

The LEGAL MONITOR

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



04 July 2011

100th Edition

COST-FREE

Milestone

HARARE-It is the voices that tell the story and nothing else.

Over the past 100 weeks, *The Legal Monitor* has told stories that show that despite race, religion, class or creed, Zimbabweans are battling with a common problem: human rights abuses.

From four elderly families fighting eviction by their employer to over a dozen human rights and political activists abducted and tortured by State security agents, the Zimbabwe Lawyers for Human Rights (ZLHR) has been there to assist and it has assisted many.

The Legal Monitor, too, has played its role in ensuring that these cases receive as wide a coverage as possible.

Take the case of four elderly families who were threatened with eviction in 2009 from the Snake Park houses they had called home for more than 52 years.

It appeared fait accompli for the families as the employer enlisted the services of the police to evict these hapless senior citizens.

The Legal Monitor broke the sad story and in no time the senior citizens had won a reprieve following the intervention of lawyers from ZLHR.

The senior citizens' case is an example of how ZLHR and *The Legal Monitor* have extended their arm to protect citizens' rights, particularly those in vulnerable situations.

Jestina Mukoko and other rights and political activists were abducted and held incommunicado by State security agents who tortured them in 2008 at the height of Zimbabwe's political crisis.

The activists, who included elderly persons and a two-year old boy, Nigel Mutemagawu were being accused of trying to topple President Robert Mugabe's previous government.

The Legal Monitor gave the matter extensive coverage, exposing the cruel methods used by State security agents to force suspects to confess to crimes.

"I was threatened with death. I was told I had only two choices. Either becoming a state witness or going extinct. Those were the exact words that they used. What they meant by that was that no one would be able to find my body," Mukoko said in an interview with *The Legal Monitor* in 2009 after her ordeal. The Supreme Court in 2009 freed her after ruling that by torturing the pioneering human rights campaigner State security agents had violated her constitutional rights.

Others whose stories were covered by *The Legal Monitor* were not so lucky.

Village headman Rwisai Nyakauru died at the age of 82 in April after succumbing to severe beatings by State security agents that abducted him from his Nyanga homestead in February.

His crime: attending a meeting addressed by local MP and MDC spokesperson Hon. Douglas Mwonzora on 13 February this year.

Security agents detained and assaulted him at Taziwa Shopping Centre in Nyanga before handing him over to police at

lie on his stomach before brutally assaulting him. They walk free up to today.

Nyakauru's condition was aggravated when he was detained for three weeks at Mutare Remand Prison together with 23 other individuals including Hon. Mwonzora after

Shortly after the workshops, 88 villagers were being charged with extortion for demanding the return of property looted from them by ZANU PF supporters in a classic case of how victims become the accused in Zimbabwe where selective application of the law appears the norm.

The case was dismissed after the villagers' lawyer Blessing Nyamaropa of ZLHR intervened.

Yet, all these cases do not highlight the indiscriminate use of cruelty like the case of a toddler who was detained at the deathly Chikurubi Maximum Prison as a terror suspect. The Legal Monitor widely reported the story, ensuring maximum coverage.

Nigel Mutemagawu was two years when the dreaded Central Intelligence Organisation officials seized him with his mother, Violet Mupfuranhwe and father, Collen Mutemagawu, both members of the MDC from their Banket home in October 2008 on terrorism and banditry allegations. They were kept in various torture locations before finding a home at Chikurubi.

Nigel could consider himself fortunate to have left Chikurubi Maximum Security Prison alive. Hundreds of prisoners continue to lose their lives after succumbing to hunger and disease in a prison known for atrocious conditions.

But life remains tough for him.

Prison life continues to haunt him, according to his parents.

"He is haunted and experiences nightmares," said Nigel's mother.

He dropped out of nursery school a few months after his release from Chikurubi as he struggled to cope with normal life.

Today, his tormentors walk free and continue perpetrating more human rights abuses.

Similarly, *The Legal Monitor* will be around to report on such abuses without fear.



Nyamaropa Police Station, who charged him with contravening section 36 (1) (a) of the Criminal Law (Codification and Reform) Act.

Nyakauru was assaulted all over his body by a group of people led by a war veteran called Wilfred Pokoto with sticks and a cattle prod during his detention, according to a narration he gave *The Legal Monitor* a month before he died. *The Legal Monitor* met Nyakauru in Harare where he was seeking medical treatment. Unfortunately, he succumbed and passed on. His testimonies to *The Legal Monitor* will remain an eternal record.

