

Human Rights Abuses in Matabeleland Region:

Matabeleland Forum 2021



A Consortium of Human Rights Organisations

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Introduction

Matabeleland region has been the epicentre of state sponsored human rights abuses in post independent Zimbabwe. Soon after independence, the government of Zimbabwe unleashed the fifth brigade, a crack army unit which was deployed in Matabeleland to silence dissenting voices within the masses. The period was marred with acts of torture, intimidation, gruesome violence, abductions and deaths on a large scale. According to a report released by the Catholic Commission of Peace and Justice (CCJP), it is estimated that over 20 000 civilians were massacred during this period.

The background of disaffection, marginalization and disgruntlement has led to the emergence of several opposition political parties, a scenario which has made Matabeleland a target of human rights violations. In the first decade of the millennium, the region experienced escalations of human rights abuses which resulted in the torture, disappearance and deaths of civilians at the hands of state security agents. It is also during this period that many political activists from the region sought refuge in the diaspora. The region was not spared from the violent land reform and Operation Murambatsvina which resulted in internal displacements.

Political violence has been rife in the region and has been further exacerbated by the ruling party's need to consolidate its power and influence over the region. The November 2017 coup that resulted in Robert Mugabe's removal from power ushered in a new dispensation within the ruling party. This dispensation which gave masses hope for a new democratic era in Zimbabwe seems to have had its own agenda that is not any different from the Mugabe era, as it has also sought to consolidate power and influence, thus leading to a rejuvenation of state sponsored human rights abuses. The strategy has however evolved to include subtle acts of intimidation, torture and abductions.

Covid 19 curfews: There have been reports of human rights violations shrouded in the guise of Covid-19 regulations and restrictions that have provided the state apparatus an opportunity to institute a crackdown on political activists and human rights defenders. The absence of effective remedial actions coupled with window dressing mechanisms such as the National Peace and Reconciliation Commission has left people of Matabeleland in a state of despondency. This vicious cycle of violence has given birth to a timid citizenry that has mistrust and fear of its own government.

The Constitution of Zimbabwe which was adopted in 2013 is founded on progressive principles such as the rule of law, fundamental human rights and freedoms, gender equality, good governance, transparency, justice and accountability and the recognition of the rights of ethnic groups, persons with disabilities, women, the elderly, youths and children. The constitution also incorporates an expansive bill of rights and positive provisions. However, the Covid-19 pandemic has triggered and exacerbated human rights violations that have resulted in the clampdown of human rights defenders by the government of Zimbabwe.

Violations since 2018

Gross human rights violations in Matabeleland are manifesting mainly in the following ways:

1. Persecutions and Abductions

2. **Covid 19 Pandemic: abuse of lockdowns**
3. **Denial of the right to mourn and memorialize victims of Gukurahundi**
4. **Denial of the Right to Identity and to Participate in Electoral Processes**
5. **Degrading socio-economic and political situation**
6. **Land Invasions**
7. **Labour Exploitation by Chinese Mining Companies**
8. **Ethnic Insensitivity and Collapse of Education System of Matabeleland**

1. Persecutions and Abductions

Politically motivated persecution and abductions of political and social activists have continued during the current reporting cycle.

- 1.1. In July 2020, **Mazwi Ndlovu was killed** by agents suspected to be affiliated to ZANU-PF after he raised concerns about the way food was distributed to the vulnerable in Bulilima District, Matabeleland South. A man suspected of killing him was later arrested and released without appearing in court or applying for bail. The murder of Mazwi is in violation of the right to life. The right to freedom of expression was also undermined as the victim was murdered for voicing his concerns.
- 1.2. On the 29th of July 2020, security forces raided ZimLive Editor Mduduzi Mathuthu's home for information on subversive materials linked to protests scheduled for July 31. Mathuthu was not at home when the police arrived hence they arrested and detained his sister Nomagugu Mathuthu at Bulawayo Central Police Station. Nomagugu was later released. In a bid to locate the whereabouts of Mathuthu, the state security agents abducted his nephew Tawanda Muchehiwa.
- 1.3. **Hostage abduction:** Mduduzi Mathuthu's nephew, Tawanda Muchehiwa was arrested and on their way to the police station he was handed over to other state security agents, who are alleged to have taken him to an unknown location where he was tortured in an attempt to ascertain the whereabouts of his uncle. On the 1st of August 2020, Justice Makonese ordered the police to investigate the whereabouts of Tawanda and produce the outcome at the Tredgold Magistrate's Courts in Bulawayo within 72 hours. This court order followed an urgent chamber application filed by a lawyer on behalf of the Media Institute of Southern Africa (MISA) on July 31 2020 for a habeas corpus. On the same day of August 2020, Muchehiwa who was brutally tortured and with serious injuries, was dropped off at his place of residence by his abductors. Muchehiwa's case was in violation of the UN Convention against torture and other cruel, inhuman and degrading treatment or punishment. Section 53 (1) of the Constitution provides that no person should be subjected to physical or psychological torture or to cruel, inhuman, degrading treatment or punishment.
- 1.4. **Hostage Abduction and Torture:** On 7 August, 2020, 4 unidentified men abducted Noxolo Maphosa in Bulawayo while in town. Her assailants sexually assaulted her in a bid to locate the whereabouts of her uncle Mr. Josphat 'Mzaca' Ngulube. Ngulube is a member of the MDC Alliance, who has been accused of distributing facemasks bearing the slogan, 'Zanu PF must go'. The abduction and torture of Noxolo is against provisions of Section 53 of the Constitution of Zimbabwe. Noxolo Maphosa then fled the country in fear of her life.

