

“Organised Violence and Torture in Dealing with Protests in Zimbabwe.”

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benefit

Greetings to you all. Who are joining us for this the last policy dialogue of the year. Which we are holding jointly with our partners. The research and adverse unit Rao my fellow Comrade Tony Rilla. with the senior research and he's the one who's presenting this report. Which is the outcome of very intense research. Or an organized violence and torture in dealing with protests in Zimbabwe We thought that there had been a lull in the spate of abductions. which have become characteristic of the Zimbabwean political scene over the last years. But just a few days ago or in fact yesterday our sister organisations crisis coalition in Zimbabwe. In the course of the meeting, AGM in Blawayo. they were tapped by a group of thugs purporting to be. Zanu PF supporters. The point is they were organised. They were organised group. Of thugs who were attacked. A meeting of of civic society organization. Beat up people. People were injured. it's almost like the business as usual. We've had this over the last two years. At at Trust where the policy dialogue was being disrupted very by organised gangs. Where book

launches were disrupted by organised gangs. So this is most apt that we have this discussion on organised violence. At least to warn us that the the landscape, the environment, As we approach twenty twenty-three is not likely to be a rosy journey. We have reason to be afraid of what is worth us. And that we lose citizens as we have in every election. Which which elections have become war zones. So tonight we have Tony Rilla. Uh to to to present but more important we have generator in Justina Mkoko who is prominent civic activist. And Greta B also because she has been one of the victors of this organised violence abductions. And we are sorry that we have to always mention this but I think it's a she remains a a a really a flag. both in terms of the state and regime of organised violence in Zimbabwe Especially. since two thousand. Violence against the opposition, violence against civil society. But also because she represents the activism without which this spirit of aggressive violence, torture would have perhaps been more rampant and and even more so unheard about. So this study is such as that that Tony and his colleagues are are presented tonight are very important. In in creating landmarks. Uh to remind us that the journey ahead is is through atrocious

one. Uh a difficult one. So Justina please take over. Thank you very much doc. Um sad news there to hear about a disruption of a CSO's AGM. Um and like you are saying this does not auger well for a nation that's coming up to elections. The by elections in less than in less than three months. And if we are having to deal with such situations we continue to get worried. Um especially about the shrinking space. Where we are supposed to be allowed to to operate. Um and also be able to ensure that citizens enjoy their rights And on that note I think we have a very important report that is going to be presented by Tony Rilla on Organised Violence and Torture in dealing with protests in in Zimbabwe I think our Constitution allows for protests to happen. But I think from what Tony is going to talk about we will also see some of the challenges that citizens face as a result of getting into protests. Um you have already said that Mister Anthony Rilla is a senior researcher and formerly the director at the Research and Advocacy Unit. Um an independent research and advocacy institution specialising in human rights transitional justice and governance issues in in Harare, Zimbabwe Um Tony, over to you, we are looking forward to hear more about the the research Um

in terms of organised and torture Looking at protests. I know we have also in this series looked at organised violence and torture in relation to elections Over. to you.

Thank you Justina. And welcome everybody. Um this is the end of the year. It's been a long and very very difficult year. As both Hiba and Justina have pointed out. Uh in the old adage Plusa Chan say to them shows. Uh two days ago or a day ago. Once again a meeting is broken up. Of civil society activists or civil society people just doing what they normally do. So I'm going to present this report and the findings. Um and if I may I would like to share my screen if I can.

I'm sure you can. You are co-host Tony. Okay. Right. Let me go to the top.

sorry seems to have come in halfway through. Okay.

Okay, let's begin with the scene that I think Zimbabweans are entirely familiar with and that's people assembling to express their views and those views being broken up by the police. And that is the focus of this particular report. Uh and it's one of the series of reports and it's a series of reports undertaken by Rao on behalf of a consortium of organisations who work together. The human rights forum counselling services unit

ourselves. Veritas and Zimbabwe. All members of the human rights forum and Justina has been the chair and the lead of that for many years. So we're dealing with organized violence and torture. Dealing with protests in Zimbabwe. this is part of a series of reports that that consortium is releasing. It deals really with the history of organised violence and torture over the years. Uh and not just with Zimbabwe but as you can see one of the first reports we released but it was an organised violence and torture in Zimbabwe during the liberation war. we're a very young population and I think many people who are alive today have no memory of what happened in this period really from 1972 to 1980. An extremely brutal period in our history in which organised violence and torture was rampant. Um and leaves its scars today. We then launched another report on Organised Violence and Torture and elections in Zimbabwe. And then we looked at rights and displacements. Uh we had a very animated discussion here at Sapez on the displacements that have taken place in the past. And people talking about displacements that were taking place at the moment. So I just want to just quietly and quickly just point out some an important characteristic of this term organised violence

and torture Uh. it's drawn from the United Nations Convention Against Torture Uh. and was a fundamental part of a definition of organised violence and torture as far as I know the first definition. That was made in Zimbabwe in nineteen 90. In a very large conference in Harare. Uh the concern then was torture of the Southern Africans and the Africans in general. Broadened it to include a range of other things. And that's why we've looked at things like elections and we've looked at things like displacements. So I just want to draw your attention very quickly to a couple of elements here. Firstly, torture must be physical or mental. as it's highlighted there. It is not merely a physical abuse. It is also psychological abuse. And so torture can be very dramatically damaging to people. Purely by the means of mental or psychological means. And there's a variety of reasons why torture takes place. It's you know classic one we think about about getting information from people or intimidating people or coercing people. But the critical thing about this definition is it happens as the highlight says here. At the instigation of or with the consent or acquiescence of a public official or other person acting in official capacity. Those of you who've read the

press briefings on what happened in Bulaeo yesterday will not what was commented was that a bunch of people purporting to be members of went in, disrupted the entire meeting, broke things, assaulted people, and then were the police were called and the police declined to take any action. Even though the instigators could be pointed out to the police. So that's this presumption that when torture and organised violence takes place, if there is no by the state. The presumption is that it there is the consent or the acquiescence of a public official. That's the important thing to bear in mind. When we are now talking about organised violence and torture. now the first point to make is that protest as Justina, just pointed out, is a constitutionally enshrined right for citizens who have the right of freedom of assembly and association, and they have the right of freedom to demonstrate and petition. Both of these rights are rights that we have. The conditionality is that these rights must be exercised peacefully. And this is going to be an important text through what we look at. Protests for Zimbabweans has become Anathema, Zimbabweans don't protest. If you look at the Afrobarometer and you look at them from 1990 to 2021, you

will see that half and up to three quarters of Zimbabweans say they will never join a protest or demonstration. And the question is why? It's a big question. We've been watching demonstrations across the world against COVID. We've been watching demonstrations around Cop26. Where people have been marching and protesting, expressing their views to say we do not like the lockdowns or we demand the right that people take place. Take do something about climate change. In Zimbabwe we say by nearly three quarters we would never join a protest.

if you

look at that and why

What you will see in this graph and this is a piece of research that we did a while ago about six years ago. Looking at the data of five Southern African countries. We chose these five Southern African countries.

