

Colleagues,

The divisions appear to be escalating. See below the article which appeared in the Fingaz yesterday. There was a similar one in the Daily Mirror a few days ago. It appears that NANGO is more keen to speak to the press than its paid up and active members, attack them and misrepresent the situation. Jacob is still away, but there may be a need to formulate some kind of response strategy. It is also pertinent to note that, when we met with the UNDP last week, we were assured by the Resident Representative himself that no plans had been put in place for a follow-up meeting at the end of October 2006 - my colleagues present thereat will confirm this. This totally contradicts the position NANGO has expressed through the press. As for putting forward an alternative position from that of the UNDP process, we have also been crystal clear on that.

Irene

Rift over rights commission deepens

*Kumbirai Mafunda Senior Business Reporter*

*UNDP lines up second conference for stakeholders but . . .*

**HARDLY a month after some influential civic groups boycotted a United Nations Development Programme (UNDP)-brokered conference on the proposed establishment of a human rights commission, the UNDP has lined up a follow-up meeting at the end of this month.**

Insiders within the splintered human rights movement disclosed this week that some rights groups which threw their weight behind the creation of the controversial human rights commission by attending last month's inaugural consultative meeting in Kariba were putting final touches to a programme for a second consultative meeting.

"We are negotiating on the parameters and the programme of the meeting such as identifying who should attend and who should speak on what," said an insider who asked not to be named, saying he was not authorised to speak on behalf of the rights groups.

Leaders of the authoritative pro-democracy and rights organisations including the National Constitutional Assembly (NCA), the Zimbabwe Congress of Trade Unions (ZCTU), the Crisis in Zimbabwe Coalition (CZC) and the media reform body, the Media Institute of Zimbabwe (MISA-Zimbabwe Chapter), the Zimbabwe Lawyers for Human Rights (ZLHR) among others, protested that there was no basis for discussing the setting up of a rights commission when there was no slackening in the government's suppression of people's rights. They took this stance following last month's brutalisation of labour leaders by the police, which was endorsed by some senior government officials.

But despite these strong sentiments, the UN representative office in Harare, which is supporting the initiative by providing financial resources and other logistics, says it is pushing ahead with plans for the setting up of the contentious rights body.

Fambai Ngirandi, spokesperson for the splintered National Association of Non-Governmental Organisations (NANGO), confirmed that preparations for a second consultative meeting were in full swing.

"It (the follow-up meeting) was one of the key resolutions from the Kariba meeting," said

Ngirandi. "It will be much bigger than the first because we are targeting the broader civic society. By all means necessary we must find a solution because we have a volatile situation that needs urgent redress," added Ngirandi.

Ngirandi charged that organisations that boycotted last month's meeting had not suggested suitable alternatives to the UNDP plan.

"We need to negotiate with the government which is responsible for most human rights abuses to allow space for civic organisations such as the NCA and CZC to continue with protests."

But Lovemore Madhuku, the chairman of the NCA, a constitutional reform body made up of more than 90 organisations, accused NANGO of misrepresenting the views of rights groups.

"NANGO must not pretend to be speaking on behalf of civic society. What does NANGO know about human rights abuses," asked Madhuku. "As the NCA we won't recognise any initiative that seeks to sanitise the deeds of this government. We need a comprehensive process that brings a new constitution."

----- Original Message -----

From: arnold tsunga <atsunga2002@yahoo.com>

To: "Muchena, Deprose (HARARE/DGO)" <dmuchena@usaid.gov>; Tino Bere <tino@mweb.co.zw>; jmafume2003@yahoo.co.uk; Otto Saki <ottosaki@yahoo.com>; Irene Petras <irene\_petras@yahoo.co.uk>; Isabella Matambanadzo <zvinemazuva@yahoo.com>; Perpetua Dube <cogwel@mweb.co.zw>; Tafadzwa Mugabe <trmugabe@zlh.org.zw>; maanda@mweb.co.zw; makonia@mlaw.co.zw; zviko@zlh.org.zw; Tawanda Mutasah <tawandam@osiafrica.org>; zinasu@gmail.com; Tawanda Mutasah <TawandaM@osisa.org>; deprose muchena <deprosem21@yahoo.co.uk>

Sent: Sunday, 8 October, 2006 2:12:07 AM

Subject: Re: CSO RESPONSE TO UNDP-STRATEGY-THE ANTI-PIECE MEAL AND ANTI-MINIMALIST COALITION

Is this issue which has been so eloquently put by Bella, Tino and Deprose dead? If so shame on us. If not what do we need to do and who should drive processes to move things forward. In the absence of a strong objection, I would suggest that Jacob drives this with the injection of new blood in his office, he could give a specific assignment to one of the returnees to run with it

Arnold Tsunga

Executive Director: Zimbabwe Lawyers for Human Rights

Executive Secretary: Law Society of Zimbabwe

Hubert Humphrey Fellow: Hubert Humphrey Institute

University of Minnesota

301 19th Avenue South, Minneapolis

Minnesota. 55455

Mobile +1 612 229 6783

OR

6th Floor Beverly Court  
N Mandela Avenue/4th Street  
Harare  
Tel +263 4 251 468

if you don't stand for something, you fall for anything

----- Original Message -----

From: "Muchena, Deprose (HARARE/DGO)" <dmuchena@usaid.gov>  
To: Tino Bere <tino@mweb.co.zw>; Arnold Tsunga <atsunga2002@yahoo.com>;  
jmafume2003@yahoo.co.uk; Otto Saki <ottosaki@yahoo.com>; Irene Petras  
<irene\_petras@yahoo.co.uk>; Isabella Matambanadzo <zvinemazuva@yahoo.com>;  
Perpetua Dube <cogwel@mweb.co.zw>; Tafadzwa Mugabe <trmugabe@zlh.org.zw>;  
maanda@mweb.co.zw; makonia@mlaw.co.zw; zviko@zlh.org.zw; Tawanda Mutasah  
<tawandam@osiafrica.org>; zinasu@gmail.com; Tawanda Mutasah  
<TawandaM@osisa.org>; deprose muchena <deprosem21@yahoo.co.uk>; arnold tsunga  
<atsunga2002@yahoo.com>  
Sent: Thursday, September 21, 2006 1:47:18 AM  
Subject: RE: CSO RESPONSE TO UNDP-STRATEGY

Tino,

I am here writing as an activist rather than as a USAID bureaucrat, because I am among friends and that this is only for this forum. I always like the honest manner in which you look at and articulate the national question as it unfolds daily in Zimbabwe. This critique is as honest as they come and in my view, constitute the basic foundation of the call to bring some of these problematic multilateral organizations to account for the manner in which they execute their national mandate.

The first problem with the UN Country Office in general and the UNDP in particular is its minimalist interpretation of "*member state*". They think that the GOZ equals the people of Zimbabwe and so whatever the minister from this GOZ government tells them, is taken to be representative of the people of Zimbabwe. There is sufficient evidence that the actions of this government has absolutely no relationship with the aspirations of the majority population of this country. The events of September 13th confirm this view over and above the repeated episodes of electoral *pick pocketing every five years*.

