



Uncertainty over new government's human rights direction



From the Director's Desk :
THE NEW ZIMBABWE CABINET - FOR WHOM AND FOR WHAT?



Police left with egg on face as Judge quashes ban of ZCTU march

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HARARE – THE decision by President Robert Mugabe to appoint and swear-in some of his trusted state security henchmen to two ministries dealing with civil, political and labour rights as well as the re-instating of another who closed private newspapers, in his much-awaited cabinet has been met with apprehension.

A cross section of Zimbabweans have expressed concern over the future of human rights and human rights defenders under the stewardship of President Robert Mugabe and his lieutenants with many of them viewing the future with pessimism and skepticism following the 11 September swearing in ceremony held at the State House.

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The new cabinet sees Emmerson Mnangagwa who previously held the Ministry of Justice from 1988 to 2000 during the tumultuous rise of opposition politics being once again entrusted with that portfolio and shifting from the Defense Ministry. Mnangagwa assumes the position of Minister of Justice at a time when a cloud of suspicion hangs over him regarding the role he played as Minister of State Security from 1980 to 1988, during the infamous Operation Gukuruhundi in Matabeleland between 1983 and 1987.



Finance Minister Patrick Chinamasa signs his letter of appointment as President Robert Mugabe looks on

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Gladys Hlatwayo, the Director of Zimbabwe Civic Education Trust (Zimcet) expressed disapproval over the appointment, which she described as *"a slap in the face of human rights"*. Mudenda abandoned the HRC for the lucrative and powerful Speaker's position in the Zanu-Pf dominated 8th Parliament.



Gladys Hlatwayo ZIMCET Director

"The deployment of Emmerson Mnangagwa to the Justice Ministry is a slap in the face of human rights in Zimbabwe, particularly given the role that he played in Gukurahundi," Hlatwayo said. "It is in itself an indication of the attitude of this government towards the whole human rights discourse."

Gideon Chitanga, a Phd Candidate with Rhodes University and democracy researcher, said it appeared the ruling party Zimbabwe African National Union- Patriotic Front (Zanu-PF) might not be interested in making human rights issues a priority.

"If anything we are to see institutions that should dispense justice becoming aligned with ZANU PF interests and closure of any spaces to retribute citizens for previous state perpetrated injustice," Chitanga said.

Apart from the Gukurahundi that according to the Catholic Commission for Justice and Peace (CCJP) claimed some 20 000 civilian lives, opposition supporters have been subjected to state sponsored violence since the emergence of the opposition Movement for Democratic Change (MDC) in 1999. The MDC also claims that about 200 of its members were killed in June 2008 presidential run off election violence alone.

Zimbabwe formed a Human Rights Commission (HRC) during the tenure of the Inclusive Government which ended in July 2013, but the Commission has been hamstrung by lack of resources and the unexpected resignation of its inaugural Chairperson Prof. Reginald Austin, while second Chairperson Jacob

The Crisis in Zimbabwe Coalition (CiZC) spokesperson, Thabani Nyoni, said it was difficult to understand how government officials who have been implicated in issues of human rights violations *"will somehow begin to advance human rights."*

"We want to be optimistic about it but it is difficult when people with questionable human rights records are given the responsibility to advance human rights," Nyoni said. "We don't know whether they will continue in the same mode or they will change."

Nyoni said the appointment of former State Security Minister Nicholas Goche to the Ministry of Public Service, Labour and Social Welfare brought anxiety about the way he is going to treat labour unions and Non-Governmental Organisations (NGOs) after the ruling party made many several resolutions indicating that they would want to limit the scope of NGOs and close those *"deviating from their mandate"*.

Nyoni also expressed dismay over the appointment of Prof. Jonathan Moyo to the Ministry of Media, Information and Broadcasting Services.

Moyo was the Information Minister from 2000 to 2005, who presided over the formulation of Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) in 2002, which restrict the work of journalists and other freedoms. He presided over the closure of private newspapers such as the Daily News in September 2003, calling it *"a victim of the rule of law which it had been preaching since 1999."*

This time Moyo promised there would be no *"Armageddon"* and pledged to the media *"if we can find each other, let us look for one another"*, according to the Daily News of September 2013, a paper he once shut down, rendering its employees destitute before it bounced back in May 2010 at the instigation of the inclusive government.

"The overall assessment is that there is a lot of uncertainty and it creates a crisis of confidence," Nyoni said.

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Reading the Cabinet Wrong

On the 10th of September 2013, 40 days after romping to victory in the disputed July 31 Election, President Robert Mugabe finally announced his team to drive government policy and program implementation for the next 5 years. By the end of the announcement, my initial impressions were that this Cabinet was as new as the President appointing it, with a lot of continuity on the front line (The Ministers) and just a little bit of change on the backline (Deputy Ministers). My initial thoughts were that this was clear madness. Madness here, being used to refer to doing the same thing over and over again expecting to get different results. I made the argument to myself that there was hardly anything new about the cabinet, that only one person was dropped from the ZANU PF contingent from the last government and that a number of people have returned to their pre-2009 ministries. My initial thoughts were that this is bad for the country and its economy because these were the people who presided over the demise of the same prior to 2009.

I however immediately checked myself, after remembering that there are many things that ZANU PF has done in the past that have closely resembled madness at first sight, but that almost always there was some method to the madness. I am convinced that generally there was nothing wrong with my initial thoughts, except that the reason why most right thinking Zimbabweans are not imbued with confidence by this cabinet and are afraid that it will fail, is because they are using lenses and standards of success, and key performance indicators that are different from President Mugabe's lenses.

A Cabinet for Mugabe and ZANU PF not for Zimbabwe

Where people expected a Cabinet to service the country, what they have got is cabinet to service ZANU PF. Where people expected a Cabinet to enhance the Country's Economic fortunes, what they got was a cabinet adept at improving their own and ZANU PF's balance sheet.

