



The New “Error”!

**A preliminary report on Post-election Organised
Violence and Torture:**

23 August to 30 September 2023



October 2023



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ABOUT THE FORUM

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 21 human rights organisations working towards the realisation of a society that respects all human rights in Zimbabwe.

Members of the Forum

- Amnesty International-Zimbabwe (AI- Z)
- Catholic Commission for Justice and Peace – Zimbabwe (CCJP- Z)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Justice for Children (JC)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitors (MM)
- Research and Advocacy Unit (RAU)
- Transparency International-Zimbabwe (TI- Z)
- Tree of Life (TOL)
- VERITAS
- Women and Law in Southern Africa (WLSA)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZIMRIGHTS)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

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Introduction

On 23 and 24 August 2023, Zimbabwe held its second harmonised elections since the infamous 2017 coup which ousted the long-serving former president, Robert Mugabe. Shortly after the coup, expectations for enhanced social protection mechanisms were soon shattered by the extrajudicial killings, torture, sexual assault and widespread intimidation that characterised the August 2018 harmonised elections¹. Yet again, violence and retribution progressed into January 2019, wherein extrajudicial killings doubled from 7 during the 1 August 2018 post-election violence, to 17 cases by 19 January 2019². Through a special report *The New Deception: What has Changed?*³ the Zimbabwe Human Rights NGO Forum (the Forum) concluded that the so-called “new dispensation” is more violent and autocratic as compared to the ousted Mugabe regime. The Forum also consolidated incidences of human rights violations from 1998 to 2020 through an analytical report “*Ruled by Violence*”⁴. The report concluded that violence witnessed during the “the new dispensation” constituted crimes against humanity in accordance with international human rights law.

Unfortunately, this trend of unleashing violence, only comparable in magnitude and form to the *Gestapo*, remains a key weapon against civilians in Zimbabwe. As such, it is no surprise to note the unprecedented escalation in human rights violations and retribution in the post-election period. In this regard, this paper is in response to the unprecedented wave of post-election retributive violence that is being witnessed in Zimbabwe. The paper provides a contextual overview of the post-electoral environment in Zimbabwe, consolidates statistics of cases of organised violence and torture (OVT) and finally proffers recommendations on the way forward.

Contextual Overview

Proclamation 4 of 2023 published in Statutory Instrument 85 of 2023 proclaimed 23 August 2023 as polling day for the 2023 Harmonised Elections. However, what occurred on polling day will for years to come taint the 2023 Zimbabwe Harmonised Election as the most procedurally shambolic election to be witnessed in Zimbabwe’s recent history and in the region as well.

The Forum consolidated a total of four 2023 Harmonised Election Polling Day Human Rights Alerts on 23 and 24 August 2023 which revealed a wide range of election-related human rights violations and irregularities. These included:

- Magnified voter suppression in mostly urban areas that was characterised by prolonged delays in the opening of multiple polling stations in Harare, Bulawayo and Manicaland (with some polling stations opening more than 12 hours after the 7 am scheduled time);⁵
- unsafe late-night voting due to the excessive delays in the opening of polling stations;
- absence of voting materials including ballot papers;
- insufficient voting materials in some polling stations which resulted in voters being temporarily turned away after ballot papers ran out as well as ballot paper anomalies.

All these irregularities came against the backdrop of the Zimbabwe Electoral Commission’s (ZEC) commitment to the electorate and foreign observer missions that it was fully prepared to manage this important process. The Forum further raised concerns around massive voter intimidation in

¹ <https://kubatana.net/2018/08/10/2018-post-election-violence-monitoring-report/>

² <https://www.veritaszim.net/node/3514>

³ <https://www.hrforumzim.org/newdeception/>

⁴ <https://www.hrforumzim.org/wp-content/uploads/2023/09/Ruled-By-Violence.pdf>

⁵ According to ZEC, only 23% of polling stations in Harare Province, 85% in Manicaland, and 75% in Bulawayo opened on time (0700hrs) on 23 August 2023.

mostly rural areas evinced by the intimidatory presence of Forever Associates Zimbabwe (FAZ), a quasi-security intelligence organisation in the vicinity of polling stations. FAZ was identified as the most prominent perpetrator of political violence in the pre-election phase in both rural and urban areas.