Very specifically because there are countries that are governed by former liberation movements. And one of the speculations has been in the Political Science Literature. Is that those countries governed by former liberation movements in which violent struggle was the reason for independence Those governments have a propensity to resort to violence. And if you look at the at the at the far end of the graph here, what you will see for Zimbabwe that it is the

most dominant country of those five countries in which violence against civilians takes place. Contrast that with the next one which is other kinds of violence that do take place which are not peaceful and definitely require the state to take some action. And look at riots. And you will see. South Africa and Namibia. Uh and Angola have very high numbers of people of riots. So hardly by contrast has very few. And I want you to bear in mind as we talk about this. This distinction between righteous behaviour and peaceful demonstration. Because this is the text of what we talk about. Now the consequences of that for Zimbabweans is as Alex as elderly Muslim Gore pointed out a long time ago is Zimbabweans have become risk averse. And what do we mean by risk averse? Is that they are unwilling to express their views in public. They are unwilling to join in protest as the graph said before. They're unwilling to go to community meetings. And if you look at this graph and you look at what's happen from nineteen 99 to 20 which is the last data that we have. And this is a piece of research that Rao did with Mpoi. You will see by the end of the 90s Zimbabweans 84% of them were not risk averse. They were risk takers. They felt that they were able to express their

views. And that came from a decade of the growing civil society and National Constitutional Assembly The launch of the M see the Constitutional stuff. What you can see is what followed was Zimbabweans still had faith. In 2004, after two extremely difficult elections that they were still able to express their views. By 2005, very few Zimbabweans felt that. And that was a year in which Operation Murambuccino occurred and Zimbabweans learned very bitterly how brutal the state could be. And you can see over time as you follow this graph, that even by two thousand and 17, it's a very small percentage. It's only half the Zimbabweans feel that they are able to take risks. Now this is a context in which is very important to try and understand the nature of peaceful protest in Zimbabwe So the focus of this report is to look at the rights of peaceful protest and peaceful assembly. Is to look at the of these rights And it's the consequences of protesting in Zimbabwe through three case studies. in putting these history reports together And particularly on peaceful protest, we have not tried to summarise enormous detail, the number of peaceful protests in which organised violence has taken place. Yeah. This is a monograph on its own. From 2000 to 2021. Demonstration and

protest year after year, month after month has met with organised violence and torture So what we did was we took three case studies. And we'll talk a little bit about those case studies. It also has an additional focus on women. We've just ended the 16 days of activism against gender based violence. Uh and although we had some logistic problems. The intention was to really launch this report during the sixteen days. And for a very specific reason. And that is that when demonstrations and protests take place. And women join them, you can almost definitely assume the intention of that demonstration or that protest is likely to be peaceful. I think it's very clear to all of us that women do not, in general, and in the vast majority, participate in violent political activity. What they do, and certainly, in the modern age, in a sense, two thousand, women, joined protest in the anticipation that the protest will be peaceful and to lend their peaceful voice to whatever demonstration or protest happens. So that's the point of this this report. Now we began begin this report. Uh I'm not going to spend an enormous amount of detail as we have some very erudite commentators to comment on the issue. We took the point of departure The as the peace march that took place on the

1st of April. In two thousand.
It was a very important point
for us and today is echoed
actually in the crisis fiasco
that happened yesterday in
Bulaue. This was a peaceful
march by the NCA composed of
the women, the churches, of
labour, of all of these people
to make the case that the
elections needed to be peaceful
And. so our march was organised
to peacefully point out that
Zimbabweans as had been the
case in the referendum needed
to go forward into these
elections in an atmosphere of
peace. That didn't happen. What
actually happened was a mob
emanating from headquarters hit
the streets and attacked the
protesters with sticks and
stones and all manner of
weapons. And and many people
were injured. And many people
learnt right at their cost. Uh
the Point about peaceful
assembly in association and the
right to protest was not going
to be tolerated by the state.
Um and I'm not going to that
would report in fact didn't
generate quantitative data. We
can't tell you how many people
were injured really. We can't
tell you how many people were
traumatized. But what we can
point out is the response of
spokespeople from the state. Uh
And in the report, as you will
read, these are the comments by
Douglas Mejia, a well-known war
veteran. And quoted in the
Sunday Mail on the following

day. He points out that the MDC and NCA and NDC must not demonstrate against us. And the NCA and other church members should not provoke us. but more tellingly he says, we need to show them that we are the ones who are the legitimate rulers of this country. It's our legitimate right to rule this country forever. Whatever the outcome of the elections what, the MDC is aiming at is to give this country back to the British. We will not allow this even if it means going back to the bush to stop them. So, that's the first, that's the second of April 2000 and you can hear those comments echoed for the last twenty-one years. And the consequence for peaceful demonstration has been essentially that all demonstrations and protests are regarded as anti-government regime change. Uh the views of enemies. And and that's a very important perspective. It speaks to a total lack of tolerance. To regard anybody who expresses their views that might be contrary to the ruling party a government to be regarded not merely as citizens expressing their views but as and and not merely opponents but as enemies. The next two case studies we chose specifically because they involved women as I started out in the beginning. The first one is to look at the National Constitutional Assembly The

National Constitutional
Assembly demonstrated all the
way up until this point of the
1st of April 2 thousand. A a
clear commitment to peaceful
protest and demonstration and
participating. The consequences
for the NCA. Rolling out was
extreme. And so some research
was undertaken. With the NCA in
two thousand and eight Many
years later. Eight years later,
looking at the women of the
National Constitutional
Assembly. And. and what you can
see in this very little graph
and there's a lot of texts that
goes with this. Are the kinds
of experiences that these women
as a consequence of there being
members and being willing to
express their views about the
Constitution about elections
and many other issues. This
table contrasts ordinary
members against activists.
These are women who said they
were merely ordinary members of
of the NCA. And those women who
said they took an active part
in the activities of the NCA.
Now I want to draw your
attention to the different for
every one of these violations.
And these are all what the
components of what is called
organised violence and torture
And. actually not only that
there are crimes in the
criminal hall of Zimbabwe And
look at the difference in the
scores. If you look at assaults
you'll see that over 20 percent
or nearly 20% more activists

experiencing. As you go down the table here what you will see is on every single violation. The activists, those people who are active receive many more violations. so there it's very clear to everyone in the NCA that if you are an active member of the NCA you will expect that you may be abused. Uh and experience organised violence and torture if you look at who does it And this is very relevant for what happened yesterday. You see who who participates in this? The police, the riot squad, CID, to some extent PC. But then you see this whole group of people who are not state agents, youth militia, war veterans, political party members, and you will also see the army. And what is very important about that is that these first four categories of people To some extent the right to deal with riotous behaviour. None of these people should indulging in righteous behaviour. And in fact these first four should be constraining these people from committing violence against ordinary citizens who are peacefully protesting. So for women there are extreme risks in expressing your voice. Now another group that we are all very aware of and remember were women of Zimbabwe Arise Boza. Who from two and onward. Explicitly said all the time we have the right to protest, we have the right to peaceful

demonstration and peaceful protest. And we will we will exercise that right. And the newspaper reports were filled again and again, and again, of demonstrations of protests, by Warza, that were broken up, by the police, and other, other groups. And then the treatment that they experienced.