No one could have put it any better than incoming Government presumptive Spokesperson, Professor Jonathan Moyo, who said:

"I am coming in to do any assignment given to me by my boss. I am coming in as Team ZANU PF, and Team ZANU PF has a Captain"

Ordinarily there would be nothing wrong, and no factual errors with this statement had Jonathan Moyo been reacting to an appointment to the ZANU PF Central Committee. It puts clearly at whose service Jonathan Moyo, and those he now speaks for in Government, will be. He is in the service of ZANU PF not Zimbabwe; he is coming in to serve the person not the people.

The Minister of Information, in his first pronouncements in that capacity betrayed the fact that we are poised to return to those "good old days" where the party was the state and the state was party, where ZANU PF was the people and the people were ZANU PF.

If there ever was room for doubting Jonathan Moyo, the Principal himself, President Mugabe, spoke on Inauguration of the Ministers saying;

"The decision (to appoint) was based on how much of ZANU PF you are, how long you have been with us, and how educated you are."

It is apparent from the foregoing that the Cabinet has also been used as part of a reward system that only entrenches ZANU PF's patronage system, and dares those who have remained outside to be more daring in their service of ZANU PF, than those who have been rewarded.

Stagnation of the Democratic reform Agenda

One of the reasons why this cabinet was anticipated was also based on the fact that, whom Mugabe would surround himself with would give clear indicators of which direction he would take the country. Our organizational view was that, depending on who would be chosen it would indicate whether the President and his government, would, in terms of the transition, regress, stagnate or move towards further reform and consolidation of some of the positive gains from the GNU period.

The Cabinet as announced by President Mugabe is symbolic of the oxymoronic situation where the way forward is stated as being backwards. The new Cabinet's resemblance to the retro-

gressive, economy wrecking, freedom arresting war cabinet of 2002 is striking, both in terms of Key actors and the politics represented.



Part of the new Zimbabwe Cabinet

In essence, the Cabinet that the country has been saddled with leaves very little hope that this government can take us forward in terms of consolidating our democracy. If anything, the Cabinet is a loud warning shot that the only consolidation that it is intent on is ZANU PF's power through authoritarian consolidation. This is not a matter of conjecture but can be read from the strategic deployments that seem to have been made to stifle reform.

As things stand in Zimbabwe, given the new constitutional dispensation that this Government is supposed to preside over, having a "Hardliner" like Cde Emmerson "Ngwenya" Mnangagwa standing guard at the Justice Ministry, is a sure sign that not only will justice not be done, but also that any legislative reform that may have been hoped for will die a quick death. Mr. Mnangagwa himself, is on record as saying that contrary to popular opinion, he is "as soft as wool", but this ministry of Justice (which he is not a new to having presided over it in the past) and the new circumstances that he leads it under, present an opportunity for him to show whether he really is 'as soft as wool' or he is as ruthless as the crocodile that is his totem.

While the above can easily be put aside as conjecture, a sure fire sign that the democratic reform agenda is likely to be stalled during the life of this government can be found in the short but loaded statement, again by the presumptive spokesperson of Government, Professor Jonathan Moyo, who on being asked whether there would be media reforms he simply quipped;

"You do not reform anything that is not deformed."

This statement, while telling, and while uttered by the new Minister of Information is reflective of a standing ZANU PF belief that, contrary to all indications everything is alright in Zimbabwe and its body Politic. Whether this narrative prevails or not depends on how people respond to this clear statement of intent by the new government.

ZLHR: Police left with egg on face as Judge quashes ban of ZCTU march

ZIMBABWEAN police have been left with egg on their faces after High Court Judge Justice Nicholas Mathonsi overturned a ban imposed by the police on a procession organised by the Zimbabwe Congress of Trade Unions (ZCTU) scheduled for Saturday 14 September 2013.

The ZCTU had notified the Zimbabwe Republic Police (ZRP) of their planned procession and even had the courtesy to request police escort for the commemoration aimed at celebrating trade union rights to organize and the worker's struggle for emancipation and recognition. The labour federation also intended to hold a cleanup campaign at Copacabana commuter omnibus terminus in Harare and thereafter stage a lunchtime march.

But the ZRP which on Tuesday 20 August 2013 had granted the ZCTU authority to hold the procession later withdrew the permission on the basis that the political situation obtaining in the country was not conducive to hold the commemoration. The ZRP through Chief Superintendent Saunyama charged that some unscrupulous elements might take advantage of and hijack the whole programme and insisted that according to the intelligence they had gathered there were some unidentified people who were waiting to hijack the march.

The police ban prompted lawyers from Zimbabwe Lawyers for Human Rights (ZLHR) acting on behalf of the ZCTU to file an urgent chamber application in the High Court seeking to overturn the police ban and declare it illegal and void at law. ZLHR lawyers argued that the ZCTU as a registered trade union is exempt from the limitations and qualification imposed on processions.

In the urgent chamber application, ZLHR lawyers Jeremiah Bamu, Tawanda Zhuwarara and Bellinda Chinowawa argued that the ZRP's refusal for the ZCTU to hold its procession in commemoration of workers' rights is beyond what is prescribed by the obnoxious Public Order and Security Act as it is a violation of the labour federation's right to freedom of assembly and association as enshrined in the Constitution of Zimbabwe.

On Thursday 12 September 2013, Justice Mathonsi who heard the urgent chamber application quashed the police ban of the ZCTU's procession. Justice Mathonsi interdicted the police from disturbing or interfering in any way with the ZCTU's procession. The Judge directed the ZRP to provide police escort for the procession.

- Source Zimbabwe Lawyers for Human Rights (ZLHR)