Due to protracted delays in the opening of some polling stations, President Emmerson Mnangagwa subsequently issued Statutory Instrument (SI) 151 of 2023 which extended voting into a second day – 24 August 2023. The gross polling day illegalities and irregularities had cumulatively exposed the ineptitude on the part of ZEC as the country's chief election management body to facilitate and oversee a free, fair and credible electoral process. Furthermore, ZEC being a Chapter 12 Commission that is a product of the Constitution delivered an election that various foreign and regional election observer missions condemned as falling short of the requirements of the Zimbabwe Constitution, the Electoral Act, the SADC Principles and Guidelines governing democratic elections and other international election standards and best practises.

On 25 August 2023, the SADC Electoral Observation Mission (SADC EOM), the African Union – Common Market for Eastern and Southern Africa (AU-COMESA) and the Electoral Commissions Forum of SADC (ECF-SADC) collectively issued a joint statement on Zimbabwe's 2023 Harmonised Elections. The statement read by Dr Nevers Mumba, former Vice President of Zambia and head of the SADC EOM to Zimbabwe ultimately concluded that:

Some aspects of the Harmonised Elections fell short of the requirements of the Constitution of Zimbabwe, the Electoral Act and the SADC Principles and Guidelines Governing Democratic Elections.

This was the first time that SADC openly condemned the conduct of elections in Zimbabwe. Decades of electoral hegemony on the part of the ruling party Zimbabwe African National Union-Patriotic Front (ZANU-PF) rendered this indictment a bitter pill to swallow. This was, in effect, to be a major turning point that militated against the ruling party ZANU-PF's full enjoyment of their "resounding victory" and which undoubtedly set the undertone of the retributive vindictiveness being witnessed in the post-election environment.

Several Foreign EOM preliminary reports and/or statements on the 2023 Harmonised Elections soon emerged from the Carter Centre as well as the United States Embassy. Opposition political party CCC also openly rejected the 2023 Harmonised Election presidential results that were announced by ZEC late in the evening at around 11.20 pm on 26 August 2023. According to ZEC, ZANU-PF attained 52.6% of the total votes cast while CCC, the ruling party's main contender, garnered 44% of the total votes cast. ZEC declared the ZANU-PF Presidential candidate Emmerson Mnangagwa in the 2023 Harmonised Elections as the winner of the 2023 presidential election. ZANU-PF however failed to garner a two-thirds majority in Parliament which would have given the ruling party an advantage in terms of influencing the amendment of the Constitution. ZANU-PF won 136 of the 209 National Assembly seats contested while the opposition party CCC managed 73.⁶

A combination of international and regional condemnation of the elections and the outcome of the National Assembly vote coupled with fears of internal uprising (gleaned from social media uproar from the electorate particularly on X, against the outcome of the elections and regional developments that have been seen recently in Niger and in Gabon) has fuelled a sustained power

⁶ At the time results were announced, there was one outstanding seat in Gutu West following the death of an election candidate prior to polling day which will have to be filled through a by-election at a date to be advised.

retention drive on the part of the ruling party.⁷ This has manifested in widespread and blatant human rights violations and curtailment of civil and political rights in the post-election period. This has been seen through the heavy presence of police in anticipation of demonstrations, arbitrary arrests and persecution of opposition political actors, opposition political party supporters and human rights defenders; abductions/enforced disappearances that are accompanied by torture; malicious damage to property through arson, forced displacement of victims of arson; the threats/intimidation/harassment in opposition political party strongholds which have left victims in dire need of relocation out of justifiably fearing for their lives.

The Forum has documented a total of **316** post-election related OVT cases between the period 24 August to 30 September 2023. It is worth noting that a 2018 Post-Election Violence Monitoring Report produced by the Forum covering the period 1 to 31 August 2018 documented a total of 274 violations. Therefore, the 2023 post-electoral environment has emerged as more volatile than the 2018 post-election period despite the latter being tainted by the occurrence of the 1 August 2018 shootings which resulted in the death of seven civilians.

Methodology

The findings in this report were consolidated through:

- information from members of the Forum,
- information reported to and handled by the Forum's Public Interest Litigation Unit (PIU)
- verified updates from Forum Monitors;
- civic society reports and
- verified media reports, including official press statements.