His assailants, who accused him of leading MDC supporters to destroy some shops belonging to ZANU PF supporters in the area, ordered him to

prosecutor Tirivanhu Mutyasiri vetoed a bail order which had been granted.

His assailants still walk free. May his soul rest in eternal peace.

It was in the same volatile Nyanga area where ZLHR had earlier held community workshops to sensitise villagers about the Global Political Agreement and transitional justice mechanisms.

This was after the realisation that most villagers in this area were victims of violence as well as looting of property by ZANU PF militia.



Nigel Mutemagawu

Congratulations for scoring a Century!

By Andrew Makoni

The Legal Monitor, a publication by Zimbabwe Lawyers for Human Rights (ZLHR), targeted for its members and human rights defenders has reached the milestone of 100 issues today. On behalf of the Board, the Members and Staff, I wish to congratulate the weekly *Legal Monitor* for this momentous achievement, coming barely two years after the first publication.

The Legal Monitor has and continues to reach out to our members across the country, hundreds of human rights defenders and thousands of Zimbabweans who are our members and human rights defenders share our publication with.

It has become the most sought after weekly publication. The 100th edition coincides with another milestone; the celebration of 15 years of existence of ZLHR.

The Legal Monitor owes its overwhelming goodwill to indepth analysis, extensive research, rigorous editing, professional and accurate reporting. It derives its popularity to frankness, bluntness, and truthfulness in its coverage of legal matters.

The Legal Monitor has become essential reading for all those who need to keep pace with the very latest in human rights matters being handled by the courts across the country as well as emerging human rights issues in our country.

It has not been smooth sailing though, with the usual goons targeting the publication, threatening the editors, staff and board members and confiscating our publication in order to stifle its distribution. Thanks to the dedication and resilience of our staff for the efforts of these hooligans have come to nought.

Our publication continues to receive rave reviews. It is the most sought after resource when it comes to reporting on legal issues, human rights issues and outcomes of court proceedings.

Through *The Legal Monitor* we fight impunity, and unmask human rights abusers and seek accountability. We monitor the effectiveness of our justice system to promote and protect human rights, and the extent to which Zimbabwe adheres to the rule of law. We speak and stand by the truth without fear or favour.

Once again congratulations to the editorial team, and the members and human rights defenders who are our valuable sources on scoring a century and may you continue to produce the high quality publication in a professional and ethical manner you have become accustomed to.

I am already looking forward to a double century as *The Legal Monitor* takes the next stride towards the next 100 issues.

Andrew Makoni is the board chairperson of ZLHR



Andrew Makoni

New warfare against journalists

HARARE-She might have gained her freedom, but she does not know how her contacts are being treated.

Patience Nyangove, the *Standard* journalist who was arrested on Wednesday together with her editor Nevanje Madanhire and Loud Ramakgapola, an executive with publishers Alpha Media Holdings over a story about the arrest of Minister Jameson Timba was told police needed to peruse her phone details.

Police officer John Peter Mudyirwa told Magistrate Shane Kubonera on Friday that police would only release Nyangove's phone when "they have finished their investigations".

"There is information on the phone which we want to verify. She talked to an accused whom

we have not arrested yet," said Mudyirwa.

The confiscation of a journalist's phone marks a new weapon in the State's fight against a free press, human rights campaigners say.

Worse is how police tried to force Nyangove to reveal intimate information about her social network.

A packed courtroom heard on Friday from the journalists' lawyer Deepak Mehta how the police harassed Nyangove.

"The police asked her to tell them everyone she hangs out with, drinks with and to write her profile. That took a sinister twist when they went through her contacts in the phonebook and called them asking how they related to her," said Mehta.

Residents wallow in prison

HARARE-Eight Glenview residents who have been in remand prison since the start of last month on murder charges will remain locked up after a Judge vetoed their bail application.

High Court Judge Justice Tendai Uchena on Friday threw out a bail application filed by Glenview Ward 32 councillor Tungamirai Madzokere, human rights activist Cynthia Manjoro, Rebecca Mafikeni, Pheniasa Nhatarikwa, Lazarus Maengahama, Stanford Maengahama, Yvonne Musarurwa and Stanford Mangwiro.

Justice Uchena said the eight could flee if freed on bail.

The Judge agreed to free 12 others facing the same charge, including former Glenview councillor Last Maengahama, Gabriel Shumba, Stefani Takaidzwa, Linda Musiyamhanje, Tafadzwa Billiat, Simon Mudimu, Dube Zwelibanze, Simon Mapanzure, Edwin Muingiri, Augustine Tengeniyika, Francis Vambai, Nyamadzawo Gapara.