The second problem is one of *weeping louder than the bereaved*. By ignoring the views of national legitimate bodies that have profound commitment to and work in the area of human rights, rule of law and the judiciary, and proceeding *regardless of their objections*, presents an image of the UNDP wanting it "*more than we do*". They pretend to be more proactive than Zimbabweans themselves and seem to be comfortable with substituting the people of Zimbabwe with their thinking or that of one of their officials, particularly if they so happen to have a black skin. They then look for some lukewarm partners in crime, by way of gullible or *desperate for attention* civic formations to *normalize* this trickery.

The third problem is the very *lazy and pusillanimous critique of the Zimbabwe* crisis particularly as it relates to governance, human rights and the democratic deficit that has clearly been induced by

this government. And while on this point, greater effort need to be made to reach out to some of these aquatic organizations that are so ready to hit the *accept button* at every and any distant invitation from either the GOZ or the UN ( DP), no matter how obnoxious the agenda for invitation is or may be.

We clearly need to debunk this disturbing approach and therefore Bella's recommendation is one to strongly consider. And if there is need for more support to these efforts, we could guarantee some, although I know that OSISA's support will be sufficient.

Thanks  
Deprose.

-----Original Message-----

**From:** Tino Bere [mailto:tino@mweb.co.zw]

**Sent:** Thursday, September 21, 2006 3:24 AM

**To:** Arnold Tsunga; jmafume2003@yahoo.co.uk; Otto Saki; Irene Petras; Isabella Matambanadzo; Perpetua Dube; Muchena, Deprose (HARARE/DGO); belovedchiweshe@yahoo.co.uk; Tafadzwa Mugabe; maanda@mweb.co.zw; makonia@mlaw.co.zw; zviko@zlh.org.zw; henriette.eppenberger@eda.admin.ch; Tawanda Mutasah; zinasu@gmail.com; Tawanda Mutasah

**Subject:** CSO RESPONSE TO UNDP-STRATEGY

## **CSO RESPONSE TO UNDP-STRATEGY**

Ladies & Gentlemen

I have written at length to enrich our discussions with some background.

The views I express are mine. In an effort to be direct I may be rude. UNDP has been trying to use civic society to give credibility to its programme.

### **Background**

The programme which is well funded is being presented as a genuine programme for the restoration of the judiciary in Zimbabwe but it has the following fundamental weaknesses:-

- it was clobbered into shape by UNDP & the very people who have destroyed the legal system and judiciary (GoZ).
- it was desined to the exclusion of the only people statutorily mandated to control & represent the legal profession, the Law Society of Zimbabwe.
- its budget has been primarily used as a supplement to GoZ budget (for the bungling Min of Justice/*Injustice*) like buying a vehicles/buses and funding travel for GoZ officials to travel to ACHPR to rubbish legitimate communications and complaints of human rights abuses in Zimbabwe.
- the UNDP has failed to organise review or critique of the many repressive laws of this country.
- UNDP has failed to work on this project with legitimate CSOs or broad law based organisations (except the institution they contracted to do the exclusive training) which is not open to LSZ membership or its many experienced trainers.

In short, UNDP went and got money fro GoZ from donors who would **never** have funded GoZ's **Justice/[InJustice]** ministry operations. Their motives may have been good initially but by excluding or allowing exclusion of the independent legal profession from their project, they dealt a heavy blow to it. They are now at the mercy of GoZ or are having a soar ball with GoZ and the tragedy is that a UN agency now gives credibility to GoZ gimmicks and rubbishes CSO's. That

cannot be right. That cannot be done using money from donors who seek restoration of rule law, good governance and independence of the judiciary.

The agenda appears driven by a desire to sanitise the GoZ and improve its image or in any event, the process of implementation and the attitude shown by UNDP is achieving just that. This is confirmed by the fact that instead of funding and facilitating review of the state of administration of justice, review of repressive laws & and critique of the many mutilations of the bill of rights, UNDP is funding travel costs, bus acquisitions and workshops where the ministry officers are trained with no interaction with the profession and with no input from the very profession that can independently evaluate the justice delivery in the country. It is an absolute waste of donor money.

### **The Workshop**

The inflexibility on dates of workshop was proof of a deliberate desire to exclude CSO. Certainly speaking as a member of the Law Society of Zimbabwe and of ZLHR, I cannot ignore the fact that UNDP fixed the date on short notice and without consulting either of these. UNDP was advised that The President of LSZ, his Deputy would not be available because they were attending a prior set IBA Conference in Chicago, IL, USA. They were also told clearly that all committee chairpersons are not available for the same reason. ZLHR acting director also advised that all senior management and key board members including the Chairperson were not available. I am aware that Coalition Crisis Director/Co-ordinator was also not going to be available. Only a political decision by UNDP would ignore the objections as happened.

### **Agenda**

More than that, the UNDP appears not in charge of the agenda. I do not know about other organisations but LSZ objections to the original agenda (which is so similar to the current one) were made in writing. But if you look at the agenda now, Chinamasa speaks 3 times, Mangwana takes up the other slot. Save for just 1 hour for some unnamed CSO panel the rest of the programme is dominated by Prof Kamba, Chinamasa, Mangwana and other persons not renowned for their human rights advocacy or for speaking out against the evil abuses of human rights.

Our initial objections to the programme were conceded and a new agenda agreed. The programme was actually changed to have more time for specific organisations like LSZ, ZLHR, NANGO speak specifically in their own right. This has predictably been reversed to the original government dominated programme. What consultation takes place when the man responsible for the state of the human rights addresses CSO's or purported CSOs over and over again?

### **Questioning UNDP**

To be fair to UNDP I wrote to them as Chairperson of the Legal Education, Liaison, Advocacy & Public Relations Committee of LSZ to seek their comments. Specifically I questioned their actions on the dates which had effectively excluded LSZ, ZLHR & Coalition crisis participation. I also asked why the "the previously agreed programme which gave space/reasonable time specifically to Law Society and also to several human rights NGOs has been dropped in favour of the original GoZ dominated programme."

The UNDP reply came in today, 20th September 2006 and it blames the agenda on CSO's and on NANGO & GALZ in particular. They deny responsibility for the dates and blame them on CSO's [who are these CSOs? we really have a problem!].

Let me quote below what the reply stated:-

- *" As you may well be aware, the decision to hold the consultative meeting in the first place as well as the dates for the meeting is not the decision of the UNDP.*
- *At a meeting with CSOs, which was held at our office on 7 September 2006, the issue of the new dates was discussed. We restated the role of the UNDP in this consultation and*

- that it was up to the CSOs and government. If either or both of them did not want the meeting, then our hands were tied. The consensus was that the meeting should go ahead on the proposed dates. I must emphasise that this was not the decision of the UNDP but of the CSOs.*
- Regarding the programme, you may again be aware that it was **revised twice by CSOs**. At the 7 September 2006 meeting, **the CSOs agreed to revise the programme again**.*
  - A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only **NANGO and GALZ met for the purpose of revising the programme**.*
  - **UNDP has not at all had any hand in the drafting of the programme**.*
  - It may also help if I clarify to you the role of the UNDP in this process. It is simply to be an impartial facilitator. The UNDP has a mandate to support human rights institutions in Zimbabwe and to facilitate dialogue among stakeholders. You can rest assured that this is all that the UNDP is doing in this process. "*

### **Implications**

The reply does not say what they did to defend the prior agreed balanced programme. It does not say what they as purse holders did to prevent the workshop dates being fixed on inconvenient dates. I recollect from ZLHR report that **UNDP and NOT CSO'a were the greatest obstacle** to negotiation of convenient dates. In view of the actions of UNDP I am satisfied that they wanted to exclude genuine CSO's and prevent their participation in a deliberate and hostile fashion. I do hope all legitimate organisations stand their ground. The UNDP is aware that CSO's have demanded that before any talk of a Human Rights Commission commence, the following must happen:-

- review and repeal of all repressive laws
- restoration of the bill of rights (which they have mutilated endlessly) through re-drawing of the country's constitution to reflect the wishes of people.
- restoration of the right to self-determination by ending the present electoral laws, practices and system.
- signature, ratification and domestication international human rights instruments as may be appropriate.
- implementation of the resolutions by UN and AU on redress of human rights abuses.

