Questions
1. Deleted.
2. Deleted.
3. Is there an organisation in Zimbabwe known as Lawyers for Human Rights?
4. Is Tafadzwa Mugabe associated with this organisation?
5. Is there any information on the arrest of Sikhululekile Nkala and Bhekithemba Nyathi in April 2007?
6. Deleted.
7. Please provide information on Herbert Ushewokunze and his role in ZANU-PF.
8. Deleted.
9. Please provide information on Mubaiwa Chikazhe and his role in ZANU-PF.

RESPONSE
1. Deleted.
2. Deleted.
3. Is there an organisation in Zimbabwe known as Lawyers for Human Rights?

Zimbabwe Lawyers for Human Rights (ZLHR) is a high-profile organisation whose website provides detailed information about the organisation, including the following introduction:

Zimbabwe Lawyers for Human Rights (ZLHR) is a not for profit human rights organization whose core objective is to foster a culture of human rights in Zimbabwe as well as encourage the growth and strengthening of human rights at all levels of Zimbabwean society through
observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms in Zimbabwe and the surrounding region. It keeps these values central to its programming activities. ZLHR holds observer status with the African Commission on Human and People’s Rights (ACHPR), provides secretarial services to the Human Rights Committee of the SADC Lawyers Association and has affiliate status with the International Commission of Jurists (‘About ZLHR’ (undated), Zimbabwe Lawyers for Human Rights website http://www.zlhr.org.zw/index.php?option=com_content&task=view&id=25&Itemid=61 – Accessed 23 November 2009 – Attachment 3).

The organisation’s statement of aims and objectives indicates a quite broad scope, as follows:

The aims and objectives of ZLHR are to foster a culture of human rights in Zimbabwe and to encourage the growth and strengthening of human rights at all levels of Zimbabwean society. This includes but is not limited to the following:

1. To strive to protect, promote, deepen and broaden the human rights provisions in the Constitution of Zimbabwe;

2. To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important sub-regional, regional and international human rights instruments;

3. To strive for the adoption of a Southern African Development Community (SADC) Charter on Human Rights and to develop and/or strengthen the implementing mechanisms;

4. To endeavour to find common ground with and to work alongside other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for and interest in human rights;

5. To liaise and work with other human rights groups wherever situated but particularly in Southern Africa, and especially those closely linked to the legal profession;

6. To do all other things necessary to promote and protect human rights, the rule of law and separation of powers in Zimbabwe and the region (‘Aims and Objectives’ (undated), Zimbabwe Lawyers for Human Rights website http://www.zlhr.org.zw/index.php?option=com_content&task=view&id=20&Itemid=33 – Accessed 20 November 2009 – Attachment 4).

4. Is Tafadzwa Mugabe associated with this organisation?

Tafadzwa Mugabe is mentioned on the ZLHR website as the programme manager of the organisation’s Human Rights Defenders Project (‘Our Staff’ (undated), Zimbabwe Lawyers for Human Rights website http://www.zlhr.org.zw/index.php?option=com_content&task=view&id=22&Itemid=35 – Accessed 20 November 2009 – Attachment 6).

Information provided on the ZLHR website about the Human Rights Defenders Project states that the project “was established to assist in the protection of human rights defenders (HRDs) from the effects of directed harassment, intimidation, arrests and victimisation by the state and other non-state functionaries”. Relevantly to the claim that Tafadzwa Mugabe had sought legal representation for persons arrested, the Human Rights Defenders Project includes the Rapid Legal Reaction Programme which includes the deployment of legal assistance to human rights defenders who have been “arrested, detained or otherwise impeded by State agents in the exercise of their human or constitutional right” (‘Human Rights Defenders Project’ (undated), Zimbabwe Lawyers for Human Rights website http://www.zlhr.org.zw/index.php?option=com_content&task=view&id=29&Itemid=4 – Accessed 20 November 2009 – Attachment 7).

An article about Tafadzwa Mugabe on the website of the University of Notre Dame Law School in the United States mentioned that he had begun working full time for the ZLHR in 2004 (‘Alumni Spotlight: Tafadzwa Mugabe LL.M ‘09’ (undated), University of Notre Dame Law School website http://law.nd.edu/features/alumni-spotlights/alumni-spotlight-tafadzwa-mugabe-llm-09 – Accessed 20 November 2009 – Attachment 8).