Assaults, death threats, those that lived in communities were forced to attend public meetings, humiliating and degrading treatment. in in cells they were frequently treated in humiliating and degrading ways. Which is one of the components of the UN convention against torture Take. a look at the last one.

Removing their underwear, being forced to remove your underwear in custody. Insults, political threats, torture, both, physical and mental. And you can see the frequencies of these are extremely high. And the numbers of women that were affected are extremely high And who were the perpetrators?

Well, it's a very wide organised number. But what you can see as you go down this thing, is the number of organisation, a number of alleged perpetrators that belong to the state is extremely high. The police and the same members, same same categories, as those reported by the NCA. But you also hear, CIO, district administrators, members of parliament,

provincial administrator
traditional leaders all
implicated and alleged to have
been perpetrators against them.
That's extremely serious. Now
one of the things that is
important to notice is that
if you perceive to be an enemy
of the state then the heavy
hand of the state begins to
focus on you much much more
insidiously. And in a much more
focused way. And this next
slide demonstrates this. When
we, the study was done with the
women of of of Warza, we we
asked them to report on the
number of trauma events. Okay.
That they experienced in each
year. So these are all trauma
events. A one kind of assaults,
death threats, humiliating,
insults, political threats
etcetera. These are all
different of trauma. And what
you can see from this graph is
that from 2000 to 2 thousand
and7 there is a straight line
in which the number of trauma
events that there was a woman
begin to experience grows and
grows and grows and grows. It
gets worse and worse and worse.
And the implication behind that
is that the state is now taking
a much more forceful and
aggressive approach to them
So this is just a snapshot.
This is a very small snapshot
snapshot of what happens to
people who peaceful ly
demonstrate. Who and exercise
their constitutional right to
assemble. As was the case with

crisis. And their constitutional right to assemble and petition. So therefore it is a constitutional right. Um assemble peacefully in Africa, Unity Square. And to go to parliament and to present petition on any issue that a group of citizens wishes to present. This is constitutionally protected. It is in the bill of rights. Uh and so it is very important as we go into what is and and and Ibra Mandaza pointed out. What is likely to be a very difficult year and a year heading into elections. In which we force address this problem of the rights to do that. And to that end we make a series of recommendations in this report. Firstly that the right to demonstrate and process must be observed. So the presumption must be that all demonstrations and protests must be allowed to take place and it's onus is on the authorities to protect peaceful protest and demonstration. It is not enough for the police to say you cannot hold your demonstration. Because it is likely to be violent. Because the evidence is generally that the peaceful protest, the violence will be perpetrated by the state. So the onus is on the police to demonstrate in what way it will be not peaceful. And secondly the rights to assembly and

association must be honoured in the observance. That means that citizens have a right to assemble and protest. Uh As as these are the peaceful ways in which we can express our views. The primary role of the Zimbabwean police it's in the Constitution and it's in the Police Act is to provide protection for the citizens of Zimbabwe. It's not to treat them as enemies and that means that this includes citizens exercising their constitutional rights. And if you've been looking at the protests that took around cop six. One of the things that will strike you is the peaceful ness of those demonstrations and the ways in which the police are facilitating and assisting the demonstrators to exercise their peaceful right. It is not there to block them, they are there to protect them. In a way that was absent on the 1st of April in 2000. The job of the police was to protect them. As was the job of the police to protect crisis. And to arrest who interfered with these constitutional rights. And the government must honour its commitment. And that means that the government must express its view to protect the Constitution. To protect these rights. To ensure that the police protects the citizens on expressing their views. Now I think that's all I need to say at this particular point. Uh I

hope people will read the report. And we've sincerely hope as the group concerned with assisting victims of violence. That what we will see is explicit statements from the state to the effect that they will protect our rights. And they will direct police to protect our rights Thank. you Justina.

Thank you very much Tony for that

presentation of the report Um I think what stands out for me is the issue of Zimbabweans being risk averse and I think there's an issue of fear as well that comes into this. Um and I think I'm really concerned about the absence of safe spaces for women to be able to exercise their fundamental rights. Um. and I think an issue that has also come out of that presentation is also the issue of entitlement that comes out when someone says they cannot demonstrate against us. But I think when you go to the Constitution it actually does not say these people cannot protest against these. And we also recognise that the examples that you have given in terms of the protesters. The protesters have actually done what they have done in peace. And they are actually disrupted. The disruption is coming from the outside. Um I would like to now introduce our next speaker who is Miss Rosalin who is a lawyer, a

registered to practice law in Zimbabwe, employed by Zimbabwe Lawyers for Human Rights in Harare since two thousand and seven And is presently working as the director of the Zimbabwe Lawyers for Human Rights. She has managed the human rights defenders institutional reform and policy formulation portfolios. Rose, you have had Tony go through that that report. Um the example might have been from a number of years. Um maybe you can speak to us about what is happening now and also how citizens can actually be encouraged to move from being averse and also being able to exercise their fundamental rights Over. to you Rose. Um thank you Justina. Thank you Tony that ah presentation Um the research is really timely considering the fact that we are moving towards another election in a few months time we'll be in election mode. If we have already not started at the moment. Uh just to thank the organizers for organising this platform. Uh I'm going to maybe just pick from some of the issues that Tonya was raising and I think I'm going to remove my camera. I don't have very good light where I'm sitting right now. Um be just to start off by saying I think one of the main concerns that we should be looking at as a country is the fact that we still have the same problems

that we had before the 20
thirteen Constitution was
adopted was voted in by an
overwhelming majority of
Zimbabwean citizens. And with
that constitution which has
some of the provisions that has
already spoken to at the
moment. Uh we also have other
progressive provisions in the
Constitution Particularly
around facts that we have a
whole chapter that talks about
the mandate of the state
security agents and how they
should be behaving. Uh when
they are carrying out their
mandate in terms of the
Constitution. And. one of the
main provisions that should be
guiding us as a nation. Is the
fact that section two hundred
and eight actually says that
members of the security
services must act in accordance
with the Constitution and the
law. and when they are doing
their work exercising their
functions.