It is obvious UNDP and those CSO's or supposed CSOs supporting their devious strategy have chosen to proceed in much the same way as ZANU PF always proceeds.... intolerant, uncompromising and dishonest. As we deliberate now, their plans are sealed. They will conduct their bogus consultative workshop. UNDP was trying to give credibility to a process or event that has none. I am even more convinced of the dishonesty in the whole process because of a recent incident in MUTARE where one lawyer confirmed in writing while resigning office from a local Lawyers's Association that he had been retained by the GoZ as a consultant (UNDP funded of course!) to set up a HUMAN RIGHTS COMMISSION. Let me not even begin to discuss the interesting political affiliation of the lawyer in question. These people are just dishonest.

Someone should just send a letter to UNDP to tell them that their insulting attitude to CSO is noted as have been their deliberate efforts to exclude CSO and we will ensure that the public is informed of the true nature of their so called civic consultation process. Indeed I believe UNDP HQ would not have sanctioned these attitudes and these schemes.

As I have said I hope no legitimate and credible CSO will turn up and glorify this nonsense.

I also hope someone tells the funders how their money is being used by the local UNDP office.

Finally, CSO needs to meet as already suggested to bring organisations to account for their actions and also try to repair the damage that these devisive tactics are causing to CSO unity. This will cost money but if it can be found...it will be money better spent that what will be spent in KARIBA! CSO efforts are being eroded by the appeasement activists.....its an unhealthy situation. Urgent redress is necessary.

Regards  
**Tino Bere**

Beatrice.

Please review this draft report that we propose we jointly submit to our colleagues in the LSZ Council.

**Colleagues-IRENE,JACOB,PRIM,BELLA**

Please add or subtract to this briefing that I and Beatrice would propose to send to LSZ Council.

draft brief to LSZ COUNCIL.

**LAW SOCIETY OF ZIMBABWE, ZLHR & CRISIS**  
**COALITION consultative meeting with UN Special**  
**representative-Dr. Zacharias on 5th October 2006.**

ON the 5th October 2006, Councillor Mtetwa and I, represented LSZ at a consultative meeting with Dr. Zacharias who is the Special UP representative in Zimbabwe. The meeting had been specifically called by the UP representative to discuss the concerns that LSZ, ZLHR and Crisis Coalition had over the ongoing UNDP driven consultative process aimed at creating the a Human Rights Commission. Crisis Coalition

Our colleagues made representations on the situation on the ground similar to ours:-

- lack of genuine CSO representation and participation at the Kariba meeting.
- arbitrariness of NANGO actions...whose members have disowned their statemements.
- division in CSO generally
- exclusion of grass-roots based organisation like ZIMRIGHTS, NCA...
- exclusion of law-based organisations like LSZ, ZLHR
- exclusion of genuine child rights & women's rights groups.
- exclusion of the workers movement...esp. ZCTU
- imposition of discredited agenda.
- continued attacks on human rights defenders.
- continued attacks on human rights organisations.
- failure to first review the legislation of the country and the human rights environment.
- mass-based We made presentations which covered the LSZ's analysis of the current legislative environment, the current human rights record of the government and quoted recent examples of abuses which took place against ZCTU while the Kariba Meeting was in process.

We naturally cautioned that if GoZ is serious then it would start the consultation on the existing legislative framework and the human rights environment.

We also gave examples of Commission which the GoZ had in the past set up like the Anti-Corruption Commission and the imposed local authority commissions to illustrate the GoZ's bad track record.

we complained about the lack of recognition of LSZ when UNDP designs and implements law based programmes.

We also complained about the process adopted which saw imposition of dates and of a discredited programme.

We also raised serious reservations about the attitudes of UNDP officers.

We also took the opportunity to draw the UN Representative to the fact that the meeting they had held in Kariba was not representative at all and had resulted in

- o DIVISION OF CIVIC SOCIETY.
- o PERSECUTION OF SOME CSOs.
- o CRITICISM OF UN BY some CSOs.

The representative who had come to the meeting with a very high powered delegation of the various agencies listened to us politely and gave many assurances that they, as the UN desired the best for Zimbabwe and were seeking genuine dialogue.

They called on us to develop a concept note for continued consultation. He observed that there was need for communication to improve and identified two officers to handle communication. He assured us that our concerns would be taken seriously. He endorsed our view that key actors must be heard on any judicial reform programmes.

The meeting was long, frank but friendly. The outcome were just promises and only their future actions will determine whether we were heard or the UN was simply trying to take the sting from our complaints.

As your representatives we are satisfied that should we in future as LSZ take a tough stance against the UNDP, they cannot complain that we did not give dialogue a change. We are also satisfied that the UNDP knows clearly that piecemeal judicial or human rights reform will not get our support. we are also clear that the UN representative now knows and understands what our objections are to instead of the situation prior where positions were being attributed to us by collaborators of the GoZ.

## **WAY FORWARD**

We remain sceptical of the UNDP role, methods, attitude and motive.

We appreciate the peace-making of the UN representative but only the UNDP actions henceforth will demonstrate if they take our views seriously or they will push ahead with their illegitimate effort to establish a HR Commission without prior review of the legislation and the human rights environment.

LSZ must continue to be cautious of this process and only participate when the UNDP and GoZ have agreed to first discuss and review the state of human rights in the country through review of legislation, constitution (esp. Bill of Rights), adoption and ratification of International Human Rights Instruments and the actions of the Executive [police/army/para-military & oppressive statutory bodies].

We gain more by caution and we lose all once we are *soiled* by a divisive, self-sanitising and non-transparent GoZ imposed or manipulated process.

We so advise.

Councillor Mtetwa  
& Councillor Bere

The point that Bella makes below about addressing the role of UNDP at the New York and other international levels is something on which I could work immediately if a briefing paper were made available from inside succinctly framing the issues, etc.

Otherwise and besides that particular effort, I am supportive of meeting and doing the work and on our part we can avail whatever support is appropriate for that to happen - and I agree time is of the essence.