5. Is there any information on the arrest of Sikhululekile Nkala and Bhekithemba Nyathi in April 2007?

An article dated 11 April 2007 on the SW Radio Africa website reported that Sikhululekile Nkala and Themba Nyathi had been “abducted” in Bulawayo on 10 April 2007 and since been moved to Harare where they were being held at separate police stations. According to the report:

The campaign of terror that the state is accused of employing mainly in Harare has now apparently moved to the second largest city of Bulawayo. This follows revelations that the Joint Operations Command comprising all the security services has directed the crackdown be implemented countrywide. According to Nelson Chamisa a spokesman for the Tsvangirai MDC, over 4 activists were abducted on Tuesday [10 April] in Bulawayo. National executive member Sikhululekile Nkala and Themba Nyathi from the Tsvangirai MDC were moved to Harare, arriving there in the early hours of Wednesday morning. Nkala is being held at Harare Central while Nyathi is at Matapi police station in Mbare.

Speaking to Newsreel from Bulawayo, Sam Sipepa Nkomo a senior official in the party, said they are surprised as to why the two have been transferred to Harare. He says Nkala especially ‘is a little young girl still in school.’ Nkomo says most MDC officials are now in hiding following reports that state security agents are raiding homes in the city and looking for opposition activists. The environment in Bulawayo has been relatively calm but all that has changed this week. Its now reported several people have been picked up and taken to Harare in a truck (Guma, L. 2007, ‘Terror campaign moves to Bulawayo as more activists are abducted’, SW Radio Africa, 11 April
On 13 April 2007, the *Zimbabwe Independent* similarly reported that Sikhululekile Nkala and Themba Nyathi had been “picked up by police and taken to Harare”. The article cited comment provided on 11 April by the “lawyer representing the two, Kucaca Phulu”. According to the article:

> The MDC national executive member in charge of Bulawayo, Getrude Mthombeni, confirmed that two national executive members, Themba Nyathi, who is also the vice-chairperson for Bulawayo province and Sikhululekile Nkala, were picked up by police and taken to Harare on Wednesday.

> She said several party supporters were picked up in an exercise that began over the weekend but said some of the members were released on Monday.

> “The police have been rounding up our supporters over the weekend and Nkala and Nyathi were taken to Harare where they are detained but the rest were released after being interrogated by the police,” Mthombeni said.

> MDC sources say Nkala is being detained at Matapi police station while Nyathi is detained at Rhodesville.

> The lawyer representing the two, Kucaca Phulu, on Wednesday said he was still not aware of where his clients were.

> “There is talk that they were taken to Harare but there has not been any communication from the police on the whereabouts of my clients,” Phulu said.


6. Deleted.

7. **Please provide information on Herbert Ushewokunze and his role in ZANU-PF.**

An editorial in the government owned newspaper *The Herald* on 30 July 2009 – in the run-up to Heroes Day – provided an outline of Dr Herbert Musiyiwa Ushewokunze’s role in
Zimbabwean politics. The article is laudatory, albeit prefaced with the observation that Ushewokunze had been considered by some to be “controversial”:

Variously described as controversial, flamboyant and traditionalist, Dr Herbert Musiyiwa Ushewokunze was a charming cadre who ignited Zimbabwe’s political scene by his witticism and openness.

He died on December 10 and was laid to rest on December 12, 1995.

An articulate revolutionary and eloquent speaker, Herbert Ushewokunze was a charismatic politician who could be comfortable anywhere, be it practising conventional medicine alongside traditional treatment. It was his “rare measure of public spiritedness and high sense of sacrifice (that) contributed tremendously to the shaping of the policies of Zanu-PF as well as implementing them.”

Born near Marondera on June 6, 1933 as the last child, Dr Ushewokunze had to be educated and brought up by his uncle after his father had died a few weeks before his birth...

In 1965, he graduated as a medical doctor from the University of Natal, South Africa.

It was while he was at Natal University that Dr Ushewokunze became involved in politics with his election as the President of the Black Medical Students Union. And as a member of Pan African Congress, he joined the South Africans in their struggle and campaign against the enforced carrying of passes that led to the Sharpville massacre of 1960.