They must not violate
fundamental rights and freedoms
of any person. Before 2013, we
had a lot of cases that were
documented by Whether it was
the human rights NGO forum, the
research and advocacy unit or
even the Zimbabwe Peace
Project. peaceful protest were
disrupted. By mainly the law
enforcement agents. And
sometimes they were assisted by
the military. And then after
2013 we continued to see the
same pattern. Where

particularly the law enforcement agents they are still using the same ah forceful means in terms of ah stopping or disrupting protests. Which actually recognised in the Constitution And. with ah the 20 13 Constitution we all expected that there will be a number of key reforms that will be undertaken. To ensure that we give ah effect to some of the provisions of the Constitution. I. just want to highlight ahm some of the milestones in terms of what some of the organisations that have been working on trying to sculpt of impunity, particularly when it comes to excessive use of force. By the law enforcement and also the military. Especially when we are looking at the way that they've been dealing with protests. We have had a number of cases that have been filed at the courts. And most of those cases have actually been ruled in favour of the victims. Especially of the arbitrary souls, torture And in the most recent past we had the cases of the excessive use of forceware. Live ammunition was actually used On some citizens following the twenty eighteen elections. Whilst. we have recorded some of those milestones in terms of actually getting monetary awards on behalf of those victims. The main concern has been the delays in terms of

getting those cases finalised.
Um of the main challenges for anyone who would actually want to seek justice Or would actually want to be part of the people who compel reforms within particularly the law enforcement agents. By taking them to the courts and forcing them to pay up especially where they've violated fundamental rights and freedoms. So we have the the main challenge of delays although of course we have recorded some victories in terms of securing monetary awards. Uh main challenge that we continue to see, why we continue to see these cases is mainly because the perpetrators who are responsible, they've not really been paying for those monitored awards from their own pockets.

Normally those awards are paid for from the Consolidated Revenue Fund. Uh which is basically our tax money. And in a few cases where the perpetrators have been identified then there've been some claims actually that have been filed against them in their personal capacities. And some have actually been forced to pay. Uh we had one case where a police officer the judgement ended against them by the magist is And we succeeded in making sure that they would pay for that monetary award. Every month we actually had their salary garnished. Which which for us is an effective

way of sending a message that if you violate human rights then you'll have to pay and if you are going to be paying for your own salary then even if it's not going to cause reforms that are widespread within the whole service. At least that police officer who is affected they will be setting an example and sending an example to the others who may want to violate that. If you are identified and you are taken to court then you can actually be made to pay for those transgressions. So so we have had those successes and of course those challenges. But also just to say that in terms of what citizens should actually expect when their rights are violated. Particularly if they are enjoying their rights as provided in the Constitution. They have entitlement structural justice. Uh but of course they have to do it within the confines of the law. And in of the current laws At the moment you're supposed to be if your rights are violated by members of the police service, then you should be filing the claim within eight months of the violation occurring. So there's a limitation, a temporal limitation in terms of when you can actually file a claim for damages against the police. And you don't necessarily have to know the exact name or actual identity of the police officer

as long as you can identify that this was a police officer by their dressing. Uh we all know that most of these police officers and most of these tech agents they do not really identify themselves. They don't wear false numbers. The only way you can identify is being able to identify they were wearing a uniform that a police officer should be wearing whether it's ah for the police reaction group or the ordinary service ah police or even for the military as long as you can identify them by their dressing then you should be able to actually claim not just against the responsible police officer if you can't name them but also against their supervisors, their superiors including the officer charge. The commissioner general of police And even the minister of home affairs because they are liable in terms of the law. Um in the event that their employees violent rights then they should be liable to paying for any claims that may arise. Uh we've also had the challenge of delays in payment sometimes of these claims even if the court awards the damage which is of a monetary value. To to the victim. Then it's not possible for lawyers to go and attach property that belongs to the state. Uh in terms of the state liabilities act. so the the recourse has been to fell further court action to

compel the police service to actually pay up for those claims of damages. And maybe also just to highlight that the other challenge that we have seen but obviously that should not stop anyone who has rights violated particularly if they are enjoying their rights as provided in the Constitution is the fact that Sometimes if they are monetary changes in terms of the monetary policy. Then this can actually affect the value of the claim that you can file against particularly the police. Or even the military. Who are sought you when you are sitting or exercising your rights at peaceful protest which are perfectly entitled to. In terms of the constitution. So we we have had a challenge of having filed some claims during the US dollar era. And then the cases finalised when it's now real time growth settlement. And for some the awards would have devalued. But for some we have been fortunate enough that when the judges or the magistrates then look at the final award. Uh they take into consideration some of those changes. And make sure that the way that the value will be recorded. We will not necessarily result in such a loss. And of course just to also remind the listeners particularly those who would want to continue to set their rights to peaceful protests. But in terms of the

constitution and the law you are perfectly entitled to assert your rights peacefully. Uh the only limitation is that when you are exercising your rights you have to do so with due regards to the rights of others. And if you do come in conflict with the law then they are organisations that do offer support to be able to for justice or for or seeking for any other remedy that may be appropriate. Which may even include sometimes filing criminal charges against the police officers or the perpetrators from the state agents who may be responsible. Whether it's for assaults or torture. As you are perfectly entitled to do in terms of the constitution. Um thank you very much for the time.

Thank you Rose for that presentation. Uh I think the last bits that you were talking about reminds me of when you guys as lawyers and doctors were threatened that you had put out statements to say if anything happens to you we are available to do one, two, three. Maybe you might want to comment on that.

well yes it was rather unfortunate that that statement came out from the highest office in the land. Um there's really nothing illegal in terms of the work that human rights lawyers or doctors for human rights are maybe doing where they are just reminding those

who may need their services of where they can find them. and I would really want to repeat that if ah someone is their rights violated. When they are sitting there constitutionally protected rights then they should be able to reach out to human rights lawyers. And also doctors for human rights without any fear. Uh of the powers that be further persecuting these service providers because there's nothing illegal in terms of the lawyers or the doctors actually making people aware of the services that they provide.

Thank you

very much Rose. I hope that that has helped our listeners appreciate that when they want to exercise their rights It's. within their power as long as they are doing that peacefully. Um and that they're able to get the defence that the lawyers and doctors are able to provide them. And I think it's good news as well That there are those in security forces who have been forced to sort of settle damages personally and not through taxes that people are paying. Maybe we can at the end of the day be able to deal with impunity because if someone then recognises that they might be punished that way. They might actually then kind of not accept to be given such an order when they know that they are violating the rights of of

citizens And now we are going to hear from Alec Nchadehama. Who is a legal practitioner and one of the founding partners of in Makone illegal practitioners. He is professionally associated with the following organisations. He's a member of the Law Society of Zimbabwe. 1991. to date. Member of the Zimbabwe lawyers for human rights, board, member of the Belvedere Teachers Technical College, Chairperson of the Voluntary Media Council of Zimbabwe board member of the Zimbabwe Doctors for human Rights, Trustee of the Zimbabwe Labour Lawyers Trust, and I will give the mic to you, Alec. Uh, let's hear your comment in terms of the report that has been tabled by Tony Rilla.