Violations at a glance

Types of Violations	Total
Arbitrary arrests/Unlawful detention	56
Lawfare/Selective application of the law	8
Assault and/or torture	32
Abduction/disappearances	8
Arson/Malicious damage to property (MDP)	8
Threats/Harassment/Intimidation	46
Extra-judicial killings	2
Undue restriction on freedom of assembly and association	3
Displacements/in need of relocation in the wake of victimization	153
Total	316

⁷ On 26 July 2023, the presidential guard in uranium-rich Niger overthrew democratically elected President Mohamed Bazoum, before the Gabon coup a few weeks later. On 30 August 2023, just hours after Gabon's election commission announced that President Ali Bongo Ondimba had been elected to a third term, a group of Gabonese military officers from the elite presidential guard unit seized power and placed the president under arrest at his palace. Since the beginning of last year, The Gambia, Guinea-Bissau, and Sao Tome and Principe have all witnessed failed coup attempts.

Key Human Rights Issues

Arbitrary arrests

The Forum is gravely concerned by the arbitrary arrests of prominent opposition political actors, opposition political party supporters, human rights defenders and those perceived as voices of dissent. As outlined in the table of violations above, arbitrary arrests emerge as the second most frequent type of post-election-related human rights violations. The Forum is of the view that the targeted arrests constitute an inexcusable violation of basic fair trial rights and of the fair administration of justice in general. The arbitrary arrests further constitute a grave violation of the affected person's rights to not be deprived of their liberty arbitrarily or without just cause in particular. Of note are:

- The 23 August 2023 raid and arrest of 41 Zimbabwe Election Support Network (ZESN) and Election Resources Centre (ERC) members. These included staff members, volunteers and partners. The arrests culminated in the seizure of a range of communication gadgets which included cell phones, laptops and modems on the basis that the group was congregating to collect and collate Zimbabwe's 23 August 2023 Harmonised Elections poll results in preparation of the unlawful announcement of the election outcome. Resultantly, the 39 were charged with contravening section 66(A)(1)(a) of the Electoral Act [Chapter 2:13] which speaks to the offence of "purported publication of results prior to official announcement". They were then held *incommunicado* from 2100hrs on 23 August until around midday on 24 August. During that time, in contravention of the constitution, they were unable to communicate with their spouses, relatives, legal practitioners, doctors or anyone else. Disturbing details that emerged from submissions made by their legal counsel pertaining to the nature in which their arrests were effected including how the group was made to lie down for three consecutive hours by AK assault rifle-wielding police officers. The terror they must have endured throughout this ordeal, with the youngest of them being just 19 years of age, is unimaginable.
- The 4 September 2023 arrests of human rights lawyers Douglas Coltart and Tapiwa Muchineripi. The two human rights lawyers were arrested in the course of lawfully discharging their mandates as the legal representatives of Womberaishe Nhende and Sanele Mkhuhlane who were abducted on Saturday 2 September 2023 and brutally tortured. Coltart and Muchineripi had advised members of the Zimbabwe Republic Police that their clients could not be interviewed while in hospital as they were still nursing serious injuries from the torture that they had been subjected to following their abduction. This resulted in the human rights lawyers being charged with obstructing and or defeating the course of justice as defined by section 184 (1) (e) of the Criminal Law (Codification and Reform) Act. The pair were detained at Harare Central Police Station where they spent the night. They were subsequently ordered to pay USD\$100 bail at their initial court appearance on 5 September 2023 before Harare Magistrate Dennis Mangosi. While they were remanded out of custody, the Forum contends that their placement on remand is in itself unlawful as their arrests were unlawful. As part of their bail conditions, Coltart and Muchineripi were ordered to report once a week on Fridays between 6am and 6pm at the Law-and-Order Section – Harare Central Police Station and to each reside at their given addresses until the case is finalised. In this regard, the Forum contends further that the stern reporting conditions constitute an undue restriction on their freedom of movement and of their right to freedom of peaceful assembly and association. These rights are encapsulated

under various international and regional human rights instruments that stand ratified by the Government of Zimbabwe.

