

# RESURGENCE OF PUBLIC VIOLENCE IN ZIMBABWE

A National Crisis



When the Right to Peacefully Demonstrate and Petition is a Necessity

## Introduction

Since the emergence of popular social movements in early April 2016, tension is increasing between the law enforcement agencies, particularly the police and citizens. While the Zimbabwean have experienced a growing hostile response from the police by expressing their disappointment and anger on the current socio-political and economic order in the country, law enforcement agencies are increasingly being attacked by civilians in revenge. This growing hostile relationship between the police and the citizens creates interminable civil unrest and extremism on both parties. In the interest of maintaining peace and order, upholding human rights and dignity, the police should respond to the public's acts of freedom of expression and association in a constructive and peaceful manner. The citizens, on the other hand, are lauded to respect their right to protest in peace without causing violence, disruption of other people's rights and peace. Over 580 people have been injured with 161 being victims of organised violence since January 2016.

Heal Zimbabwe is greatly concerned with the rising socio-economic tensions, public violence and police brutality. We join other institutions, including the Zimbabwe Human Rights Commission and European Union, in calling for peace and an end to violence and police brutality. The violence experienced in the past between February and August 2016 reflects deep seated problems requiring a national dialogue through engaging citizens and the state. Expedient implementation of the National Peace and Reconciliation Commission (NPRC) is also an opportune time for Zimbabwe to facilitate national healing, reconciliation and integration. Zimbabwe should at all cost avoid the South African Marikana consequences or chaotic extremism akin of the Middle East and North African experiences. Zimbabwe needs Peace and Peaceful resolution of conflicts. While the citizens must exercise their rights peacefully, the law enforcement agencies should uphold the constitution, respect human rights, fundamental freedoms when maintaining peace and order.

### a. Background to the Demonstrations

Zimbabwe is currently undergoing serious socio-economic and political challenges which have triggered mass popular protests and demonstrations across the country from war veterans to the ordinary citizens and from political parties to national institutions. Once their grievances, collectively, are not addressed, there is potential for continued unrests. Between June and August 2016 over 15 demonstrations were conducted in Harare, Beitbridge, Kwekwe, Bulawayo, Mutare, Victoria Falls, Bindura and other smaller towns of Zimbabwe. Chief propagators of these social

uprisings are ordinary citizens leading different social movements whose aim is to seek government audience to address their needs. While some of the protests have turned violently, many have been largely peaceful albeit brutal police reaction on each of them. The declining economic situation and political malaise are principally the root cause of these groups. War Veterans have also been coalescing against perpetual discrimination of their welfare by the government.

The country's crisis is, however, suddenly reaching a knocking point resulting from the government's response to the public expression. Law enforcement agencies are legally mandated to maintain law and order in the country and ensuring that citizens have constitutional rights (section 58 & 59) to "freedom of assembly and association, and the right to assemble or associate with others' and the right to demonstrate and to present petitions, but these rights must be exercised peacefully."<sup>1</sup> Of significance to note is that in an attempt to promote national security, maintaining law and order, the law enforcement agencies has violently responded to citizens' freedom of expression and association using excessive force teargas, water cannons, baton sticks and sometimes unleashing dogs. Such mighty showing responses have resulted in members of the public fighting back to the police, for instance, by throwing stones, beating the police and burning vehicles and destroying properties. Criminal cantons have also taken this chaotic opportunity to steal or loot shops, perpetuate violence and further widen the rift between members of the public and the law enforcement agencies. Political parties particularly those in Zanu PF and the MDC could also have obtained an opportunity to settle their political scores, emerging either from their internal factionalism or across the parties. It is within this context that police brutality has become a challenge to enhancing peace and order in the country. The coming on board of the Army as was the case last Friday, 26 August 2016 will not help the matter either. Rather it may send a wrong impression that the police have failed to protect citizens hence the need for a military intervention, But Zimbabwe is not at war!

## **b. Police Brutality**

The police are mandated to promote law and order and to protect people from violence, conflict and criminal vulnerabilities. Section 219 (c & d) of the constitution stipulates that the police is responsible for "protecting and securing the lives and property of the people" and maintaining law and order." However, in an attempt to execute their duties and responsibilities, that is protecting

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<sup>1</sup> Constitution of Zimbabwe Amendment No. 20 of 2013

citizens and truly maintaining law and order, brute force has been unreasonably used. A matter of great concern is that innocent citizens and some peaceful genuine protesters have been injured, arbitrarily arrested, tortured and inhumanely treated under unclear circumstances or without being made aware of their crimes.

**Brute force:** A total of approximately 380 people had been injured since January 2016 with 161 being victims of police brutality and some form of organised violence. People have been assaulted and violently displaced in several peaceful protests in Harare, Kwekwe, Bulawayo, Beitbridge and many other smaller towns.