Thank you very much Justina. Uh thank you Sapes Trust. Good evening colleagues.

Thank you very much Tony for the comprehensive report. It is very difficult to add anything to it. Because it is as comprehensive as one can imagine. but Tony's report is just reminded me of Brigadier Anthele Musanya to his appearance at the Montlande Commission. Responding to a commissioner who had asked it if any day the bodies were recovered from the area where the kneeling soldier was fiery. He said the following. If you watch that video closely that soldier who took a

kneeling whilst firing. If you check properly with the military experts, that rifle was being fired at an angle forty-five degrees. In the air, and not direct to the people. When asked why the soldier was kneeling, Daniel said he took that position because was avoiding missiles that were being thrown at him.

if you

Challe

nges this take. And call upon them to respect the right to protest. These are the kind of comical Indeed, let us responses that we are likely to get. From the state and its institutions. Yet, they are quite tragic. in their application. And if you want to consider anything about them Tony's report highlights case studies in respect of the NCA and Women of Zimbabwe Arise and to some extent the MDC

Well is

he is focused on these organisations. You can actually extrapolate his observations and findings to any other protest by civil society organisations or by any other organisations that are perceived to be under a government Or that the government considers as promoting regime change. Can it safely say that in respect to the two organisations that the NCA and I can personally relate to these two organisations because

as far back as two thousand I happened to be one of the lawyers for the two organisations. I remember at one point Professor Maduk was the most arrested person in the and and so was Jean Williams. because they were peacefully protesting. I will not forget one May two thousand and three A record four 50. Women arrested at Warren Park. When they were holding a meeting for the NCA, it was a very cold night. They could not even feed the cells of Warren Park. And they were there in the open shivering and so on. I will not forget us going to Silu. And Chebut. To represent members of Waza. Who had been intercepted by the police on their way on from Mulawayo to Harare to present flowers on Valentine. That is the kind of situation that we have in the Zimbabwean context. Tony has also highlighted important facts that these rights to peacefully protest are provided for in the Constitution of Zimbabwe Extensively. for that matter. You can read section 58 of the Constitution provides for Freedom of Association Section fifty-nine Freedom to demonstrate and petition Section sixty-one. of expression and freedom of the media. Section sixty-six Freedom of movement. You can as well add section sixty-seven. Political rights Which gives

you rights to participate in the activities of a political party. To participate in peaceful political protests. Participate in gatherings for peaceful political activities and so on. You can read sections 68 The right to the administrative justice. As well as section six section eight. The right of women. But not only are these rights protected in terms of the Zimbabwean Constitution. But also in terms of international norms. And practices. For example the United Nations Universal Declaration of Rights covers those rights.

African Chapter on peoples and humans rights. They have those rights. As well as the international Covenant Constitution and Political Rights. the international labour organisation they recognize freedom of association and protest as right that is at the heart of the rights of workers. And yet even if you see the ZCDU trying to protest peacefully for that matter. They are treated as much the same as water. As NCA and there's the MDC And any other political party. But if you also look at the jurisprudence of the Zimbabwean cause. They've long since recognised that these rights are at the heart of the democratic agenda of Zimbabwe

If you consider such cases as

the case of in Raymond Umeso. The case of another versus minister of home affairs. The case of Dari and others versus Minister of Home Affairs. They Supreme Court of Zimbabwe which is the highest record of the land, was very clear. That peaceful protest are at the heart of the democratic agenda in Zimbabwe. not with extending the clear provisions of our constitution And the protection that this right is given under international law. We still have a lot of challenges when it comes to enforcement and promotion of human rights. In Zimbabwe. And Tony has also done well to identify the perpetrators. They are clearly state institutions. Or those that if the support of certain institutions the police the CIO, Zelopi of Political Activists, Militia, war veterans and so on. Ironically It is the state in the related state institutions. That is the fundamental duty to protect, respect and promote the rights that was talking about. If they are at the forefront of these violations. So we actually have a lot of challenges. Uh on our hands. And lastly the issues that also emerge from Tony's report. You find that in his Zimbabwe because of the involvement of the state There are a lot of issues around impunity. You find a lot of impunity in the

Zimbabwean context.
perpetrators actually get promoted. Promoted to become I think the ambassador to Tanzania. And if you check the history of all the other perpetrators they were promoted one way or the other. Issues of selective application of the law. If you protest you get arrested. And the person who have assaulted you as you protest get scot free. the culture of violence that Tony was talking about. While it's perpetrated by the state, it is a worrying trend in Zimbabwe that we have this worrying trend of cultural violence. And of course the overarching issue of fear. Fear by the citizens to demonstrated Because. of the push back that we get from the state and certain institutions. People are now almost afraid to take part in any form of demonstration. Attached and related to that as well. Issues of civil demobilisation. In fact that as a result of this violence. Many people have now become immobilised. Civil society. Labour. Political parties. Ordinary members of the public. And now all risk avest is to put seat. Because of the experiences that they've gone through over the years. At the ends of the state, as they try to demonstrate and accept their rights is guaranteed in terms of the Constitution. You. also end the issues of unfair

elections. if you look at the report and if you also check the history these violations normally escalate during the period of elections and now we are already in election mode. As Jacina pointed out there, they are supposed to be by-elections in two or three months. Soon after that, we have the harmonized elections in twenty twenty-three. After 2023, you'll be challenges in respect to the outcomes of the general elections and we are always in election mode. And because we are in election mode all the time. The virus is also ah present and ever looming in the horizon. Of course attended to that is the ever decreasing democratic space. Again being made to send by the state. This is why the state is from now getting these laws like the PVO Act the cyber security act and so on. So attending these violations are other things that the state is doing which also have the effect making it almost impractical for people to enjoy their rides including the right to protest. So in regard to the way forward I entirely agree with Tony in respect to his observations. But the state is a duty to to observe these human rights. But also civil society members of the public and Labour Political Parties and so on. They are

also duty bound to assert them
selves And make sure that they
enjoy these rights Because.
they are constitutionally
guaranteed. So otherwise there
are a lot that can be said but
in brief those are my comments.
Uh thank you Justina.