The 12 should report three times a week to the police, continue residing at their given addresses and surrender their travel documents as part of stringent bail conditions.

Maengahama was ordered to pay \$1 000 while the rest of the residents were asked to deposit \$300.

The Glenview residents were arrested recently and charged with contravening Section 47 of the Criminal Law (Codification and Reform) Act Chapter 9:23 for allegedly murdering Inspector Petros Mutedza at a bar in Glen View.



Well done ZLHR! Congratulations!
If we were not in the midst of "ruler-madness" we would open a bottle and celebrate!

This publication is special and it is touching lives of people most important to our daily struggles for restoration of human rights, rule of law and justice.

Well done!

Warmest regards
Tino Bere

The journey we have walked together

By Vimbai Mbisva

HARARE-It was on 22 June 2009 when I began dispensing ZLHR's weekly newsletter, *The Legal Monitor* to fellow human rights defenders.

We were very skeptical over its acceptance considering the hostilities associated with the ZANU PF regime in thwarting critical voices to their continued abuse of human rights.

The other challenge was probable intimidation of readers by the regime.

I started sharing copies of *The Legal Monitor* with other human rights defenders in Harare and the newsletter was widely received and in no time, the demand had grown beyond the capacity of ZLHR's imagination.

As time went on and on demand exceeded expectation that copies which were produced targeting the organisation's members and some human rights defenders ran out in no time after publication.

The newsletter dubbed the *green mamba* because of its biting**stinging** and green mast head continued its unparalleled critique of the legal system in Zimbabwe exposing injustices in the

courts across the country. It also uncovered how State and non State actors countrywide were harassing human rights defenders and legitimate political opponents with impunity.

My memory vividly recalls the story that attracted the widest interest from the general public which narrated how police had arrested more than 50 Nyanga villagers on charges of allegedly taking the law into their hands when they sought to reclaim livestock and property they were disposed of in 2008 by some ZANU PF members. People asked for more details about the story which I did not have, prompting me to develop an interest in the whole issue.

From day one, the paper continued to churn out issue after issue, week in week out and stood out as the mouthpiece of the voiceless.

The Legal Monitor's readership base continues to grow. Various stakeholders including parliamentarians, councilors and civil society organizations routinely source the newsletter from ZLHR.

It gives me pride to have been part of the success story of *The Legal Monitor*.



The Legal Monitor gave extensive coverage to Jestina Mukoko (above) after she was abducted and tortured by State security agents in 2008

Congratulations



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Zimbabwe
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Artists for Democracy in Zimbabwe Trust (ADZT) would like to congratulate the Zimbabwe Lawyers for Human Rights (ZLHR) on the occasion of its 100th edition of its weekly newsletter, The Legal Monitor.

We cherish the important work that you do in defending the rights of Zimbabweans.

For the past two years you have done that with distinction. Although there has been many impediments along the way you have persevered and remained resolute in fighting for the people's rights and defending the constitution.

We would like to say to you, your work is much recognized and urge you to keep on soldiering until we defeat the tyrannical forces of evil.

Feel Art Feel Changed



The Zimbabwe Peace Project (ZPP)
wishes to
congratulate
the Zimbabwe
Lawyers for Human
Rights (ZLHR)
on its publication of
**The Legal
Monitor's 100th edition**

*The Publication has
since its inception
managed to bridge
the information
gap on court and
other legal issues
that had been
exacerbated by
the closure of
many independent
newspapers and
failure to free
the airwaves.*



**Gays and Lesbians of Zimbabwe
(GALZ)**

We congratulate
Zimbabwe Lawyers for Human Rights (ZLHR)
on the One hundredth publication of *The Legal Monitor*.

We salute your fearless coverage of important national issues and your commitment to promoting a culture of human rights in Zimbabwe which includes its lesbian, gay, bisexual, transgender and intersex (LGBTI) citizens.

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The Bulawayo Agenda Board of Trustees
and Staff would like to congratulate

**THE LEGAL
MONITOR**

for reaching its



The Legal Monitor
along with other pro-democracy publications, is
contributing largely to disseminating accurate and vital
information to communities who for decades have been
deprived of this information. To the Zimbabwe Lawyers
for Human Rights, we would like to say keep up the good
work of defending the rights of civic society and political
activists.

We would like to encourage ZLHR, through its Legal
Monitor, to continue with its bold and fearless coverage
of human rights abuses.

...let's get talking

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Campaigners For Human Rights

Zimbabwe Human Rights Association (ZimRights)
congratulates and joins other several media plurality campaigners in
celebrating the 100th edition of the ZLHR produced *Legal Monitor*.