TFM

-----Original Message-----

From: Isabella Matambanadzo [mailto:zvinemazuva@yahoo.com]

Sent: 13 October 2006 09:57 AM

To: Irene Petras; arnold tsunga; Muchena, Deprose (HARARE/DGO); Tino Bere; jmafume2003@yahoo.co.uk; Otto Saki; Perpetua Dube; Tafadzwa Mugabe; maanda@mweb.co.zw; makonia@mlaw.co.zw; zviko@zlh.org.zw; Tawanda Mutasah; zinasu@gmail.com; Tawanda Mutasah; deprose muchena; TriciaZ.twanya@tnfs.co.zw; Brian Raftopoulos; nancykac@mweb.co.zw; Thoko Matshe; EJ; teremugadza@yahoo.com

Subject: Re: CSO RESPONSE TO UNDP-STRATEGY-THE ANTI-PIECE MEAL AND ANTI-MINIMALIST COALITION

Thanks Irene,

About the Commission: It is my very clear impression that the UNDP is pressing ahead with this agenda and will assist government establish a commission of some sort by the end of the year.

I gathered that they went ahead with the Kariba meeting because the major coalitions, i.e. NANGO - a membership organisation, NASCOH - a disability rights coalition, the Forum, representing the major rights

groups and SAHRIT, representing its regional work plus the women's coalition agreed to the October meeting. As far as the UNDP is concerned, it appears to me that they are happy with that cluster of representation.

UNDP has seemingly marketed the commission to the international community as an opportunity for dialogue between NGOs and their government on resolving Zimbabwe's crisis. So read here that the international community in Zimbabwe is supportive, particularly given Professor Walter Kamba's role as negotiator/facilitator.

About the strategic response:

In civics - NANGO is problematic and we know this historically and otherwise. It reflects our internal contradictions as civics, but NANGO is not the only problem institution, it is perhaps the most vocal one. An inter-NGO conversation about the Commission is crucial, as are some records, positions, etc.

UNDP - we sensed at our meeting some duplicity and a resistance to an honest and open process. In my notes, I wrote UNDP has made up its mind and is going for this, whatever the conditions. My view is that the groups that have not taken up the offer are going to be excluded and marginalised - and labelled as radical and unreasonable forces. An analysis of UNDP is worthwhile, as is communications with UNDP New York and in the regional offices.

EU/International diplomats -

They are desperate for a gap. The EU is organising a meeting on governance at the end of this month in Bulawayo - they are supporting something on peace building and mediation through the Centre for Peace Initiatives, former UN diplomat Dr Kapungu's institution.

Can I propose that we find the time and space to meet and get the work done please? I can follow up on the various kind offers from Brian raftop and Deprose to facilitate a venue and the thinking. Let's pin down the time and date.

Thanks

Bella

--- Irene Petras <irene\_petras@yahoo.co.uk> wrote:

> Colleagues,  
>  
> The divisions appear to be escalating. See below the  
> article which appeared in the Fingaz yesterday.  
> There was a similar one in the Daily Mirror a few  
> days ago. It appears that NANGO is more keen to  
> speak to the press than its paid up and active  
> members, attack them and misrepresent the situation.  
> Jacob is still away, but there may be a need to  
> formulate some kind of response strategy. It is also  
> pertinent to note that, when we met with the UNDP  
> last week, we were assured by the Resident  
> Representative himself that no plans had been put in  
> place for a follow-up meeting at the end of October  
> 2006 - my colleagues present thereat will confirm  
> this. This totally contradicts the position NANGO  
> has expressed through the press. As for putting  
> forward an alternative position from that of the  
> UNDP process, we have also been crystal clear on  
> that.  
>  
> Irene  
>  
>  
> Rift over rights commission deepens  
> Kumbirai Mafunda Senior Business Reporter  
> UNDP lines up second conference for stakeholders but  
> . . .  
> HARDLY a month after some influential civic groups  
> boycotted a United Nations Development Programme  
> (UNDP)-brokered conference on the proposed  
> establishment of a human rights commission, the UNDP  
> has lined up a follow-up meeting at the end of this  
> month.  
>  
> Insiders within the splintered human rights movement  
> disclosed this week that some rights groups which  
> threw their weight behind the creation of the  
> controversial human rights commission by attending  
> last month's inaugural consultative meeting in  
> Kariba were putting final touches to a programme for  
> a second consultative meeting.

> "We are negotiating on the parameters and the  
> programme of the meeting such as identifying who  
> should attend and who should speak on what," said an  
> insider who asked not to be named, saying he was not  
> authorised to speak on behalf of the rights groups.  
> Leaders of the authoritative pro-democracy and  
> rights organisations including the National  
> Constitutional Assembly (NCA), the Zimbabwe Congress  
> of Trade Unions (ZCTU), the Crisis in Zimbabwe  
> Coalition (CZC) and the media reform body, the Media  
> Institute of Zimbabwe (MISA-Zimbabwe Chapter), the  
> Zimbabwe Lawyers for Human Rights (ZLHR) among  
> others, protested that there was no basis for  
> discussing the setting up of a rights commission  
> when there was no slackening in the government's  
> suppression of people's rights. They took this  
> stance following last month's brutalisation of  
> labour leaders by the police, which was endorsed by  
> some senior government officials.  
> But despite these strong sentiments, the UN  
> representative office in Harare, which is supporting  
> the initiative by providing financial resources and  
> other logistics, says it is pushing ahead with plans  
> for the setting up of the contentious rights body.  
> Fambai Ngirandi, spokesperson for the splintered  
> National Association of Non-Governmental  
> Organisations (NANGO), confirmed that preparations  
> for a second consultative meeting were in full  
> swing.  
> "It (the follow-up meeting) was one of the key  
> resolutions from the Kariba meeting," said Ngirandi.  
> "It will be much bigger than the first because we  
> are targeting the broader civic society. By all  
> means necessary we must find a solution because we  
> have a volatile situation that needs urgent  
> redress," added Ngirandi.  
> Ngirandi charged that organisations that boycotted  
> last month's meeting had not suggested suitable  
> alternatives to the UNDP plan.  
> "We need to negotiate with the government which is  
> responsible for most human rights abuses to allow  
> space for civic organisations such as the NCA and  
> CZC to continue with protests."  
> But Lovemore Madhuku, the chairman of the NCA, a  
> constitutional reform body made up of more than 90  
> organisations, accused NANGO of misrepresenting the

> views of rights groups.  
> "NANGO must not pretend to be speaking on behalf of  
> civic society. What does NANGO know about human  
> rights abuses," asked Madhuku. "As the NCA we won't  
> recognise any initiative that seeks to sanitise the  
> deeds of this government. We need a comprehensive  
> process that brings a new constitution."