Thank you very much Alec for
those pointers there and I
think what stood out for me was
your description of what Sonia
Twe said. And the fact that I
think you'd look at it as being
hilarious but at the same time
you are saddened that it
actually resulted in the tragic
loss of life. So and I'm also
is we are talking about the
right to demonstrate and and
petition. This seems to be a
right that is selectively
limited. Because I think in the
process and in the years that
we are talking about. We have
seen people in Zanu PF and
their attendant groups. Being
able to demonstrate and
actually not being subjected to
what the other citizens who are
seen as being with dissenting
views. Um in that situation how
can we probably attend to it?
Um Alec.

the other constitutional
provisions that also exist
related to the right not to be
discriminated against.
also to the protection of the
law and the rule of law. one
way is to go by Rosie's
suggestion that you can also
assert your rights in court. By
suing the police, by suing

whoever violates your rights
and by going to court to have
your rights as violently
declared by either the masses
caused the high Court or the
Constitutional Court. So you
can take that kind of activism
to also engage in what we
now refer as low fare. So
because I'm a lawyer I would
also try to assert those rights
from a legal point of view. But
again like I said to attempt to
assert those rights in terms of
the Constitution. You recall
the sinner when in NCA used to
demonstrate in Warza. When the
police came they would just sit
down
demonstrated
beyond doubt that
they were not being violent. So
that these allegations that we
then find from the likes of
Sanyatu and from the other lies
that come from the other side.
cannot be alleged against the
protesters. So not so thanks
also to social media Justina.
As well as the the the new new
new journalists that you find
everywhere. So people can also
use social media to propagate
correct information. They can
use their groups in their
WhatsApp to propagate correct
information. And so on. So they
should not wait from for
official communication. You can
devise these creative ways of
countering propaganda
especially through social
media. Through news new good
news and so on. So I think we

just also need to be innovative. As well as for me to say to engage in collaborative efforts. I like what the NCO forum council of Service Unit Rao trust you do. But I think if we also do this on a wider scale a civil society organizations. I think the more the merrier our voice will be heard loud and clearer. Maybe. So I think we need to be innovative as well when it comes to these approaches. Thank you very much Alec and thank you Rose as well as Tony for those presentations. Uh and now it's time for those who might have questions for the panelists. Uh the floor is open. Uh I think you can put your questions in the chat box. Or you can simply put up your hand. Uh and we will identify and you can put your question to whoever it is directed to. And as I wait for the questions to come in, I think one other concern that comes to mind is the limitation of the right to Freedom of Assembly and Association. I think in the recent few weeks, we have seen how the leader of the MDC alliance was kind of blocked to access that he wanted to access. And with elections coming up that could actually be a system that could be used to limit people being able to assemble as they wish and also to associate with who they wish. All of which are fundamental rights that are

guaranteed by the Constitution
I. see Tony's and Tony to you.
Thank you, Justina and thank
you very much to Rose and Alex
for unpacking their sins. I
wanted to say something about
the the notion of risk aversion
and and to link it to some
other issues. Uh the forum I
think was late last year
produced a report which really
strongly endorses one of the
issues that that Rose raised
and that was the the practical
impunity that happens and that
is perpetrators do not actually
get charged, investigated, come
to court. And that impunity
then has left civil society and
particularly the lawyers and
civil society. With the
unenviable task of going a very
long, complex, actually very
expensive route of civil
litigation. Uh and that's
documented quite well in a
report of the forum. Uh about
what has happened with and in
fact there are two reports on
what has happened with these
seven cases. I mean the latest
one I just checked very
quickly. Uh covered seven
hundred and fifty odd cases. Uh
of people who had been forced
to go the route of civil
litigation in order to
demonstrate that in fact that
we violate. Um maybe Rose can
comment in about how many of
those are likelier to have been
victims at public protest. I
know a lot of them will be
victims of elections but some

of them will be from protests or demonstrations. And the damages were extreme. They were very very high. And the damages were put down in US dollars. Uh against the state there were about 3 million dollars. Uh and these were the closed cases. These were cases that not closed cases. These were cases in which were asserted. The previous report, I think, pointed out that something like only ten percent of those cases were the damages ever paid. And the other point that, that rose raised, and I think it's very important, we need to pay attention to that. It's very difficult to identify the individual perpetrators. So the effect of this practical impunity is ultimately what happens is the taxpayer pays. Uh, and so, in a very perverse way, The victim through contributing to tax, in a way, pays for his own damages. Uh I mean, I think this is absolutely scandalous. But the border point I wanted to make was in this creation of risk aversion we, it's, it's a bit like that story about the slow boiling of the frog, that you don't notice that you've been boiled until the very, very end. And in this very very hostile environment. It's not merely the attacks on peaceful protesters. It's also added to embellished by the continuous use of hate speech. Um and I think the statements that I put

in the beginning by Douglas
Mahia. just resonates through
the last 21 years. The same
kind of statements are made in
which ordinary citizens doing
what they think is the
Constitutional right as both
Alex and Rose have pointed out
Are identified as enemies and
people to be treated with
disrespect. And this is a very
very deep problem. It speaks
not merely to the legal. It
speaks to a culture that has
grown up in our country. For
two decades. Nearly three
decades now. In which it is
conventional to treat somebody
with a different opinion as an
enemy. and that climate of hate
speech builds on the fears of
citizens Because. if state
agents and state officials and
high people in high office
continually use that kind of
rhetoric. Against the evidence
that if you do wish to express
your view in public. Then you
are likely to meet with
violence and ill treatment. Uh
so in the remedy one of the
things that is really critical
is we must challenge this
culture of mutual hostility.
And I and I and I'm not putting
the blame entirely on, on, on,
on the government and members
of Zona PF. Um, I think that
kind of rhetoric and
discussion, and, and use of
language, has become common.
And that's the language of war,
and of violence, and, I, I just
saw a comment the other day in

the newspaper, where Honourable Sikala described Zana PF members as Zana PF pigs. This is not language of tolerance. This is the language of fighting. And so if we do not address the culture within us. In the way we treat each other. And how we listen to each other's arguments. Then I think it gets even more difficult to address the problems of being able to speak out in public. And so those will be my my my two additions that I know. Thank you. Thank you very much Tony. And Rose would you have anything to add to what Tony was talking about in terms of the cases Um I think he wanted to know in terms of the percentage of those coming out of protests. It could be yourself or Alec responding to that one. I'm still watching out for any more hands. Um thank you. Uh maybe just to say that I think one of the main challenges that we have seen particularly over the last twelve months. Um twelve to eighteen months. It's been that we do have a number of cases particularly from January twenty nineteen And then we also had a few cases from 2018. Uh where we were claiming damages on behalf of those who were victims of excessive of force by the police, whether they were torture d, assaulted, or arbitrarily arrested. Then prosecuted. The real challenge that we have seen has been that

a number of the cases have not been finalised. Um, because the lawyers representing the perpetrators have been trying to delay the proceedings further. Uh, they've been raising all sorts of arguments. Trying to get the cases or claims dismissed. Uh one of the classic arguments that they've actually been raising in the courts has been the fact that they say that the victims have not been able to identify whether it's the soldiers especially but they've just said that they were military people because of the way that they were dressed. And of course those arguments have been dismissed. So in terms of actually being able to measure a number of the cases that have been finalised for us. Some of them have been outside protests but the majority of those that occurred during protests they are still ongoing because of the delaying tactics that we have seen with the police. And especially the lawyers representing the military. But we anticipate that most of them will be finalised as soon as possible. a larger number of the cases that we have been pushing to finalise with those involving the families from Manzo. I think if you're following there were quite a number of cases that were filed on behalf of those victims whose properties were destroyed by the police. So we are still