Lawfare

Closely linked to the concept of arbitrary arrests and/or unlawful detention is the use of lawfare to muzzle dissent. Retributive criminal charges in the post-electoral landscape in Zimbabwe demonstrate the desire by the government to consolidate power and silence dissenting voices amidst the ongoing legitimacy crisis in the country. To achieve this, trumped-up or flimsy charges are imposed on the accused. Furthermore, the police are seen arresting first before triggering investigations first in the identified cases. Examples of the ongoing targeted persecution of human rights defenders, key opposition political party figures and opposition election agents emerge below:

- On 7 September 2023, the Zimbabwe Republic Police issued a press statement in which the police appealed for information that would lead to the location and subsequent arrest of newly elected CCC spokesperson Promise Dalubuhle Mkhwananzi, Clayd Mashozhera and Noel Munhuweyi. In the press statement, the police averred that Mkhwananzi had defaulted court proceedings in a case involving incitement to commit public violence charges and was duly issued with a warrant of arrest in 2019. The timing of the press statement indicating the ZRP's attempt to execute an arrest warrant against Mkhwananzi issued four years after the fact leaves a lot to be desired. It is reminiscent of revelations of two outstanding warrants of arrest against independent presidential hopeful, Saviour Kasukuwere.⁸ Mkhwananzi, who took over as the new CCC spokesperson after Fadzayi Mahere has himself been subjected to sustained persecution as a human rights defender. On 17 November 2006, when Mkhwananzi was a student activist and President of the Zimbabwe National Students Union (ZINASU), ZRP issued an internal memo instructing all. On 26 August 2023, video footage emerged of the disruption of a CCC press briefing that was being addressed by Promise Mkhwananzi after a police law and order officer, Panganai Gwati walked up to the podium and grabbed the speech Mkhwananzi was reading. Promise Mkhwananzi has since fled the country due to the repeated political persecution.⁹
- On 13 September 2023 newly elected CCC Member of Parliament for Sunningdale, Maureen Kademaunga, Ward 10 Councillor Clayd Mashozhera (49), and Daudi Jessub (40) were arrested for attempted murder and damaging property. Kademaunga was initially summoned to answer allegations to arson on 12 September 2023. The ZRP subsequently issued a statement on 13 September 2023 conforming the arrest of the trio in connection with an attack on three complainants on 23 August 2023 in which a Toyota Vehicle was reportedly burnt to ashes. The statement averred that Kademaunga's vehicle had been one of the vehicles used in blocking the complainants prior to the attack. Kademaunga spent the night in police custody but was subsequently released after the State conceded to submissions made by the defence lawyers from the Zimbabwe Human Rights NGO Forum that there was no solid evidence linking the Sunningdale MP to the commission of the offence. The ZRP has

⁸Shortly after Kasukuwere announced his political comeback as an independent presidential candidate, Assistant Police Commissioner, Paul Nyathi revealed that there were two warrants of arrest against Kasukuwere with the first having been issued on 18 January 2019.

to date not publicly retracted the publicised unfounded allegations made against Kademaunga.

Kademaunga's co-accused, CCC Councillor Clayd Mashozhera was granted bail on 14 September 2023. An official update from CCC indicated that the state had failed to provide evidence support the charge of attempted murder levelled against him.

- On 13 September 2023, CCC deputy spokesperson and CCC MP for Tshabalala-Pelandaba Gift Ostallos Siziba was arrested. His arrest was the second such arrest in one day of an elected opposition Member of Parliament. He faced charges of instigating the shock football violence that led to the abandonment of a premierships clash between local football teams Dynamos and Highlanders at Barbourfields Stadium in Bulawayo. It is not immediately clear how Siziba, who also supports Highlanders, instigated the violence. He had merely posted a picture of himself on his official X account on the day of the match wearing a Highlanders T-shirt and captioned it "We fear *fokol*" – street language which loosely translated means "We fear nothing".
- On 14 September 2023, CCC newly elected Harare City Deputy Mayor Kudzai Kadzombe was arrested and charged with assaulting a ZANU-PF member in Marlborough during the 2023 Harmonised Elections. She was detained at the Marlborough Police Station and was released on free bail after She appeared at the Harare Magistrates Court on 15 September 2023. She is set to appear in court again on 2 October 2023.
- On 23 September 2023, CCC Mayor for Bindura, Jacob Gwature, was arrested on fraud charges. According to Assistant Commissioner Paul Nyathi, Gwature and his associate Jonathan Kapasi received funds amounting to US\$6 970 for the purposes of drilling a borehole and installing a solar system but had however failed to fulfil their obligations as per the agreement. The pair have been remanded in custody until 26 September 2023. Self-exiled CCC spokesperson Promise Mkhwananzi, took to X to indicate that Gwature's recent arrest involves fictitious charges dating as far back as 2021. Mkhwananzi lamented the abuse of state institutions such as the courts and the police in the ongoing harassment of CCC political figures.