>  
>  
>

> ----- Original Message -----

> From: arnold tsunga <atsunga2002@yahoo.com>  
> To: "Muchena, Deprese (HARARE/DGO)"  
> <dmuchena@usaid.gov>; Tino Bere <tino@mweb.co.zw>;  
> jmafume2003@yahoo.co.uk; Otto Saki  
> <ottosaki@yahoo.com>; Irene Petras  
> <irene\_petras@yahoo.co.uk>; Isabella Matambanadzo  
> <zvinemazuva@yahoo.com>; Perpetua Dube  
> <cogwel@mweb.co.zw>; Tafadzwa Mugabe  
> <trmugabe@zlhhr.org.zw>; maanda@mweb.co.zw;  
> makonia@mlaw.co.zw; zviko@zlhhr.org.zw; Tawanda  
> Mutasah <tawandam@osiafrica.org>; zinasu@gmail.com;  
> Tawanda Mutasah <TawandaM@osisa.org>; deprese  
> muchena <deprosem21@yahoo.co.uk>  
> Sent: Sunday, 8 October, 2006 2:12:07 AM  
> Subject: Re: CSO RESPONSE TO UNDP-STRATEGY-THE  
> ANTI-PIECE MEAL AND ANTI-MINIMALIST COALITION

>  
>

> Is this issue which has been so eloquently put by  
> Bella, Tino and Deprese dead? If so shame on us. If  
> not what do we need to do and who should drive  
> processes to move things forward. In the absence of a  
> strong objection, I would suggest that Jacob drives  
> this with the injection of new blood in his office,  
> he could give a specific assignment to one of the  
> returnees to run with it

>

> Arnold Tsunga  
> Executive Director: Zimbabwe Lawyers for Human Rights  
> Executive Secretary: Law Society of Zimbabwe  
> Hubert Humphrey Fellow: Hubert Humphrey Institute  
> University of Minnesota  
> 301 19th Avenue South, Minneapolis  
> Minnesota. 55455  
> Mobile +1 612 229 6783

>

> OR

> 6th Floor Beverly Court

> N Mandela Avenue/4th Street

> Harare

> Tel +263 4 251 468

>

>

>

> if you don't stand for something, you fall for

> anything

>

>

>

> ----- Original Message -----

> From: "Muchena, Deprose (HARARE/DGO)"

> <dmuchena@usaid.gov>

> To: Tino Bere <tino@mweb.co.zw>; Arnold Tsunga

> <atsunga2002@yahoo.com>; jmafume2003@yahoo.co.uk;

> Otto Saki <ottosaki@yahoo.com>; Irene Petras

> <irene\_petras@yahoo.co.uk>; Isabella Matambanadzo

> <zvinemazuva@yahoo.com>; Perpetua Dube

> <cogwel@mweb.co.zw>; Tafadzwa Mugabe

> <trmugabe@zlhhr.org.zw>; maanda@mweb.co.zw;

> makonia@mlaw.co.zw; zviko@zlhhr.org.zw; Tawanda

> Mutasah <tawandam@osiafrica.org>; zinasu@gmail.com;

> Tawanda Mutasah <TawandaM@osisa.org>; deprose

> muchena <deprosem21@yahoo.co.uk>; arnold tsunga

> <atsunga2002@yahoo.com>

> Sent: Thursday, September 21, 2006 1:47:18 AM

> Subject: RE: CSO RESPONSE TO UNDP-STRATEGY

>

>

> Tino,

>

> I am here writing as an activist rather than than as

> a USAID bureaucrat, because I am among friends and

> that this is only for this forum. I always like the

> honest manner in which you look at and articulate

> the national question as it unfolds daily in

> Zimbabwe. This critique is as honest as they come

> and in my view, constitute the basic foundation of

> the call to bring some of these problematic

> multilateral organizations to account for the manner

> in which they execute their national mandate.

>

> The first problem with the UN Country Office in  
> general and the UNDP in particular is its minimalist  
> interpretation of "member state". They think that  
> the GOZ equals the people of Zimbabwe and so  
> whatever the minister from this GOZ government tells  
> them, is taken to be representative of the people of  
> Zimbabwe. There is sufficient evidence that the  
> actions of this government has absolutely no  
> relationship with the aspirations of the majority  
> population of this country. The events of September  
> 13th confirm this view over and above the repeated  
> episodes of electoral pick pocketing every five  
> years.

>

> The second problem is one of weeping louder than the  
> bereaved. By ignoring the views of national  
> legitimate bodies that have profound commitment to  
> and work in the area of human rights, rule of law  
> and the judiciary, and proceeding regardless of  
> their objections, presents an image of the UNDP  
> wanting it "more than we do". They pretend to be  
> more

=== message truncated ===

Isabella Matambanadzo  
P.O. Box A1582  
Avondale  
Harare  
Zimbabwe

Ladies & Gentlemen

I believe all along we have had skirmishes with NANA...and NOT the Representative himself.

I sense too that The Representative takes us seriously as LSZ and hence his effort to understand our concerns. I think it is unfortunate that they feel that this matter is so urgent that they cannot wait.

I also think that it is unfortunate that both PRESIDENT and DEPUTY are unavailable. It would have been ideal to be represented at the highest level.

I think every chance to defend our position must be taken advantage of. I hope more people can find time so that LSZ is properly defended.

This matter may likely result in a major fallout in the diplomatic community and I think the urgency comes from the pressure that is being exerted on UNDP to account following our protest. It looks unpleasant if we appear to have refused to give UNDP a chance to plead their side.

I am prepared to help argue LSZ's case if Council gives its blessings to the meeting.

Of course another option is to simply tell them there is nothing to do which will be hard to sell with everyone who sympathises with us. In particular we do well to win the REPRESENTATIVE onto our side or to just try because UNDP decision to collaborate with GoZ without pre-conditions is eroding CSOs' platform.

If meeting the REP fails again then let what wishes to rain rain!!

Regards  
Tino Bere

for different

----- Original Message -----

From: jmmn <jmmn@mweb.co.zw>

To: TINOZIVA BERE <tinozivabere@yahoo.com>; arnold tsunga <atsunga2002@yahoo.com>; J PMutizwa <nyaguvi@ecoweb.co.zw>; Josphat Tshuma <wlb@mweb.co.zw>; Perpetua Dube <pdlaw@mweb.co.zw>; Beatrice Mtetwa <triciaz.twanya@tnfs.co.zw>; Emmanuel Magade <emagade04@yahoo.co.uk>; T C Masawi <tcmasawi@zimlink.com>; Colin Kuhuni <ckuhuni@zsr.co.zw>; Lloyd Mativenga Mhishi <mlmhishi@yahoo.co.uk>; Mativenga Lloyd Mhishi <mlmhishi@dmh.co.zw>

Sent: Friday, September 29, 2006 4:24:58 PM

Subject: Re: UNDP-CSOvGoZ Consultation Workshop-LSZ PARTICIPATION

I do not intend to attend this meeting. I got a call from the UNDP representative who advised me that James was unavailable, and I referred her to Beatrice. I do not believe it is necessary for me to attend a meeting

- (a) when the Law Society of Zimbabwe is represented by capable Councillors
- (b) we have agreed that this exercise by other Councillors who attend the meeting UNDP is a whitewash. Beatrice and the can adequately articulate our views.

regards

J James

----- Original Message -----

From: [nyaguvi](mailto:nyaguvi)

To: [Tricia Zinyembah](mailto:Tricia Zinyembah) ; [jmmn](mailto:jmmn)

**Cc:** [tinozivabere@yahoo.com](mailto:tinozivabere@yahoo.com) ; [Tino Bere](#) ; [T C Masawi](#) ; [Lloyd Mhishi](#) ; [Perpetua Dube](#) ; [Collin Kuhuni](#)

**Sent:** Friday, September 29, 2006 4:38 PM

**Subject:** Re: HUMAN RIGHTS COMMISSION

The Representative's Secretary phoned me and I advised her that that due to prior commitments I would only be available on the 9th of October 2006.

I am told that there is urgent need to meet and clarify what happened before Kariba.

That is hardly urgent.

I told the Secretary that I am not available on the 5th .