trying to make sure that all the cases are from the protests are finalised in good time despite the delaying tactics that we've been facing. Especially from the lawyers representing the army at the courts. So at the moment I'll not be able to give you like an exact figure. Is some of the cases were delayed because of the practice directions. Which suspended some of the court proceedings for cases that were not deemed to be you know very urgent. If they were not bail cases. Then they were further delays because of the COVID the regulations and failure by our own justice delivery system to actually adapt to justice and facial court sittings. Uh is we actually now have a law that actually says that we should be able to have visual court sittings as long as the the relevant rules are introduced to manage those proceedings. Thank you. Thank you very much Rose. Alec before you come on, I also wanted to add and ask, when the Motante Commission did the inquiry, they also had recommendations. And some of the recommendations spoke to the training of those in the security sector. So that there would be more adept in terms of crowd control. is there evidence that this has happened? Or we are still stuck with a group that is not aware in terms of how they should be able to deal with with crowds

in case of protests.
you need to unmute Alec. Okay
thank you Justina. Uh firstly
has always been that there was
no need for Commission in
Zimbabwe Because we have our
own Zimbabwe Human Rights
Commission. Which is well
Constitutionally mandated to
deal with such issues. And when
it came to they need to train
those people. They kind of
incipient protest that was just
about okay before the army came
in Was so insignificant and so
harmless that you did not need
members of the army to come and
assist the police in that
situation The Zimbabwe Republic
police on their own even
without their under riot squad.
Could simply have dealt with
what decisions that arose. So I
want to believe that those
circumstances are not the kind
of thing for which the Montana
Commission would have concluded
that the our police needed
training in crowd control
Because nothing had really
happened to warrant the
situation that then unfolded. I
am not aware of any training
that then ensued. What I think
is that the police are capable
of handling any protests that
your case in Zimbabwe Because.
if you look at Tony's graphs,
our protests are that rioters,
we don't have many rioters
Situations. If you look at the
1998 food riots, the police
were able to contain that
although the help of the army,

the January 19 protest, the police were able to contain that. So the police are well trained to deal with that. What? The police may need to be trained on, in my view, they need to appreciate Human rights is enshrined in our constitution. And how to police Human rights But the problem is not with the training of the priesthood or the army. The problem is with the culture of violence, the culture of impunity, the things that the state does to us. The violations of the state of human rights And the denial of people's right to protest. That is where the problem is. I do not think therefore that problem is in relation to the training of the police or the army. The problem is much bigger than that. You can go so far as to say that more political than the need to train this in the army. So that is what I I would say in regard to that testimony. Thank you very much Alec. And earlier on I think Alex spoke about how CSO citizens and labour and opposition parties need to also take on the role of ensuring that they exercise their rights Uh like the right to protest. But how do these groups then how will they be able to balance this with the I think you also spoke about CSOs being demobilized. And you also spoke about the issue of the private

voluntary organisations
amendment bill. How will that
balance come out? Because we
are also recognising that there
is a there is deliberate effort
in terms of the amendment bill
to actually get CSOs out of the
way. Not just CSOs but I think
a lot of other groupings as
well that are working to work
with citizens in terms of them
being able to claim or exercise
their rights So is you guys
respond to that? You also give
your your final your final
remarks before we conclude
because I'm recognising that my
audience is really averse to
asking questions. I am not sure
why. So I will begin with Rose,
go to Alec and we will end with
Tony. In terms of your your
final remarks.

Thank you. Well,

I think ehm,

the issue that you raise
around, the disabling of civil
society and how the other
panelists suggested that there
is to be more action taken, I
think it should be prudent for
Mister Mshade, I'm about to
share with us the strategies
that he thinks we can employ a
Zimbabwe society, to manage
that since we are the one were
predominantly affected and I
think the challenges that civil
society are facing in terms of
the PVO amendment And not
entirely new. Uh we are also
seeing the same challenges
starti
ng to likely affect the

law society. I think we have seen the challenges. Um that have recently merged. Uh in terms of certain litigation that has been filed against the society. And also the proposals to amend the legal practitioners act. But anyway going back to the main subject of concern that we have today. Um for us I think ah going ahead a civil society. I think our role will be to continue to of course encourage the citizens the people in Zimbabwe to accept their rights as provided in the Constitution. They are entitled to actual asset those rights Uh in the Constitution. As long as they do so. Uh within the confines of the law. They should be able to accept those rights. And some of the issues that we have already discussed and identified as challenges. I think we have also tried to also look at the possible solutions to some of those challenges. Where of course we increasingly do know that the selective application of the law. And when it comes to some of the rights in the Constitution there, are some groups that are deemed to have more rights than other groups. Um but of course we can always rely on the Constitution to then make sure that the provisions of the law are actually applied equally. And there's protection of the law for all citizens So. going

ahead where we see selective application of the law. I think we should be able to as citizens as civil society to actually challenge that selective application of the law. And not just wait for our rights to be violated before we actually approach the courts. We can also approach the courts. In anticipation that rights are likely to be violated. And preempt some of these violations. So it is something that we should be looking at. And we do have a lot of work ahead of us other than the work of defending our operating space. A civil society which is obviously also going to be affecting the ordinary men, women, child in the street, who is benefiting from the services of civil society organ musicians. At all the different levels of Zimbabwean society. Whether it's at the community level, at the national level. Or at other levels where civil society is operating. But I'm also very keen to hear from Mister Mshade Yama about how to deal with this animal called the PVO amendment. Thank you. Thank you so much Rose. Over to you Alec. Thank you Justina. So for me there is noone single or one size fit all strategy. Which we can to accept these rights. So. I think the honesty is on a civil society organisations to come up with programmes of action. To make sure that these

rights are violated. And one such initiative is what we are doing. SAPS trust Rao CSU and others. To highlight these issues. And bring them to therefore. This is a very good initiative. And thanks to it is an ongoing process and they've been doing it very well over time. So for me this is one such good initiative. I recall in the past the churches tried to take everyone on board Um to say let us come together. develop strategies the way we can ask the state what it is that that is good for us. Two thousand and three and so on. There was that initiative. And eh Tony was talking of the example of Desmond Tut. That when he was among the protesters. Apartheid regime tended to shy away from really doing what they could Where he absent. So who knows if the church comes on board and lead us together with civil society organisations. Uh we could be headed for somewhere. But I'm also thinking Justina that in regard to simple organisational issues. We do not appear or we may have challenges in terms of organising ourselves. engage in this peaceful protest I know very few organisations who are community based. Who go down to the community level there. To empower them. So that they know that they are. These rights which they can asset to better themselves. We of course are in town and so on and so