What emerges from the examples cited above is that the post-electoral environment in Zimbabwe is characterised by unprecedented levels of victimisation aimed prevalently at opposition political party candidates who won at either parliamentary or local authority level, opposition political party election agents and human rights defenders. By 15 September 2023, a total of 15 opposition political party Citizens Coalition for Change (CCC) candidates and election agents had been arrested in the course of a week and less than two weeks after the inauguration ceremony of President Emmerson Mnangagwa that took place on 4 September 2023. The 23 September 2023 arrest of CCC Mayor of Bindura Town Council, Jacob Gwature brings the total figure of arrested opposition political figures since the closing of the polls to a staggering **16**. This is a new record for the country that adds an additional blight on the human rights record of the current administration under President Emmerson Mnangagwa. Human rights activists have raised concern that these targeted arrests constitute unbridled attempts to undermine, reverse and subvert the wishes of the people who voted for candidates of their choice in the just-ended 2023 Zimbabwe Harmonised Election. Other analysts are of the view that ZANU-PF is gunning for the 2/3 majority in parliament and the only way to achieve this would be to dethrone the elected parliamentary representatives from the opposition through levelling of criminal charges.

Assault and/or torture

Instances of assault and/or torture have been prevalent in the post-election period. The political landscape remains rife with tension. This has been seen through the interparty political violence

that broke out at the Harare Town House on 7 September 2023 after both ruling party ZANU-PF and opposition political party CCC supporters who had gathered in support of Councillors who were being sworn in, clashed. On 10 September 2023, the Forum received an alert that members of the police were going around indiscriminately assaulting civilians in the Harare Central Business District at night. On 10 September 2023, violent skirmishes occurred at Barbourfields Stadium in Bulawayo which rocked the high-profile match between local long-standing football rivals, Highlanders F.C and Dynamos F.C. Videos of the violent clashes and Highlanders supporters overpowering the police trended for days on X with citizens indicating how the clashes spoke to a frustrated electorate following the general plebiscite that secured what is to many, an unbearable prospect of five more years under ZANU-PF. These levels of organised violence not only threaten collective peace and safety in the country but also carry the potential for degeneration if the situation is not addressed genuinely and with fidelity to the Constitution. Examples of cases documented by the Forum of assault and/or torture in the post-election period emerge below:

- On 25 August 2023, an incident of post-election violence was reported in Karoi, Hurungwe West, Ward 24. CCC activist, Allan Tivapasi who was the Ward 24 chief election agent was assaulted by a team made up of ZANU-PF youth and members of the ZANU-PF affiliated quasi-security/intelligence organization – FAZ. Tivapasi was severely injured and a report was made at ZRP Magunje Station but no arrests were made.
- 30 August 2023, in Gutu West Ward 41 at a place near Chatsworth, unidentified assailants rounded up a few people from the area who were then taken on a *forced toyi toyi*. The victims were then taken to a bushy area where they were assaulted. They were told to “vote wisely” next time before being released.
- On 15 September 2023, reports emerged of how post-election violence was on the rise in Nyanga North. It broke out first in Nyanga North ward 14. Here, the assailants had been looking for opposition political party CCC Nyanga spokesperson Archibold Nyamudeza and when they failed to locate him, they assaulted his child. The child suffered deep lacerations on his back as a result. The matter was reported to ZRP Nyamaropa Station in Nyanga North but no arrests were made despite the assailants being clearly identified. Lessi Chimbetete was also heavily assaulted by ZANU-PF supporters in Nyanga North Ward 12. The assailants indicated that they were assaulting him because his parents were Movement for Democratic Change – Tsvangirai (MDC-T) members.

Abduction/disappearances

A highly concerning trend in the post-electoral landscape has been the increase in instances of abductions and/or enforced disappearances that subsequently result in torture. Enforced disappearance is an abhorrent practice that has frequently been used as a strategy to spread fear and terror within society. The Forum remains gravely concerned about the rising of cases of enforced and/or involuntary disappearances associated with elections being used as tool to exert fear and political control. Examples include:

- The 27 August 2023 abduction of former CCC councillor for Marondera West, Nelson Mokoena. Mokoena was forcibly taken from his home by unidentified persons in unregistered vehicles. The alleged abductors indicated that Mukwena was being taken because of the CCC press briefing that had been interrupted by suspected ZANU-PF associates on 26 August 2023. In the viral video recording that emerged of the CCC press briefing interruption, Nelson can be seen wearing a red check shirt and attempting to effect a citizen’s arrest of the man who grabbed the CCC speech from CCC spokesperson,

Prosper Mkwanzu. Nelson was later found on 28 August 2023 in a very bad condition. He had been thoroughly beaten and had to be hospitalized.