On the 30<sup>th</sup> of August 2016, the police arrested a Journalist, Chrispen Ndlovu and other six activists including Mthokozisi Ncube, Lenny Kuzwarira, Hampton Maphosa, Plaxedes Denge, Lwandlelubanzi Ndebele and Alfred Dzirutwe in Bulawayo, for peacefully demonstrating against unemployment. All the arrested persons were badly beaten. However, Chrispen Ndlovu is recuperating from the beatings in hospital while other members were scheduled to appear in court on the 1<sup>st</sup> of September 2016. The individuals were merely exercising their constitutional right to demonstrate and petition peacefully but the law enforcement agencies decided to stop them using violence and coercive force.

Between the 24<sup>th</sup> and 26<sup>th</sup> of August, the police used tear canisters, water cannons and baton sticks to disperse peaceful protestors before they faced a mass backlash. On the 24<sup>th</sup> of August, the MDC-T youths launched a peaceful march which later turned violent when the police fired tear canisters on them. When the protestors started retaliating, the police called for force reinforcement leading to excessive use of violence against the marchers. The police randomly beat anyone in their view, unnecessarily throwing tear canisters among people and spraying pepper water to street walkers. Members of the public were caught up in the violence and they ended up collaborating with the protestors against the police. On the 26<sup>th</sup>, the police disrupted a peaceful march organised by the opposition parties who intended to submit a petition to the Zimbabwe Electoral Commission (ZEC). The March was scheduled to commence at 12.00 noon but the police swarmed the meeting place early morning around 7.00 am. They were already displacing gathering participants, spraying pepper water and blowing tear canisters to prevent any gathering. These acts are clear violation of the people's rights to demonstrate and protest peacefully as prescribed by the constitution of Zimbabwe.

Following the Friday 26<sup>th</sup> disrupted protest, the police went on to arrest 67 citizens caught up in the protests. Some of the arrested persons were abducted during the night. For example, Kerina Gweshe Dewah was abducted at the middle of the night at her home in Glen View. She was only found at Harare Central Police Station the following morning. It is notable that some of the abductions are being carried out by Zanu PF youths who would torture the victims before surrendering them to the police.<sup>2</sup>

Lillian Chinyerere Shumba, a 62 year old woman (see figure 1 below) was brutally assaulted by the police outside the Harare Magistrates Court. The woman was minding her own business and the police caught up with her as they randomly beat anyone in the vicinity. Ms Shumba suffered shoulder injuries and ear damages from the brute force used against her by the law enforcement agencies. It is this indiscriminate pounding of citizens that makes the police responses to demonstrations a

Below: Police Officers brutally assaulting Lillian Chinyerere Shumba, outside the Harare magistrate courts while she minded her own business on the 26<sup>th</sup> of August 2016



Above: Lillian Chinyerere Shumba at her house in Chitungwiza after her horrible experience in the hands of law enforcement agencies. She suffered shoulder and ear injuries.

**Figure 1: Lillian Chinyerere being brutally assaulted by the Police outside Harare Magistrate Courts (August 2016)**

<sup>2</sup> The Standard (August 2016) ZANU PF Militia Abducts Activists.  
<https://www.thestandard.co.zw/2016/08/28/zanu-militia-abducts-activists/>

provocation of peace and trigger of public revenge. It is everyone's anticipation that professionally trained law enforcement agencies should respect the people's rights and target offenders rather than innocent citizens going about their duties.

On the 25<sup>th</sup> of August 2016, the police violently disrupted a peaceful protest in Harare. The protest, however, turned violent as the protestors retaliated the police. The police fired teargasses and randomly beat people indiscriminately. The worst callous act by police was observed as they threw teargas canisters in a Commuter Omnibus full of passengers.

Stan Zvorwadza, a human rights defender and the NAVUZ Chairperson has been a victim of police brutality on several occasions. In June, 26<sup>th</sup>, 2016, the police arrested Zvorwadza and eight others (5 Journalists and 4 human rights activists) while protesting against the long stay of Vice President Mphoko at Rainbow Towers in Harare. They were released without charge although Zvorwadza and another had sustained serious from assaults and a fall from the police car. On the 16<sup>th</sup> of July 2016, the National Vendors' Union Zimbabwe (Navuz) chairperson was arrested along with 13 other Vendors while peacefully demonstrating at Town House. He was publicly assaulted by a Police Officer only identified as Bhunu. On the 18<sup>th</sup> of August 2016, again Zvorwadza was brutally assaulted by the police and was left for dead during a peaceful protest.

**Figure 2: Police Brutality on James Jemwa (in yellow): Harare August 17, 2016**



James Jemwa, a Journalist was also heavily assaulted on the 17<sup>th</sup> of August 2016 by police Officers during a peaceful march. Jemwa is currently nursing the wounds from heavy battering from the law enforcement agencies.