I think and we must attend the meeting , and I that it is important .However if they cannot accomodate me, I believe that we will be ably represented by Beatrice, but frankly I do not see the urgency.

Going forward,I think that UNDP must get out of this mode of forcing meeting without being sensitive to to other player's schedules.

Regards

James

----- Original Message -----

**From:** [Tricia Zinyembah](#)

**To:** [jmmn](#)

**Cc:** [mutizwa](#) ; [tinozivabere@yahoo.com](mailto:tinozivabere@yahoo.com) ; [Tino Bere](#) ; [T C Masawi](#) ; [Lloyd Mhishi](#) ; [Perpetua Dube](#) ; [Collin Kuhuni](#)

**Sent:** Friday, September 29, 2006 12:00 PM

**Subject:** HUMAN RIGHTS COMMISSION

The UNDP Resident Representative, Dr Zacharias, would like to meet with Councillors to hear their views first hand on the proposed Human Rights Commission. The proposed meeting time is 1430hrs on the 5<sup>th</sup> October, 2006 at the UNDP offices.

As Dr Zacharias is the topmost UN representative in Zimbabwe , this in an important meeting and I urge all councillors, particularly the presidium, to attend the meeting.

See you there.

Councillor B. Mtetwa

Colleagues,

Following our withdrawal from the consultative meeting between CSOs and GoZ relating to the setting up of a Human Rights Commission which was held in Kariba from 21-23 September 2006, I received a call from the UNDP today, whereby the Resident Representative, Dr Zacharias, wishes to meet representatives of ZLHR next Thursday at 14h30 at their offices to discuss issues we have with the consultation process etc.

Can I have your views? Would anyone wish to attend the meeting? I am happy to go, as we have been dealing with them all along.

I look forward to your urgent input.

Kind regards,

Irene  
29-09-06

### **Tino to Irene**

Thanks for the information

Please tell GALZ that UNDP alleges:

1. That the inconvenient dates were fixed by CSOs whose list includes GALZ despite the protest of ZLHR & LSZ.

2. On the programme, " *Regarding the programme, you may again be aware that it was revised twice by CSOs. At the 7 September 2006 meeting, the CSOs agreed to revise the programme again. A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only **NANGO and GALZ** met for the purpose of revising the programme. UNDP has not at all had any hand in the drafting of the programme*"

How does GALZ reconcile this with their letter of 19th September 2006?

Regards

Tino Bere Tino Bere <tino@mweb.co.zw>  
ViewFriday, September 29, 2006 8:36:30 AM

Beatrice.....did you intend to write and copy to NANA & his staff? Coz you just did that. You wrote to me and sent a cc to NANA and his staff members.

But that aside, I agree.

I actually think we have lost momentum coz we should have met before this publicity stunt.

Cheers  
Tino Bere

*Tricia Zinyembah* <Triciaz.twanya@tnfs.co.zw> wrote:

With the issuance of a joint communiqué, purportedly representing civil society and GoZs position on the proposed human rights commission, is it not time for us to publicly disassociate ourselves from NANGO's position? Should those organizations not publicly state that NANGO is on a frolic of its own and that it is not representative of its members' views.

As LSZ, I think we should seriously consider writing to the UN Human Rights organizations in Zimbabwe and how it is undermining the UN commitment to Human Rights. As this whole process is funded by the EU, we could copy our complaint to the EU as well. We could start the process by requesting for a meeting with the local UNDP resident representative in order not to be seen to be undermining him. Otherwise, we'll simply go round in circles.

Regards to all.

Beatrice

View Wednesday, September 27, 2006 12:56:23 PM

To: Tricia Zinyembah <Triciaz.twanya@tnfs.co.zw>

Beatrice.....did you intend to write and copy to NANA & his staff? Coz you just did that. You wrote to me and sent a cc to NANA and his staff members.

But that aside, I agree.

I actually think we have lost momentum coz we should have met before this publicity stunt.

Cheers  
Tino Bere

I hear and agree with what the President (of the Law Society says). Are we going to do anything about it?

Regards

James

----- Original Message -----

From: "jmmn" <jmmn@mweb.co.zw>

To: "Isabella Matambanadzo" <zvinemazuva@yahoo.com>; "arnold tsunga" <atsunga2002@yahoo.com>; "Virginia Sithole" <deputy@lsz.co.zw>; "E MAGADE" <emagade04@yahoo.co.uk>; "Tinoziva Bere" <tino@syscom.co.zw>; "T C Masawi" <tcmasawi@zimlink.com>; "Perpetua Dube" <pdlaw@mweb.co.zw>; "Lloyd Mhishi" <mlmhishi@yahoo.co.uk>; "Lloyd Mativenga Mhishi" <mlmhishi@dmh.co.zw>; "Josephat Tshuma" <wlb@mweb.co.zw>; "James Mutizwa" <nyaguvi@ecoweb.co.zw>; "James Mutizwa" <cmplaw@ecoweb.co.zw>; "Colin Kuhuni" <ckuhuni@zsr.co.zw>; "Dr Ellen Sithole" <emakasitho@yahoo.com>; "Beatrice Mtetwa" <twanya@tnfs.co.zw>; "Beatrice Mtetwa" <bea.twanya@tnfs.co.zw>; "Arnold Tsunga" <atsunga@zlh.org.zw>; "Arnold Tsunga" <secretary@lsz.co.zw>; "Saru" <snjerere@yahoo.com>; "Nancy K" <nancykachingwe@yahoo.co.uk>; <nancykac@mweb.co.zw>; <youthnow@mweb.co.zw>; <bertha.faranisi@international.gc.ca>; "EU LINDA KALENGA" <linda.kalenga@cec.eu.int>

Sent: Wednesday, September 27, 2006 4:10 PM

Subject: Re: Police Brutality in Zimbabwe and the Diplomatic/  
International/UN/EU Community's Silence

> I believe that Isabella's outrage is understandable. I am even more  
> concerned when the \President, the head of state, approves of Police  
> brutality provided it is perpetrated on perceived enemies.

>

> This is the type of endorsement that Police want.

>

> regards

>

> J James

> ----- Original Message -----

> From: "Isabella Matambanadzo" <zvinemazuva@yahoo.com>

> To: "arnold tsunga" <atsunga2002@yahoo.com>; "Virginia Sithole"

> <deputy@lsz.co.zw>; "E MAGADE" <emagade04@yahoo.co.uk>; "Tinoziva Bere"

> <tino@syscom.co.zw>; "T C Masawi" <tcmasawi@zimlink.com>; "Perpetua Dube"

> <pdlaw@mweb.co.zw>; "Lloyd Mhishi" <mlmhishi@yahoo.co.uk>; "Lloyd

Mativenga

> Mhishi" <mlmhishi@dmh.co.zw>; "Josephat Tshuma" <wlb@mweb.co.zw>; "Joseph

> James" <JMMN@mweb.co.zw>; "James Mutizwa" <nyaguvi@ecoweb.co.zw>;

"James

> Mutizwa" <cmplaw@ecoweb.co.zw>; "Colin Kuhuni" <ckuhuni@zsr.co.zw>; "Dr

> Ellen Sithole" <emakasitho@yahoo.com>; "Beatrice Mtetwa"

> <twanya@tnfs.co.zw>; "Beatrice Mtetwa" <bea.twanya@tnfs.co.zw>; "Arnold

> Tsunga" <atsunga@zlh.org.zw>; "Arnold Tsunga" <secretary@lsz.co.zw>;

"Saru"

> <snjerere@yahoo.com>; "Nancy K" <nancykachingwe@yahoo.co.uk>;

> <nancykac@mweb.co.zw>; <youthnow@mweb.co.zw>;

> <bertha.faranisi@international.gc.ca>; "EU LINDA KALENGA"

> <linda.kalenga@cec.eu.int>  
> Sent: Wednesday, September 20, 2006 10:45 AM  
> Subject: Police Brutality in Zimbabwe and the Diplomatic/  
> International/UN/EU Community's Silence

>  
>

> Dear Colleagues,

>

> I write partly in reaction to the earlier email about  
> the UNDP/EU and their attempt to create a normalised  
> environment and structure around the issue of human  
> rights in Zimbabwe through a really dubious human  
> rights commission. This is utter nonsense and should  
> be recorded as such.