- 1.5. Nine MRP activist were arrested on the 10th of March 2021 after they staged a protest at Bulawayo Central Police Station demanding the release of MRP President Mqondisi Moyo. This contravened their right to protest.
- 1.6. On April 12, 2021, four men who introduced themselves as CIOs descended on the Mthwakazi Republic Party (MRP) President Mqondisi Moyo's family home. MRP is a secessionist political party that is based in Matabeleland. They demanded information on the whereabouts of Moyo following a raid at his home.
- 1.7. **Arbitrary killings of civilians:** on 23 May 2020, Paul Munokopa was shot dead by police during Neighbourhood Watch activities in Hillside Bulawayo. He was shot without warning, while sitting with his girlfriend on the side of the road. This has not been pursued by the police.
- 1.8. **Police torture of women:** Lydia Mapatalapata (63 years old) was beaten using baton sticks when in a short queue for maize meal. The police arrived and told people to disperse and as she was old, she could not run and was beaten. This was 1 April 2020 at Nkulumane shopping centre.
- 1.9. People in Simbumbumbu in ward 7 of Gwanda are afraid to talk about issues concerning politics as they fear for their lives. If anyone happens to criticize or talk about the political matters the officials always find something to accuse them of because of what they might have said about the government: for example, one of the community members was once tied up on a tree overnight for criticizing the government.

2. Covid 19 Pandemic

The Corona virus pandemic has led to global restrictions on the movement of people in order to protect populations against the uncontrolled spread of the virus. This is understandable. Many governments around the world have introduced social grants of various kinds to ensure the survival of those in jobs that have been banned. However, this has not been the case in Zimbabwe, where more than 80% of families survive in the informal sector. This has led to great hardship, and to many resorting to having to run and hide from the authorities in their daily quest to feed their families. While it is reasonable that the outbreak of the deadly pandemic has restricted people's freedom of movement and freedom of assembly, in Zimbabwe, road blocks and food queues have at times become places of bribery and violence, and even murder at the hands of state agents. Lockdown has been used selectively against the opposition and has also impacted catastrophically on education.

Murders, assaults and gatherings

- 2.1. Paul Munakopa was shot dead on the 23rd of May 2020 along Caithness road in Hillside, Bulawayo during lockdown. (see 1.7)
- 2.2. Emmanuel Mavunde was shot was shot dead on the 15th of October 2020 along Old Tsholotsho road near Greengables school in Khami area.
- 2.3. Two (2) Cowdray Park ladies, Nokuthula Mpofu and Ntombizodwa Mpofu were assaulted and detained by the police during the lockdown, on 16 April 2020. They were beaten with baton sticks and ethnically insulted as "ugly Ndebele ladies". They were shopping and in a long food queue at a time of food shortages. A case was opened against the police responsible and the case has not been taken forward.
<https://www.sundaynews.co.zw/lockdown-cowdray-park-police-assault-case-postponed/>
<https://cite.org.zw/ngos-condemn-harassment-of-cowdray-park-residents-by-police/>

2.4. Selective use of the lockdown laws has meant that ZANU PF campaign events have been allowed, while other political gatherings have been prevented.