On the 4<sup>th</sup> of August, several people were assaulted and injured by the police as the law enforcement agencies dispersed protestors. Media practitioners including Lawrence Chimunhu, Christopher Mahove, Tendai Musiya and Idah Mhetu were assaulted while going about their businesses.

On July 6<sup>th</sup> 2016, two (2) deaths of Kudakwashe Mutasa, an 18 month old baby girl and her mother were recorded in Bulawayo after the police threw a teargas canister into their house to clampdown on protestors at Burombo Flats. About 76 people sustained injuries while 43 minors were affected by teargas at Burombo Flats again. Use of teargas in closed environment is prohibited by international law. Teargas can cause cancer and can also trigger other diseases. In addition, approximately 16 children and 86 adults were arrested on the day. This experience unquestionably traumatised people who are still shocked by the heavy-handedness of the police force that is

**Figure 3: A Journalist Beaten by the Police During a Protest Against Bond Notes in Harare, August 2016**



supposed to protect them. Such behaviour undoubtedly triggers public anger for revenge.

In Epworth in July 2016, a total of 104 people were arrested while many were randomly beaten without even having been part of the protests. A total of 41 people among those caught up in the chaos sustained injuries. Of the 104 only 46 were able to pay bail quickly while the rest could not easily buy their constitutionally provided freedom. Among the arrested, some were heavily tortured while in police custody. Evidence of a video footage showing police officers beating arrested citizens circulated on social media. The traumatic footage shows police officers beating a wailing woman while another police officer holds her child on the hip as other detained people watch. She repeatedly pleaded for mercy citing that they are hurting her on an operation in her abdomen but the police officers laughed and continued to thoroughly beat her

**Figure 4: Unidentified Protestors Receiving a Thorough Beating from the Police in Epworth, July 2016**



In view of the above cases, it is notable that the police are using excessive force and brutality against peaceful citizens who are merely exercising their rights to demonstrate and demanding accountability from their elected government. By simply disrupting organised peaceful demonstrations, some of which were cleared by the same police force, violates Section 59 of the constitution. Section 59, grants all citizens the right to demonstrate and present petitions peacefully. It is unfortunate that the police reaction to the peaceful demonstrations actually triggered violence



leading to destruction of property, disruption of public business and injuries to members of the public and protestors.

**Attack on the media personnel:** The brutality facing members of the public has also hit hard on Journalists , reporters and photographers. Over 20 Journalists have been assaulted between June and August 2016. Some of the victims include Tendai Masiya, Haru Mutasa, Bridget Mananavire, Tony Manyangadze, Idah Mhetu, Lawrence Chimunhu, Christopher Mahove, James Jemwa and Crispen Ndlovu. James Jemwa was the most unfortunate victim of police brutality among other Journalists sufferers (see figure 2). In Bulawayo, Crispen Ndlovu, assaulted on the 30<sup>th</sup> of August 2016 is recuperating in hospital.

### **c. Public Backlash: A Signal of Anger of Revenge**

The police violent reaction and use of excessive force to control peaceful protestors has resulted in protestors fighting back in defence. On the 26<sup>th</sup> of August, protestors responding to police provocation ended up barricading roads and driveways to prevent the police from further assaulting them. The barricades also presented danger to public motorists and they disrupted normal life of non-protestors in the city. Some Police Officers were beaten by the protestors as revenge from the beatings and teargasing they were experiencing in the hands of the law enforcement agencies. Some shops were also looted and vendors' stalls burnt. Shops looting and burning vendors' stalls is illegal and should be condemned.

On the 24<sup>th</sup> of August, protesters in Harare retaliated to the police who were dispersing them using teargas and baton sticks. The citizens started pelting stones on police officers. The worst were the burning of police cars and the Zimbabwe Broadcasting Cooperation (ZBC) car. A careful assessment of the choice of properties destroyed points to the institutions largely viewed as propagators of violence and hate speech. The police were targeted for their violent attitude against protestors while the ZBC car could have been targeted for its status as a national broadcaster's asset. ZBC is usually blamed for spewing hate speech and propaganda against opposition parties. The Choppies Shops are allegedly owned by Vice President Phelekezela Mphoko, hence, a target of destruction.

**Figure 5: Vehicles Burnt by Protestors as Revenge to State Violence**



Left: a Zimbabwe Republic Police (ZRP) vehicle burnt by protestors – 24 August 2016

Right: a Zimbabwe Broadcasting Corporation (ZBC) vehicle burnt by protestors -24 August 2016



In Epworth on the 4<sup>th</sup> of July 2016, one Police Officer was severely assaulted and a police helmet was snatched during a demonstration. Stones were thrown at the law enforcement agencies as the public revenged to the ruthlessness they suffered in the hands of the police. This was undoubtedly a result of Police Officers indiscriminately beating every one without singling out the culprits perpetuating any law breaking actions.