>

> But I write especially in response to news that I have  
> that yesterday various diplomats meeting with the  
> diplomats of the European Union system decided not to  
> issue a statement that had already been prepared and  
> drafted about the recent brutalities workers peacefully  
> protesting under the ZCTU experienced.

>

> My information, and I want to share it with you all  
> because I am quite enraged, is that the diplomats  
> decided that while workers have rights, they really do  
> not have human rights, something about how they are a  
> political force backing the opposition....

>

> So the police brutality we witnessed in Zimbabwe last  
> week, and last month with the degrading and inhuman  
> money frisking searches, and on numerous other  
> occasions in our country, is in the view of these  
> diplomats, not worthy of a statement at the very  
> least.

>

> I have become quite alarmed by the manner in which the  
> institutions in Zimbabwe that are part of the global  
> mechanisms of human rights promotion and protection  
> have become so docile.

>

> So why the UNDP, part of the collective institutions  
> of the UN that are supposed to protect and promote  
> rights would want to organise NGOs to go and endorse a  
> strange commission is really beyond reason. As is the  
> decision of the EU and its friends that workers do not  
> have rights.

>

> I want to make a proposal. That we meet with the  
> leadership of the international institutions and the  
> diplomats and hold them to account. This negotiation  
> of the rights of the people of Zimbabwe has gone on  
> for far too long. We saw it so clearly when those  
> Border Gezi Militia were raping women and the women's  
> movement stood alone.

>

> Many thanks for your return commentry and suggestions.  
> Bella

>

> --- arnold tsunga <atsunga2002@yahoo.com> wrote:

>

>> They can go and party as they wish while the country  
>> is burning. Constitutional Amendment no 18 here we  
>> come!!! Joining No 17 (ouster of court's  
>> jurisdiction), POSA (ouster of enjoyment of  
>> fundamental freedoms, movement ,assembly, procession  
>> et al), AIPPA(ouster of print expression),  
>> Broadcasting Services Act(Ouster of broadcast  
>> expression), The criminal Codification( ouster of  
>> equal protection of the law), Interception of  
>> Communication (ouster of privacy in communication).  
>> Organised torture and violence (ouster of human  
>> dignity and integrity, peace, expression, assembly  
>> and association). The UNDP are not serious!! They  
>> take us to be a big joke. They are contemptous of  
>> our country and our people. We do not need these  
>> minimalist measures. Its especially offending coming  
>> just after workers and students were degraded and  
>> dehumanised by the police for behaving like normal  
>> human beings! These are personal strongly held  
>> views

>> Arnold

>>

>> Virginia Sithole <deputy@lsz.co.zw> wrote:

>> Dear

>> Mr President Ladies and Gentlemen.

>>

>> Attached is the programme from UNDP for the CSO-GoZ  
>> consultative meeting for your sight.

>>

>> Kind Regards

>>

>> Cledwin

>> ----- Original Message ----- From:  
>> godfrey.mupanga@undp.org  
>> To: info@crisiszimbabwe.org ; director@cps.org.zw ;  
>> cephas@nango.org.zw ; lrfnd@mweb.co.zw ;  
>> lchaza-jangira@zan.co.zw ; coalition@zolco.undp.org  
>> ; zw@undp.org ; director@galz.co.zw ;  
>> irene@zlhhr.org.zw ; zadhr@mweb.co.zw ;  
>> ccj pz@mango.zw ; nascoh@zol.co.zw ;  
>> ntando@zimcodd.co.zw ; zimcodd@zimcodd.co.zw ;  
>> info@zan.co.zw ; admin@hrforum.co.zw ;  
>> sahr it@sahr it.org.zw ; annie@misazim.co.zw ;  
>> deputy@lsz.co.zw ; administrator@lsz.co.zw  
>> Sent: Monday, September 18, 2006 1:01 PM  
>> Subject: CSO-GoZ Consultations, 21-24 September  
>> 2006, Kariba  
>>  
>>  
>>  
>> This message is send on behalf of the Mfaro Moyo,  
>> Officer In Charge, UNDP.  
>> Dear Colleagues  
>> I am writing to you with regards to the above  
>> mentioned CSO-GoZ Consultations to take place in  
>> Kariba from 21 to 24 September 2006. Please find  
>> attached copies of the invitation letter and the  
>> draft programme. Hard copies of these documents  
>> have been send to you and we hope that you have by  
>> now received them.  
>> Please contact Naome Mhone to confirm your  
>> participation on the following email and telephone  
>> numbers: legal.guest1.zw@undp.org. Telephone:  
>> 792681 - 6 ext 202.  
>> As you can see on the draft programme, we shall be  
>> departing Harare at 2pm on Thursday 21 September  
>> 2006. I therefore kindly request that we assemble at  
>> Takura House at 1.30pm for boarding.  
>> Yours faithfully  
>> Godfrey Mupanga  
>> for UNDP Officer In Charge  
>> Date: Mon, 18 Sep 2006 12:10:54 +0200  
>> From: godfrey.mupanga@undp.org  
>> Subject: Digital Document  
>> To: godfrey.mupanga@undp.org  
>>  
>>  
>>

>>

> -----

>>

>> Please open the attached document.

>> This document was sent to you using an HP Digital

>> Sender.

>>

>> Sent by:

>> Number of pages: 1

>> Document type: B/W Document

>> Attachment File Format: Adobe PDF

>>

>> To view this document you need to use the Adobe

>> Acrobat Reader.

>> For free copy of the Acrobat reader please visit:

>>

>> <http://www.adobe.com>

>>

>> For more information on the HP Digital Sender please

>> visit:

>>

>> <http://www.digitalsender.hp.com>

>>

>>

>>

>> -----

>> Want to be your own boss? Learn how on Yahoo! Small

>> Business.

>

>

> Isabella Matambanadzo

> P.O. Box A1582

> Avondale

> Harare

> Zimbabwe

Colleagues all

Kindly note that I have added my tinozivabere@yahoo.com address to the list for those times when local service is unreliable.

Maybe some dates and venue for tis consultation would be helpful. Law Society council meets on Monday 25th September 2006 and probably starts its meeting at Court so Monday is out of the question.

Some of you were getting duplicated mail. I hve tried to remove this.