Against all the odds that have resulted in the shrinkage of media space and
freedom of expression, The Legal Monitor has provided an untainted media
source on information on key national legal cases resulting from gross
human rights violations. Its efforts have had an impact of empowering the
oppressed and marginalised citizens to participate in matters affecting
them from an informed position.

Appreciating the values of participatory democracy imbedded in information
and the related choice widening significance in a society, ZimRights commends
and will continue to support the ZLHR in its efforts to cover for the
information vacuum through the Legal Monitor to ensure that the people
of Zimbabwe, including those in grassroots communities are well
informed of legal issues in various parts of the country.

**Time
always
tells**

Congratulations
on your
100th Edition
and your tireless efforts
to put Human Rights on
the map!
Please continue to give
a voice to those who
suffer injustices
and are unable to speak
for themselves.

Thanks to you, the
message is beginning to
spread - keep going!!

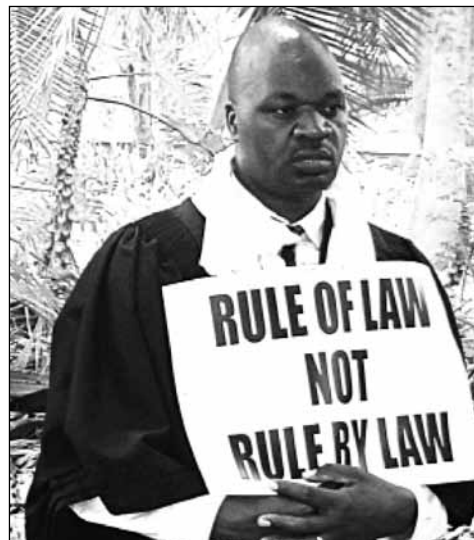
Grateful and
in solidarity

Ann Rosen

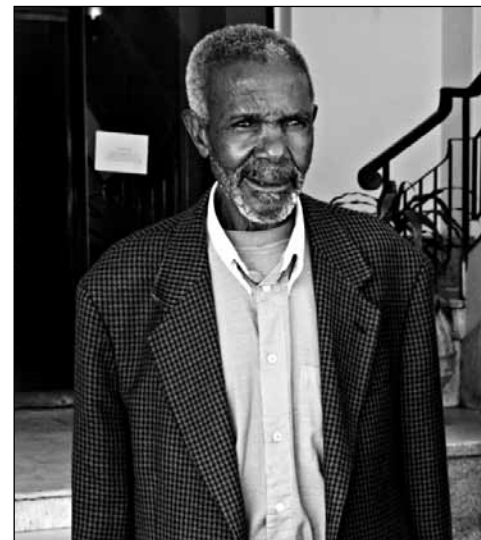
Our journey



ZLHR lawyer Rangu Nyamurundira addressing villagers affected by violence in Nyanga in 2009



Persecuted lawyer Alec Muchadehama



Rwisai Nyakauru succumbed to injuries sustained from torture



State prosecutor Andrew Kumire flees from court after a Magistrate had slapped him with a jail term on contempt of court charges



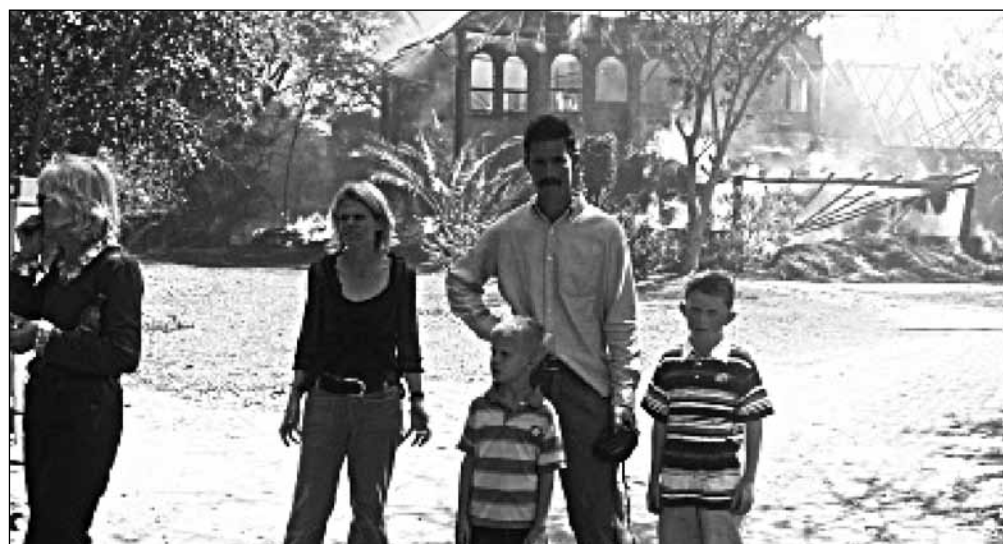
Oliver 'Tuku' Mtukudzi and Namatai Mubariki, of the Black Spirits thrill human rights activists marking the 16 days of activism against gender violence in Mutare in 2009