Health and socio-economic

2.5. **Persecution of informal traders:** the closure of informal markets on 24 June 2020, without warning or compensation, led to widespread beatings and abuses of traders, who were violently herded out of their vending sites. <https://www.aljazeera.com/news/2020/4/6/anxiety-over-rights-violations-as-zimbabwe-enforces-lockdown>

2.6. **Remittances:** The closure of borders has impoverished households dependent on goods arriving through small operatives, who have typically delivered food parcels to the doors of rural and urban homesteads.

2.7. **Reduced service delivery:** Duty bearers, for instance health practitioners, have used the pandemic to shield their failure to serve patients citing fears of catching the virus, for example in Plumtree District Hospital. Affected patients revealed that they have been turned away from the hospital without being served.

2.7.1. In another scenario in Gwanda a female patient died in the queue at Phakama Clinic without being attended to, because the staff feared exposure to Covid 19.

2.7.2. Lack of access to identity and travel documents owing to office closures has severely impacted the rights of citizens.

Education

2.8. Closure of schools to contain the spread of Covid led to a disastrous lack of access to education for most pupils for most of 2020. There are no online alternatives in rural schools, where most school age children reside. In some rural districts such as Mangwe, learners struggle to access radio lessons as the current radio station being used by the Ministry of Education is out of reach.

3. Denial of the right to mourn and memorialize

3.1. The most disturbing violation of human rights in Matabeleland and Midlands lately is the denial of the right to mourn those who died or disappeared as a result of the Gukuruhundi genocide. The state continues to refuse to allow victims and survivors the right to gather, in small groups in keeping with Covid restrictions, and erect memorial monuments in remembrance:

3.1.1. In May 2018, state agents prevented the erection of a plaque at Bhalagwe torture camp in Matobo district.

3.1.2. In February 2019, when a plaque was erected at Bhalagwe, it was destroyed by state agents within a week.

3.1.3. On 25 May 2021, a replacement plaque was erected at Bhalagwe and this was stolen by state agents within 24 hours. Those wishing to conduct memorial activities were also harassed for several hours – on the same day as hundreds gathered without interference to commemorate the unveiling of a statue in Harare.

3.1.4. In June 2021, a plaque on a massacre site in Midlands was also removed.

3.1.5. This is indicative of the selective 'right to remember' in Zimbabwe, and is perceived as a denial of, and continuation of the genocide. In addition, the state is stalling on addressing the genocide in every way it can and as a result thousands of

survivors who hoped to see justice in their life time or at least a measure of truth, are dying in the pain of not seeing anything tangible towards addressing the matter.

- 3.2. **The dead are not equal:** in December 2019, the exhumations of five victims of Gukurahundi in three graves in Lupane, Matabeleland North, were approved by the National Peace and Reconciliation Commission, to be undertaken by forensic experts. This permission was withdrawn by the President's Office at the last minute, without explanation. Despite repeated petitioning, these families are still being denied their dead. It is noted that the dead of the War of Liberation continue to be exhumed with impunity, including during lockdown in 2020. It is further noted that exhumations are being undertaken in such a way that bones and the likelihood of retaining dignity and identity of the deceased is violated and destroyed. International best practice requires that those with forensic archaeological and anthropological expertise lead exhumations.

4. Denial of the Right to Identity and to Participate in Electoral Processes

- 4.1. Failure to hold by-elections under the excuse of Covid 19 regulations, meaning that there are constituencies that currently have no representation.
- 4.2. The lack of accessibility to Identity documents has undermined the ability of youth to register to vote.
 - 4.2.1. Lack of birth certificates for youth, including death certificates for dead parents, means they cannot produce needed documents to register for an ID.
- 4.3. The Matabeleland provinces have registered almost no new voters ahead of the 2023 election, and this is also likely to lead to loss of constituencies and therefore reduced representation nationally. This will further marginalize the voice of Matabeleland residents.
- 4.4. The violence and threats that occur with every election has undermined the interest of youth, in particular when it comes to participation in elections.
- 4.5. **Denial of the diaspora vote** for millions of people from the region who were driven out of the country by state-sponsored political persecution, unemployment, hunger and poverty.

5. Degrading Socio-Economic and Political situation

- 5.1. Known critics of the government have been *denied access to food donations* in Halisupi (Gwanda Rural).
 - 5.1.1. In Matobo District, during food distribution, youth have been forced to chant political slogans in exchange for food.
 - 5.1.2. In Shumbeshabe area of Matobo district there have been reports of food and other aid distribution being politically partisan.
- 5.2. In *Sexual Reproductive Health Rights* (SRHR) activities, it has been observed that young people, in particular girls, are denied access to their SRHR that are guaranteed by the Constitution of Zimbabwe. Young people lack access to contraceptives as a result cases of teenage pregnancies are increasing. Also young girls have no access to sanitary wear and some of them end up using unhealthy strategies to survive menstruation.