- The abduction and torture of Womberaishe Nhende and Sanele Mkhuhlane on Saturday 2 September 2023 in Belvedere, Harare at around 1600hrs. It is alleged that three 4x4 vehicles visited Nhende's home and forced Nhende and Mkhuhlane into one of the vehicles. It is further alleged that the duo was assaulted and tortured before being injected with an unknown substance and later dumped in Mapinga (about 73km from Harare).
- The 21 September 2023 abduction of CCC councillor for Ward 4 in Epworth, Nowell Rungano. Rungano was reportedly abducted by four men, two of whom were wearing army fatigues at around midnight and seriously assaulted resulting in him having to be hospitalized.

Arson/Malicious damage to property (MDP)

There has been a disturbing trend of retributive post-election violence that has been witnessed through arson and/or malicious damage to property. It is a continuing trend observed in the pre-election phase during which the Forum documented four reports of malicious damage to property through the use of explosives. The incidences mainly targeted opposition CCC supporters and affiliates. The Forum documented a total of eight incidents in the one-month period between 24 August 2023 and 24 September 2023. Examples merge below:

- On 25 August 2023, just a day after polls closed, suspected ZANU-PF supporters torched a house belonging to CCC activist Tawanda Jonga in Mukunyadzi Village Ward 4, Chiweshe rural (Mazowe North). Jonga lost all his property inclusion clothes and identity documents. The arson incident left him and his two children (7 and 10 years old respectively) homeless.
- On 26 August 2023, CCC member Ellen Chakanetsa's house was torched by suspected ZANU-PF supporters in Buhera.
- On 26 August 2023, a house belonging to Privilege Moyo was torched by suspected ZANU-PF supporters in Hurungwe West, Ward 24. Moyo is a CCC member.
- On 26 August 2023, Nicholas Mulanji, a ZANU-PF supporter, torched a house at Chiroti Primary School belonging to a CCC election agent, Petros Kasirowe. The matter was reported at ZRP Magunje Police Station but no arrests were made.
- On 3 September 2023, a house belonging to a CCC Redcliff polling agent – Bigboy Ncube in Redcliff Ward 22, was burnt by suspected ZANU-PF supporters.

Threats/Harassment/Intimidation

Cases of threats/harassment/intimidation are difficult to enumerate due to the high frequency with which such incidents occur, further because one incident can involve multiple victims, most of whom choose not to seek medical and/or legal assistance. The statistics covered by the Forum in the period under review are therefore not exhaustive or representative of a full national outlook. The documented cases do however speak to cases that the Forum and its membership responded to and independently verified. By way of example:

- On 3 September 2023, reports emerged of how two CCC activists who are brothers – Knowledge Tambwera and Solomon Tambwera were reportedly fined three goats after they appeared before Chief Muusha's traditional court on charges of defying a local

headman's directive to vote for ZANU-PF in the 2023 Harmonised Election. Chief Muusha reportedly claimed that the brothers had "insulted" him by refusing to heed local headman Charles Manzou's directive to vote for the ruling party. This is despite the fact that traditional leaders are expressly mandated to not act in a partisan manner under section 281(1) of the 2013 Constitution of Zimbabwe. Further, under section 67 of the Constitution, citizens have the right to make political choices freely and to vote for a political party of their choice.