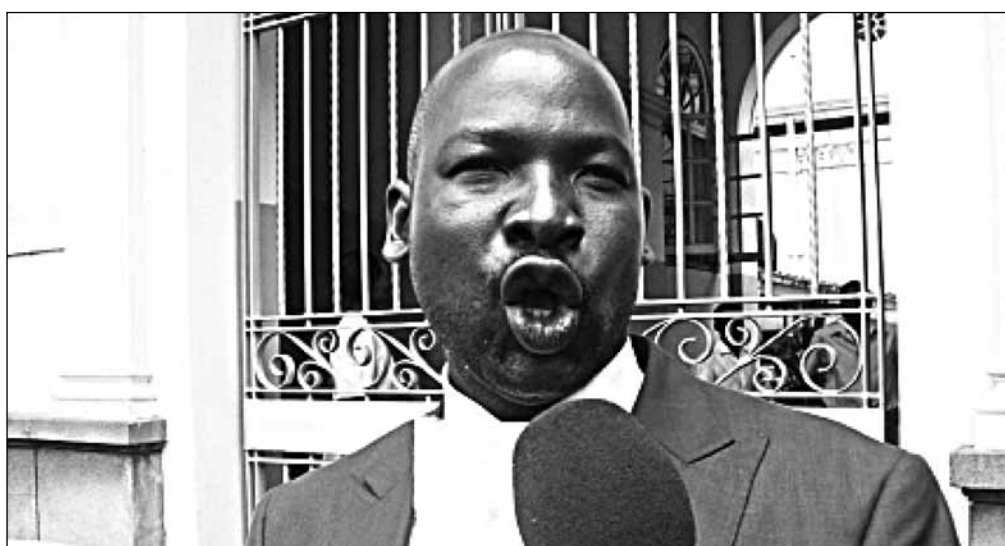
Deputy Sheriff Dzobo evicting Nyazura farmer Luke Tembani



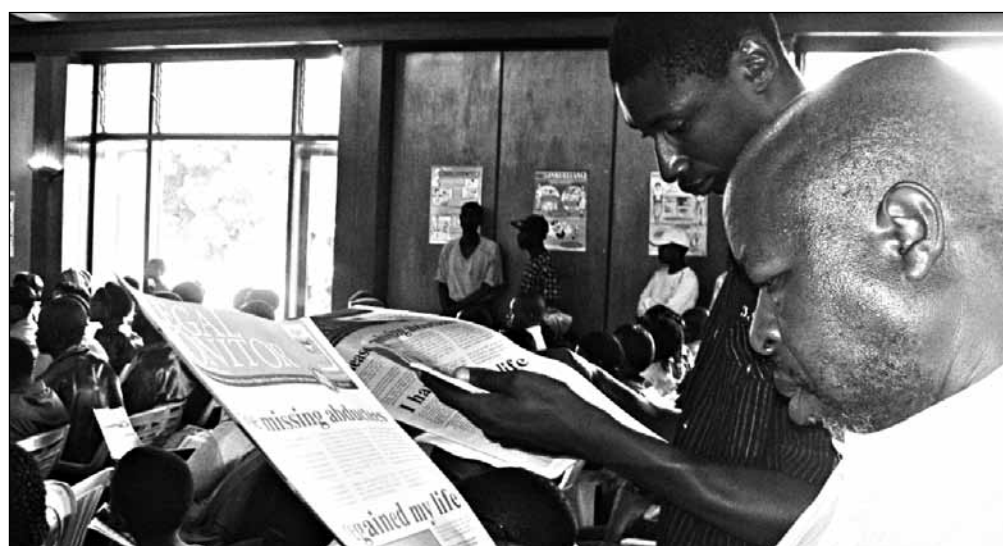
Angelo Chabwa and Jack Matope who survived eviction from their Norton homes after ZLHR intervention



The Freeth family stand in front of their burning house in Chegutu



Attorney General Johannes Tomana addressing journalists outside the High Court



Glued to The Legal Monitor