Dr Ushewokunze returned to practice medicine in Bulawayo becoming the first black doctor to run a private nursing home called Marondera Clinic. He had other surgeries in Gweru and Kwekwe. In addition, he ran a charity clinic for the poor in Gokwe.

In the meantime, Dr Ushewolunze had joined Zanu’s youth branch and was extensively engaged in the underground recruitment of youths for the armed struggle. As vice-chairman of the African National Council Dr Ushewokunze played a major role in organising the black population’s rejection of the Pearce Commission of 1971.

Following the Geneva Conference of 1976, he left his medical practice to join Zanla in Mozambique convinced that his services would be of immense help to the freedom fighters. He was almost immediately elected Zanu’s Secretary for Health in Addition to assuming membership of the Central Committee and the High Command. Credit goes to Dr Ushewokunze for establishing clinics in guerrilla camps and refugee settlements.

Of significance was his remarkable achievement in training paramedical cadres into a Zanla medical corps that even extended its services to the ordinary Mozambican people. Dr Ushewokunze became Zimbabwe’s first Minister of Health in 1980 and introduced free basic medical care to the country’s low paid and unemployed. He had won the elections as Zanu-PF candidate for Bulawayo.

From the Health portfolio, Dr Ushewokunze held various ministerial appointments including Home Affairs (1982-84), Transport (1984-88), Political Affairs (1988) and Energy, Water Resources and Development (1990-93) after which he resigned from government to concentrate on party politics.
At the 1984 Zanu-PF Congress, he was elected to the Central Committee and became the Secretary for the Commissariat and Culture in the Politburo. Dr Ushewokunze contested the 1985 general election and won the Chinamora constituency. In 1990, he was elected MP for Highfield constituency in Harare.


In the Philadelphia Weekly in March 2003, an article about one of Dr Ushewokunze’s sons made the following summary mention of Dr Ushewokunze:

Flamboyant and often controversial, the elder Ushewokunze, a fervent Zimbabwe nationalist, often clashed with the Mugabe administration and was thrown out of the government, welcomed back in, then thrown out again. He died in 1995 and was buried in Zimbabwe’s national cemetery. He was declared a national hero (Rheinfrank, L. 2003, ‘On the Verge – Herbert S. Ushewokunze VII’, Philadelphia Weekly, 5 March [http://www.philadelphiaweekly.com/arts-and-culture/38365239.html] – Accessed 20 November 2009 – Attachment 13).

8. Deleted.

9. Please provide information on Mubaiwa Chikazhe and his role in ZANU-PF.

A search of the sources consulted found limited information on Mubaiwa Chikazhe’s role in ZANU-PF, however media reports indicate that Chikazhe has been a ZANU-PF councillor in Chegutu and implicated in controversial actions both against members of the MDC and against the government.

An article dated 3 July 2003 in the Financial Gazette referred to Chikazhe’s alleged involvement in corruption in the Chegutu Town Council:

A team tasked to probe operations at Chegutu Town Council has produced a damning report that brought to light serious abuse of ratepayers’ money including the siphoning of $150 million from the council’s drying coffers, The Financial Gazette can reveal.

The government-appointed internal audit team has since made recommendations to Local Government, Public Works and National Housing Minister Ignatious Chombo to dissolve the entire council and call in the police to investigate the matter further.

ZANU PF councillor and deputy mayor for Chegutu, Phineas Mariyapera who could not be reached for comment at the time of going to press yesterday, was cited as the brains behind the loss of $150 million.

... Officials in Chombo’s ministry alleged in their report to the minister that employees were telephoned by councillors at night during the investigations and threatened with death after being accused of providing information to the audit team.

Unemployed youths were allegedly mobilised to act as vigilantes during the probe.

An article dated 22 February 2007 in The Herald reported that Chikazhe was subsequently sentenced for having “corruptly abused council funds”:

Corruptly abusing council funds is costing former Chegutu deputy mayor Phineas Mariyapera and the town’s former finance chairman Muchaiwa Chikazhe nine months in jail.

Mariyapera (60) and Chikazhe (39), who were now town councillors, connived and corruptly abused council funds amounting to $827 712 in 2003. They abused their positions in the municipality and misrepresented that they were attending a Zanu-PF congress in Masvingo and claimed allowances in contravention of the Urban Councils Act.

... 