Displacements/in need of relocation in the wake of victimization

Displacements/forced relocations constitute the highest figure in terms of the post-election human rights violations documented by the Forum in this report. A Forum daily human rights tracker summary update dated 28 August 2023 indicated that a total of 74 people had been displaced in Mashonaland Central, particularly in Muzarabani, Mount Darwin, Uzumba Marambapfungwe and Mudzi. Of these, 37 were male, 25 were female and the remaining 12 were children. Affected persons were mainly opposition political party agents and their families. Safe houses were provided for the women and children by well-wishers which left the 37 affected males in need of dire assistance. This is a highly concerning trend that clearly outlines the unprecedented levels of post-election victimization that are ongoing in the country. By way of further illustration:

- On 26 August 2023, the Forum received an alert that 8 people were in need of relocation and/or safe housing. The previous day, on 25 August 2023, a total of 12 people were in need of relocation.
- On 27 August 2023, an additional alert came through to the Forum indicating how 3 opposition polling agents had been displaced in Shamva South.
- On 1 September 2023, an alert to the Forum indicated that there were 24 people at the CCC Harare Office in need of safe housing.
- On 2 September 2023, the Forum was informed of the displacement of three CCC polling agents: Samuel Muchirahondo, Takunda Kabungaidze and Taurai Sauramba, who were displaced from Mutasa Central. It was averred that gun-toting ZANU-PF activists as well as the losing Ward 22 Councillor – Cleopas Samanga, had been hunting for these agents which led to their displacement.

Extra-judicial killings

- On 28 August 2023, reports emerged of the death of 14-year-old Mayibongwe Dube who was brutally murdered while at home. The teenager was targeted because his sister was a polling agent for opposition political party, the Zimbabwe African People's Union (ZAPU). Mayibongwe was found strangled with a rope. A tenant who rents in the same house in which Mayibongwe was murdered and who is a known ZANU-PF activist was fingered as a suspect by the family. When questioned by relatives of the slain boy he initially indicated that he was not in the house on the night the boy was murdered. However, upon being questioned a second time by the police, he then later indicated that ZAPU people had killed the boy. The suspect has since disappeared and is nowhere to be found.
- On 15 September 2023, the Forum received an alert of an extrajudicial killing that occurred in Kachuta Village Guruve North (Mashonaland Central Province). The circumstances are that on the night of 15 September 2023, four officers -one of whom was

driving, invaded the home of the now deceased Persuade Mandara (27). Three detective who were armed with pistols disembarked from the vehicle and barged into Mandara's home at around 20h00hrs. At the time, there was a fire going in the home as Mandara's wife was in the process of preparing a family meal. It is alleged that they had been looking for him in connection with a grain (wheat) theft case at the Grain Marketing Board (GMB). They did not announce themselves and only discharged a firearm. They then broke down the door to gain entry and without even attempting to interrogate Mandara, began assaulting him indiscriminately with the burning logs that were being used for cooking. They also fired two more shots. Mandara's wife, who was carrying their two-year-old son on her back was forced to flee the homestead when she realized that her pleas for her husband's lie were being ignored. The detectives then took Mandara, who was still alive but barely so to the Charge Office. Mandara died in police custody. The Forum stepped in to provide legal assistance to the affected family. However, when the Forum lawyer went to report the death at Guruve Charge Office, the police would not open a docket as they indicated the death had already been reported by the police who brought in his body. Mandara's corpse remains in a mortuary in Guruve despite pleas by the family for the body's release for burial. The police claim the case is an SDD – Sudden Death Docket and that they are still finalising on the docket. Mandara's wife has since relocated from Guruve and is now in Mvurwi following the death her husband as she now fears for her life and that of her two-year-old child.

The Forum reiterates that the right to life is sacrosanct. It is the most basic of all human rights, legal and ethical entitlement. Article 3 of the Universal Declaration of Human Rights (UDHR) states that:

"Everyone has the right to life, liberty and security of person."

Furthermore, Article 6 of the International Covenant on Civil and Political Rights (ICCPR) provides that:

"Every human being has the inherent right to life and no one shall be arbitrarily deprived of his life".

All these international human rights instruments stand ratified by the Government of Zimbabwe. Section 48 of the 2013 Constitution of Zimbabwe also guarantees and protects this right. It is therefore such a shame to see this inviolable right being so carelessly trampled upon with impunity and in a manner that exhibits total disregard for human life.

i. Undue restriction on freedom of assembly and association

The right to peaceful assembly and association is universally recognised as an essential component of democracy. It is protected by article 20 of the Universal Declaration of Human Rights and under Article and under Article 21 of the International Covenant on Civil and Political Rights. Zimbabwe's Constitution protects this right under section 58. Despite this, there have been concerted efforts on the part of the state to constrict the remaining civic space in the country by restraining the peaceful assembly and association of citizens in the post-election period. The ZRP tightened security within Harare's Central Business District as Zimbabweans anxiously awaited the results of the general elections after polls were closed on Thursday 24 August 2023. Reports emerged of how dozens of armed police with water cannons, baton sticks, teargas canisters and some with guns had barricaded roads to both the ZANU-PF headquarters and the nearby ZEC offices in Harare.

