by both judgments, the CPCA lodged an appeal with the Supreme Court of Zimbabwe on the same day, relying on the common rule of practice in the superior courts that an appeal suspends the decision appealed against. This approach paved the way for the consecration of Bishop Chad Gandiya.
- 28 May 2010: The CPCA and Kunonga's Province of Zimbabwe appeared in Justice Hlatshwayo's court chambers. At the meeting the judge advised that he had dealt with the main dispute over properties when he declared that Kunonga and his Trustees were the legitimate Board of Trustees for the Diocese of Harare on 24 July 2009. To him, there was no need for a trial and the only outstanding issue was who should pay the costs of the litigation.
- Current: The CPCA has applied to the Supreme Court (SC130/2010) to have the appeal, which was dismissed by Justice Malaba, reinstated and be argued on its merits rather than being dismissed on technical grounds. This brought to three, the number of cases relating to the Anglican dispute at the Supreme Court. The third is an appeal which was lodged by Kunonga's Province of Zimbabwe against Justice Hungwe's ruling that Kunonga did not have the locus standi to claim ownership of the property of Harare Diocese.

Bombshell

MAZOWE- The State has dropped a new bombshell on some of the former farm workers fighting eviction from Mgti farm in Mazowe.

After their lawyers successfully applied early this year for their matter to be referred to the Supreme Court and for the evictions to be stopped until the matter is finalised, the State has now pressed fresh charges against six of the former farm workers.

Last week police charged the six - Benias Yolamu (70), Picko Peter (29), Malinjanga Howard (45), Hoba Jonathan (22), Kabinjo Jealous (30) and Chare Emmanuel (58) - with perjury as defined under section 183 of the Criminal Law (Codification and Reform) Act.

According to the police, the six provided misleading information in their affidavits that were used in their successful Application for Referral to the Supreme Court.

However, the trial of Yolamu, Peter, Howard, Jonathan, Jealous and Emmanuel at Harare Magistrates' Court failed to kick off last Wednesday and the docket was referred back to Mabelreign police station for individual dockets to be opened and the six to be charged individually.

Earlier this year the six, together with 79 other former farm workers, were charged with contravening section 3(2)(a) as read with section 3(3) of the Gazetted Land (Consequential Provisions) Act after they refused to leave Mgti farm and the "new farmer" Kingston Dutiro reported the 85 families to the police.

The eviction was stayed after Zimbabwe Lawyers for Human Rights (ZLHR) successfully applied for the matter to be referred to the Supreme Court. The lawyers are arguing that State attempts to eject people who have valid contracts of employment



Kennedy Masiye

entitling them to occupy the land and who know no other home is degrading and inhuman treatment, thereby violating Section 15 of the Constitution of Zimbabwe.

Commenting on the latest case, Kennedy Masiye of ZLHR said: "The latest charges border on abuse of court proceedings and State resources. If the clients had lied in their affidavits, the State should have complained when the lawyers applied for the referral of the case to the Supreme Court."

Masiye was referring to the ruling in March by Harare Magistrate Lazarus Murendo in which he said the 85 families from Mgti farm had a strong case when they argued that their eviction, which left them homeless, could be unconstitutional.