Mariyapera and Chikazhe pleaded not guilty to breaching the Prevention of Corruption Act, when the trial opened last year, but was found guilty on overwhelming evidence.

In their defence, Mariyapera and Chikazhe argued that they were Zanu-PF activists and that charges were trumped up by MDC members in the council to fix them. They singled out the Mayor of Chegutu Mr Francis Dhlakama as one of their political detractors saying there were political squabbles within the municipality (‘Zimbabwe: Two Town Councillors Jailed’ 2007, AllAfrica Global Media, source: The Herald, 22 February http://allafrica.com/stories/200702220175.html – Accessed 27 November 2009 – Attachment 15).


Between the events of 2003 and court proceedings of 2007, however, Chikazhe and Mariyapera reportedly had sued the government for compensation for destruction of property and loss of income as an outcome of Operation Murambatsvina. According to a report in the Financial Gazette on 7 December 2006:

Two ZANU PF councillors are suing the government and the Chegutu Municipality for compensation for the destruction of their properties during Operation Murambatsvina, in a clear expression of disapproval of their own party’s unjust actions.

Phenias Mariyapera and another ZANU PF Chegutu councillor, Mubaiwa Chikazhe, say in their court papers that Operation Murambatsvina resulted in them losing “a source of income and valuable property.”
Under the operation, which it claimed was designed to rid urban areas of squalor and crime, government destroyed thousands of homes and informal market stalls, leaving over 700,000 homeless and about two million with no source of income.

The hearing of Chikazhe’s application, in which he is seeking $23 million began last week before Justice Tendai Uchena. A date is yet to be set for the hearing of Mariyapera’s claim.

Chikazhe, who is represented by Harare lawyer Cassian Chikazhe, is seeking damages equivalent to the cost of replacing the property and compensation for loss of business.

Chikazhe names Home Affairs minister Kembo Mohadi, one Abraham Pewa and two police inspectors identified only as Mwadzingeni and Magumise as respondents.

“Applicant was taken by surprise when on 9 June the 3rd defendant (Pewa) drove a JCB motor vehicle which demolished the building and everything within the building. The building was not an illegal structure and the operation of the grinding mill was authorised,” says Chikazhe in court papers.

He says 10 bags of cement that were in the building that was razed to the ground were also destroyed.

“Even if the building had been an illegal structure, the defendants ought to have given him notice to pull down his building and remove his grinding mill intact,” say Chikhazhe’s lawyers (‘Manyukwe, C. 2006, ‘Zimbabwe: Zanu PF Councillors Sue Govt’, AllAfrica Global Media, source: Financial Gazette, 7 December http://allafrica.com/stories/200612070254.html – Accessed 26 November 2009 – Attachment 17).

The previous article reported that Mubaiwa Chikazhe was “represented by Harare lawyer Cassian Chikazhe”. However, searches of the sources consulted – including the Zimbabwe Legal Resources Directory on the website of Law & Justice Zimbabwe – found no reference to a lawyer named Chikazhe nor to any person named Cassian Chikazhe.


List of Sources Consulted

Internet Sources:
Government Information & Reports
UK Home Office http://www.homeoffice.gov.uk/
US Department of State http://www.state.gov/

Non-Government Organisations
Amnesty International http://www.amnesty.org/
Human Rights Watch http://www.hrw.org/
NGO Network Alliance Project http://www.kubatana.net/

International News & Politics
AllAfrica Global Media http://allafrica.com/
BBC News http://news.bbc.co.uk/
IRIN News http://www.irinnews.org/
The Zimbabwe Times http://www.thezimbabwetimes.com/
Zimbabwe Independent http://www.theindependent.co.zw/local/23613-mine-workers-awarded-us140-wage.html
ZimOnline http://www.zimonline.co.za/

Topic Specific
International Labour Organization website http://www.ilo.org
Law & Justice Zimbabwe http://www.law.co.zw/
Southern African Legal Information Institute website http://www.saflii.org/
The Worker http://www.theworker.co.zw
TransAfrica Forum http://www.transafricaforum.org

Search Engines
Copernic
Google

Databases:
FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
MRT-RRT Library Catalogue

List of Attachments

1. Deleted

2. Deleted


7. ‘Human Rights Defenders Project’ (undated), Zimbabwe Lawyers for Human Rights website