The ZRP went on to issue a statement on 27 August 2023 in which it averred that:

“The ZRP is fully aware of attempts by some political activists to mobilize groups of people...for purported briefing and popcorn demonstrations under the guise of citizen voter audit or verification”.

ZRP indicated it had evidence from some social media posts where some individuals and groups are inciting violence and issuing threats “aimed at causing alarm and despondence among Zimbabweans”. The statement emphatically declared that ZRP would not hesitate to arrest such criminal elements. The intimidatory stance of these public statements by the police is seen by the admission on the part of the police that they are monitoring social media content that is posted by civilians which has the potential of causing citizens to self-censure out of fear of being apprehended by the police. It is worth noting however that under section 61 of the 2013 Constitution of Zimbabwe, every person has the right to freedom of expression.

Police and other key stakeholders have also launched an operation targeting vehicles driven in breach of the law called: “Operation Tame the Jungle”. The operation is ostensibly targeted at unregistered and unlicensed vehicles, pirate taxis and drivers committing traffic and parking offences. The operation came into effect on 12 September 2023. To date, a total of 43,100 motorists have been arrested during the ongoing blitz. This has led to a severe shortage of public transport while some errant transport operators have taken advantage and hiked their fares thereby restricting the movement of ordinary civilians who cannot afford the fares. While the need for vehicle owners to comply with the country’s road laws is essential and crucial, the heavy-handedness on the part of the police and the timing of the blitz has raised concern that a covert security operation is being run by the Zimbabwean government to prevent gatherings out of fear of uprisings and/or post-election violence in urban cities.

Conclusion and Recommendations

The unprecedented levels of post-election victimization are not only uncharacteristic of a victorious political party but pose a severe threat to genuine democratic consolidation in Zimbabwe. The Forum and some of its member organisations continue to receive distress calls from presiding officers, polling agents and some local observers who are being harassed for the work that they did in the just-ended harmonised elections. Given the precarious political environment, the country finds itself in presently in the aftermath of the 2023 Zimbabwe Harmonised Elections, the Forum accordingly calls upon members of the diplomatic community to:

- Urgently call upon the Government of Zimbabwe to:
 - i. Act immediately to put an end to the unprecedented levels of post-election victimization in the country and to show a genuine commitment to do so by:
 - Setting up an independent commission of enquiry to conduct thorough, transparent and expeditious investigations into all reported instances of post-election related human rights violations cited in this report and to make the findings of the investigation public;
 - Call upon the Zimbabwe Republic Police to investigate and bring to justice the killers of Mayibongwe Dube and Persuade Mandara as well as to ensure justice and closure for the family of Tinashe Edson Chitsunge who

- died as a result of pre-election OVT on 3 August 2023 by bringing the perpetrators to justice;
- ii. Put in place effective mechanisms to end impunity for perpetrators of torture by:
 - ratifying and domesticating the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (CAT); and
 - ratifying and domesticating the International Convention on Protection of All Persons from Enforced Disappearance.
 - iii. Ultimately, the Forum calls upon the Diplomatic Community to admonish and encourage the Government of Zimbabwe to ensure the protection and promotion of and respect for fundamental human rights and freedoms in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by:
 - Openly speaking out against the continued persecution of prominent opposition political actors, opposition election agents, opposition political party supporters, and human rights defenders
 - Reaffirming its commitment to democracy, constitutionalism and the rule of law by facilitating the unconditional release of all political prisoners such as Jacob Ngarivhume and in particular facilitating the immediate and unconditional release of Job Sikhala who has languished in pretrial incarceration for more than a year;
 - Showing good faith through withdrawing charges and stringent bail conditions against all politically persecuted individuals including the ZINASU 6¹⁰ and the 40 CCC activists who were arrested on 15 August 2023 for allegedly holding an unapproved car rally procession.

¹⁰ In reference to the 6 Zimbabwe members of the Zimbabwe National Students Union (ZINASU) who were arrested on 17 May 2023 on allegations of taking part in a demonstration where they were calling for the release of political prisoners.