These SRHR violations have resulted in some girls missing out school lessons at a time when every lesson counts. <http://www.amakhosikazimedia.org/index.php/news/244-covid19-restrictions-limiting-young-women-s-access-to-srhr-services-in-gwanda.html>

5.2.1. There is lack of access to contraception in rural clinics.

5.2.2. Teenage pregnancies and reports of sexual abuse have soared during lockdown, with schools closed and young girls spending time in food and water queues, including into the night.

5.3. There are *serious water shortages* throughout rural areas. Government has failed in its responsibility to provide working boreholes and people in Matabeleland South can walk more than 10 km to reach water.

5.4. **Typhoid Outbreak in Bulawayo:** 12 people from Luveve suburb died and 1500 residents fell in in the month of June 2020, after drinking water from an infected water source. Residents reported falling ill after drinking tap water provided by the Bulawayo City Council (BCC). It was reported that the water, when pumped from the tap was discoloured, with particles of solid matter suggesting raw sewer in the odour. It is the responsibility of the BCC to ensure that clean and safe water is provided for residents in the city. Failure of the council to maintain and inspect its water infrastructure resulted in the outbreak of the water-borne disease. <https://www.sundaynews.co.zw/typhoid-in-bulawayo/>

6. Land Invasions

6.1. In blatant disregard for property rights and the mantra of indigenization, Government in the month of June 2021 seized Sipho Malunga's farm in Umguza District, Matabeleland North Province. Malunga is an outspoken critic of the state. He and two partners own the land which is private land and not land acquired by the state. The unconstitutional seizure of the farm is alleged to have been spear-headed by the Zanu PF Matabeleland North Leadership and high-ranking officials and is against the dictates of the Constitution on land acquisition and property rights.

6.2. On 16 September 2020, the people of Matobo District in Matobo area were brutally assaulted by the police because they had evacuated gold panners who had invaded their area. This case was not investigated further and justice was not brought forward.

6.3. Brian Davies and his family were evicted from Ntabazinduna Farm in 2019 after the Umguza District Council's lands committee allocated the property to Ambrose, in spite of a court order in his favour. On Monday the 8th of March activists led by Mqondisi Moyo attempted to eject the invader, and they were fired on. This was in defiance of the right to freedom from arbitrary eviction and compensation. The Constitution provides for the compensation of persons for improvements made on land acquired by the government.

7. Labour Exploitation by Chinese Mining Companies

7.1. 19 January 2020, a petition was submitted to: Zimbabwe Human Rights Commission (ZHRC), National Peace and Reconciliation Commission (NPRC) and Zimbabwe Gender Commission (ZGC) on the 19th of January 2020, SWRGN in partnership with Matabeleland Institute for Human Rights and other CSOs in the region presented a petition to Zimbabwe Human Rights Commission (ZHRC), National Peace and

Reconciliation Commission (NPRC) and Zimbabwe Gender Commission (ZGC) ***calling for urgent investigation and action into abuse of local Zimbabwean mine workers by Chinese mining companies***. The plea submitted expressed the following; Relevant authorities to quickly institute investigations and actions into these wanton human rights abuses by the Chinese mining companies to local citizens in all Chinese companies in the country. <https://www.business-humanrights.org/en/latest-news/zimbabwe-workers-and-lawyers-association-accuse-chinese-mining-firms-of-gross-human-rights-violations-and-exploitation/>

8. Ethnic Insensitivity and Collapse of Education System of Matabeleland

- 8.1. Denial of the right to mother tongue education until the age of 7 years, which has contributed to high failure and dropout levels at primary and secondary school levels.
- 8.2. Critically poor state of buildings and resource material in rural schools, including insufficient teachers, particularly in high schools, and lack of adequate classrooms.
- 8.3. In rural district schools throughout the provinces there are reports of primary school students being denied schooling for failure to pay levies or schools fees to access learning facilities. This was a violation of the constitution which alludes to a provision of free education for primary school pupils.

Conclusion

Human rights abuses are likely to increase as the country moves towards the 2023 elections. The Covid-19 pandemic is likely to result in stiffer lockdown enforcement that has been a key propellant of human rights violations in major towns and cities of Matabeleland. The proposed enactments of the NGO bill and the Patriotic bill are likely to worsen the human rights situation as they are inconsistent with international treaties and protocols.