on. But I think there is need for community organisations and for organisations. Particularly CA scores to also go right down to the roots. And empower communities so that they accept their rights and so on. in regard to the PVO act the cyber security act. The attempts at amending the law society act. a and so on You can see that there's a method in the madness that is coming from the state. They want to totally control everyone. So what they are also doing is that they are seeking their agenda and they were busy following. Are we also not able to set our own agenda? And pursue that in terms of our programmes. Maybe so that we are simply not reacting. Like we normally do. Because for me Justina there are a lot of opportunities that come our way. Which opportunities we do not cease. As a country. There are a lot of opportunities that come labours way. And we see labour quiet. There are a lot of opportunities that come. Political parties way. And we see the opposition political parties keeping quiet. There are a lot of opportunities that come. Civil societies way. And we see them either just watching. Or making the statements and keeping quiet since they arrived. So like Rosie would suggest in regard to laws, we obviously could mount court challenges, constitutional challenges and

so on. But there is a limit to which you can go to court and really get what you want. So law fair has to be supported by other civic Protests Peaceful. like Rosie was suggesting. And last you will find that there's also COVID-19. Is being abused to also stifle this rights Including elections. announces that elections are going to be held on five December. Twenty the vice president is stands up there and says no they are not going to be elections because there's COVID-19. If the world worldwide elections are being held. The Constitution is clear That any election has to be held within ninety days. It never says that if there's COVID you then do without elections But. they are safeguards. In regard to the holding elections during COVID. So these are the opinions that Zano PF seizes. Covid-19 ceases the the passiveness of suicidal organisation. And set agenda which we then just in a way like this is a gender to to control us. So I in short there's no limit to what we can do. But otherwise let me think you Justina service for giving me this opportunity. And of course our colleagues who have joined this virtual discussion. Thank you Justina. Thank you very much Alec. Over to you Tony for your closing remarks. Thank you Justina. Thank you, Eric. Thank you, Rose. couple

of end comments. for societies to be happy and successful. There's a two-way process that the citizens must have political trust in the government and the state. The camaraderie of that is the state must trust its citizens. And it seems to me this is exactly what we're all talking about. Uh the growth of legislation to the activities of citizens through their groups and through citizens at large. That's the PDO Bill, the Patriot Bill, the attacks on the Rural Society, etcetera, etcetera. These are all indications of a government that does not trust its citizens So who do citizens actually trust? Well, the Afrobarometer tells us quite clearly. The most trusted group, the most trusted agencies in the country are non-governmental agencies. So 5% of citizens say they trust NGOs slightly less religious leaders. These are the most trusted people. So when we talk about Alec raising the issue about protest and Desmond Tutu leading and the clerics leading them in South Africa. You know. March with the arch. Was a way in which people were able to circumvent the violence that might happen against them. So one of the things that's very important is that churches do need to come to the support of civic organisations and other

groups. It it was a way in which much of that violence that happened between 19 and 94. In South Africa was obviated. And that was by the churches taking a very decided step in in favour of peace. Um and I think that's one very important strategy here. And the church is taking a very strong position and they have in fairness. The Zimbabwe heads of Christian denominations pointed out the is the head of elections and their reservations about whether the government was doing a good job and got roundly criticized. Um and attacked in very scurrilous ways. Uh expressing views I think on behalf of the members of their churches who were talking to them all the time about how unhappy they were with their lives. So certainly some kind of fusion between churches and civics to be able to help us express our views. second point I want to make is it's not written in the Constitution in a particular way. But it's right there right at the beginning. And that is the responsibility of every citizen. To ensure that the Constitution is enforced. So the Bill of Rights really should also have a a statement alongside every every one of the rights. To say it is also our responsibility. It is a citizen's responsibility to ensure that the Constitution disappeared. The rights are not

gifts. They require us to protect those rights. It's not merely that the government has given to us. We have to assert the fact that they are our rights and it is the government's responsibility. And our responsibility to ensure that. That being said, we must be clear that when the state fears its citizens as the state quite clearly does in this government does, that we face a very, very difficult task. Because what is ahead of us is the challenge for political power. And we are in extremely dangerous situation. Dangerous situation because the state as my good colleague has pointed out for many, many years here, has been militating in a very serious way. So we have to face the fact that we are in a very dangerous position. A position in which the status insisted not on reforms but on avoiding all reforms that are possible. With Constitutional Amendment number two, 20 whatever number constitutional amendments they wish to take place. So we have to find a way to collectively express our voice. As Alex has said and to find a way of collectively linking our voices. One of the things that has happened in my view over the the years since two thousand, is this siloing and atomizing the civil society? Uh this is not unexpected. That's been a strategy of the state. It's to break us up into the

silence. So the human rights workers work in a different from women's organisations and from Labour and from the humanitarian organisations. And one clear intention behind the PBO Bill is to attenuate and exacerbate those splits between those groups. Uh and as Rose pointed out a while ago there's nothing new in the PVO Act. Uh this has all been a strategy adopted and usually adopted ahead of an election. And that's to fragment human rights groups and activist groups from humanitarian groups. But until we join hands across all these different constituencies. I fear we will have very little chance of curtailing the assault on our civil liberties. So the task is not merely for organisations to join hands. It's for the citizens to join the organisations and encourage them to join parts. And to do at least one thing that citizens can do. If they're not able join the protest and put their feet on the street and march with the arch. They can use their voice. And one of the things that Alex said is there is social media. And there are plenty of platforms in which citizens are expressing their voice. And we must harness the power of the diaspora to join us in this this struggle to assert our lives. So thank you. Uh the report will be made available as wide as you possibly can. And as soon as we

can and we hope that people will join this consortium of the forum and Rao, CSU, Veritas and the Hills Zimbabwe Trust in the launch of further reports during next year. Thank you very much. Thank you Tony and congratulations on the launch of the report. Um I think we have come to the end of this session and I will hand over to Doctor Mandaza. Thanks Justina. A very interesting discussion indeed. And it was nice to see Alec so animated. outside court for change. Um thanks very much and I not much to say. I think the summaries have been provided adequately. Uh so for me just to thank Justina and and the panel. for the very interesting discussion that we've had today. Um and then to say to everyone. have a very good holiday. Um and that we meet in the new year. Probably the last week of of January twenty twenty-two. And to thank all of those who have joined us in the course of the year 2021. And and remind you that we are, these are recorded sessions that be transcribed and published. So that we do keep a record of our discussions. necessarily and also disseminate them as we should. In addition, of course, this also on Facebook, And on YouTube. So until we meet in the new year. Thank you. Good night. Adios. Thanks Justina. above what