Police officers on duty were also beaten by football fans at Barbourfields Stadium in Bulawayo on the 16<sup>th</sup> of July 2016 despite the police exercising caution and retreating from the marauding soccer supporters. One police officer also suffered serious injuries as a result of the attack by some malcontents within the crowd.

**Figure 6: A tale of Police Brutality and Public Backlash in Epworth (July 2016).**



On the 18<sup>th</sup> of February 2016, the government disrupted the War Veterans planned and police cleared protest by using coercive force. The former freedom fighters were dispersed using teargas, water cannons and baton sticks. Ambassador Christopher Mutsvangwa, the War Veterans Leader described the treatment like the Marikana Massacres in South Africa where 44 miners were killed in cold blood. He said *“These are the war vets who were subjected to such treatment by the State. We equate such brutality to the South African Marikana scenario. Clearly to see police bringing out paraphernalia of violence and beat up war vets who are unarmed, the best they had were cell phones, and who were coming to attend a meeting its equivalent to Marikana scenario because the State has gone berserk,”* he said. *“We don’t know why the state has gone berserk,”*<sup>3</sup>

One respondent to a media report on police violence against citizens said *“I am tired of paying lip service to these brave Zimbabweans who are pressed in the corner and fighting for survival and at*

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<sup>3</sup> Twala, C () Marikana Killings The Marikana Massacre: A Historical Overview of the Labour Unrest in the Mining Sector in South Africa. Southern Africa Peace and Security Studies. Vol 1 I2)

*the same time seeking to free our country from these corrupt leaders. Therefore, to show my commitment, I am willing to donate cash towards a fund that can be used to pay for bail for anyone arrested for political reasons. That is the least that Zimbabweans in the diaspora can do to show our support for a just cause. Does anyone know if such a fund exists?"*

The above remarks are scary, they show a growing anger on the state's response to the public expressions. The Zimbabwean citizens in general and specific protesting groups are increasingly getting convinced that the government will never respect the constitution and their rights because of the state's perpetual use of violence and infringement of fundamental human rights. Leaving this belief to grow can result in a cycle of violence and perpetual resistance among citizens, which is not healthy for national security, peace and tranquillity.

Public counter-attacks are a result of lost respect to the Police Force and a revenge opportunity taken by citizens. In this view, any further use of brutal force against citizens could increase backlashes against the law enforcement leading to potential lawlessness, criminality and lack of respect on the part of our national police force. The government may need to consider preventing the use of force against peaceful and genuine social dissention in order to restore the dignity of national institutions and the morality of its citizens towards public officials.

## **Conclusion**

The emerging levels of Police brutality and public violent revenge are a dangerous precedent to the democracy that Zimbabwe seeks to build. Peace, law and order are never built on the foundations of violence. Therefore, for the police to pursue national security, law and order using inhumane actions and violence against peaceful citizens is deplorable and objectionable. It is an affront to the People's Constitutional Rights and fundamental human freedoms.

### ***It is therefore recommended that;***

- The government and the police in particular, respect the constitutional and moral rights of citizens to peacefully demonstrate and petition their leaders without interference;
- The Zimbabwean citizens abide by the constitution and engage in peaceful actions in defence of their rights and freedoms;

- The government of Zimbabwe address the concerns of the Zimbabwean citizens, particularly the socio-economic needs of different sections of the society to prevent regeneration of violence and unnecessary dissention among people;
- The government must bring to book the police officials who brutally assaulted members of the public without considering their rights and freedoms;
- The use of teargas and pepper water with intent to disperse peaceful gatherings and the throwing of tear canisters be halted forthwith;
- The involvement of ZANU PF youths in investigating and arresting of suspected offenders be stopped; and
- The Police Force and other law enforcement agencies implement the law without being partisan or biased based on political affiliation or support.

**Figure 7: Standrick Zvorwadza Left for Dead after Beatings from the Riot Police**



**Figure 8: A Mufakose resident with freshly bleeding wound after being bashed by the police in Harare (Source: News Day July 16 2016)**



**Figure 9: Members of the public running for their dear Life as the Riot Police attacks them mercilessly (August 2016):**

In light of the growing discontent in the country evidenced by the persistent protests taking place countrywide, HZT has activated its 24 hour early warning and early response mechanism to human rights violations and will be responding accordingly. Currently, Heal Zimbabwe is assisting the victims of public violence with immediate needs while in police custody. Therefore, for any cases of human rights violations, arbitrary arrests and abductions among other violations, feel free to contact us on the following numbers: +263 779 449 071 and +263 777 462 931.

## **Heal Zimbabwe**

*We envision a peaceful and prosperous Zimbabwe that celebrates diversity within local communities.*

*Our mission is to prevent and transform conflicts with a particular focus of social justice.*