> From: "esisulu@netactive.co.za" <esisulu@netactive.co.za>  
> Date: Thu, 21 Sep 2006 14:24:45  
> To: irene\_petras@yahoo.co.uk, zvinemazuva@yahoo.com, tino@mweb.co.zw,  
> atsunga2002@yahoo.com, jmafume2003@yahoo.co.uk, ottosaki@yahoo.com,  
> cogwel@mweb.co.zw, dmuchena@usaid.gov, belovedchiweshe@yahoo.co.uk,  
> trmugabe@zlh.org.zw, maanda@mweb.co.zw, makonia@mlaw.co.zw,  
> zviko@zlh.org.zw, henriette.eppenberger@eda.admin.ch,  
> tawandam@osiafrica.org, zinasu@gmail.com, TawandaM@osisa.org,  
> braftopoulos@ijr.org.za, nancykac@mweb.co.zw, youthnow@mweb.co.zw,  
> thokomatshe@yahoo.co.uk, everjoice.win@actionaid.org  
> Cc: coordinator@crisiszimbabwe.org  
> Subject: RE: Re: CSO RESPONSE TO UNDP-STRATEGY  
>

> Dear Colleagues

>  
> I agree totally on the points raised and sentiments expressed on this  
> issue and I am deeply grateful to Bella for starting this conversation. It  
> is one that must be pursued with urgency. We at Crisis have been grappling  
> with this issue and nothing would be better than the opportunity for an  
> intense engagement that will result in a strong and coordinated response.  
> Such a response, I am sure, will receive support from our civil society  
> partners in the regions.

>  
> Regards

>  
>  
>  
>  
> Elinor

>  
>  
> ----- Original Message -----

> From: Irene Petras  
> Sent: Thursday, September 21, 2006 10:45  
> To: Isabella Matambanadzo zvinemazuva@yahoo.com; Tino Bere tino@mweb.co.zw;  
> Arnold Tsunga atsunga2002@yahoo.com; jmafume2003@yahoo.co.uk; Otto Saki  
> ottosaki@yahoo.com; Perpetua Dube cogwel@mweb.co.zw; Muchena, Deprose  
> (HARARE/DGO) dmuchena@usaid.gov; belovedchiweshe@yahoo.co.uk; Tafadzwa  
> Mugabe trmugabe@zlh.org.zw; maanda@mweb.co.zw; makonia@mlaw.co.zw;  
> zviko@zlh.org.zw; henriette.eppenberger@eda.admin.ch; Tawanda Mutasah  
> tawandam@osiafrica.org; zinasu@gmail.com; Tawanda Mutasah  
> TawandaM@osisa.org; Brian Raftopoulos braftopoulos@ijr.org.za;  
> nancykac@mweb.co.zw; Elinor Sisulu esisulu@netactive.co.za;  
> youthnow@mweb.co.zw; thoko matshe thokomatshe@yahoo.co.uk;  
> everjoice.win@actionaid.org;  
> Subject: Re: CSO RESPONSE TO UNDP-STRATEGY  
>

>

>

> Dear colleagues

>

> Tino articulates the crisis and issues extremely well.

>

> We need to plan a strong and coordinated response to this mounting crisis,

> which threatens to derail all our collective and individual efforts to

> bring an end to human rights violations and impunity by state

> institutions, not least the justice and law enforcement sector. In light

> of the attacks against the Law Society and other law-based organisations

> over the last few weeks, we should also bear in mind the potential threat

> of the UNDP action and the GoZ conference being used as a platform to

> destabilise, not only the broader CSO sector, but also to bolster calls

> for action against a democratically elected legal professional regulating

> body For this reason, an urgent meeting with all our partners is vital and

> ZLHR would, of course, be happy to participate.

>

> Best wishes,

> Irene

>

>

>

>

>

> ----- Original Message -----

> From: Isabella Matambanadzo <zvinemazuva@yahoo.com>

> To: Tino Bere <tino@mweb.co.zw>; Arnold Tsunga <atsunga2002@yahoo.com>;

> jmafume2003@yahoo.co.uk; Otto Saki <ottosaki@yahoo.com>; Irene Petras

> <irene\_petras@yahoo.co.uk>; Perpetua Dube <cogwel@mweb.co.zw>; "Muchena,

> Deprose (HARARE/DGO)" <dmuchena@usaid.gov>; belovedchiweshe@yahoo.co.uk;

> Tafadzwa Mugabe <trmugabe@zlh.org.zw>; maanda@mweb.co.zw;

> makonia@mlaw.co.zw; zviko@zlh.org.zw; henriette.eppenberger@eda.admin.ch;

> Tawanda Mutasah <tawandam@osiafrica.org>; zinasu@gmail.com; Tawanda

> Mutasah <TawandaM@osisa.org>; Brian Raftopoulos <braftopoulos@ijr.org.za>;

> nancykac@mweb.co.zw; Elinor Sisulu <esisulu@netactive.co.za>;

> youthnow@mweb.co.zw; thoko matshe <thokomatshe@yahoo.co.uk>;

> everjoice.win@actionaid.org

> Sent: Thursday, 21 September, 2006 9:36:30 AM

> Subject: Re: CSO RESPONSE TO UNDP-STRATEGY

>

>

> dear colleagues,

>

> tino, thank you for sharing - i very much appreciate

> your notes.

>

> just to be accountable to the list - please accept my  
> request, by cc to add professor brian raftop, nancy  
> kachingwe, lucy makaza, everjoice win, thoko matshe  
> and elinor sisulu to our strategic conversation on  
> these developments.

>

> in addition, osisa is in a position to support a  
> meeting to enable us to, among other things, discuss  
> these matters further and craft a formal response.

>

> this we can have next week, short notice i know, but a  
> tuesday meeting would be wonderful timing given the  
> kariba meeting starts today

>

> --- Tino Bere <tino@mweb.co.zw> wrote:

>

>> CSO RESPONSE TO UNDP-STRATEGY

>>

>>

>> Ladies & Gentlemen

>>

>> I have written at length to enrich our discussions  
>> with some background.

>>

>> The views I express are mine. In an effort to be  
>> direct I may be rude. UNDP has been trying to use  
>> civic society to give credibility to its programme.

>>

>> Background

>> The programme which is well funded is being  
>> presented as a genuine programme for the restoration  
>> of the judiciary in Zimbabwe but it has the  
>> following fundamental weaknesses:-

>>

>> a.. it was clobbered into shape by UNDP & the very  
>> people who have destroyed the legal system and  
>> judiciary (GoZ).

>> b.. it was desined to the exclusion of the only  
>> people statutorily mandated to control & reposit  
>> the legal profession, the Law Society of Zimbabwe.

>> c.. its budget has been primarily used as a  
>> supplement to GoZ budget (for the bungling Min of  
>> Justice/Injustice) like buying a vehicles/buses and  
>> funding travel for GoZ officials to travel to ACHPR  
>> to rubbish legitimate communications and complaints  
>> of human rights abuses in Zimbabwe.

>> d.. the UNDP has failed to organise review or  
>> critique of the many repressive laws of this  
>> country.  
>> e.. UNDP has failed to work on this project with  
>> legitimate CSOs or broad law based organisations  
>> (except the institution they contracted to do the  
>> exclusive training) which is not open to LSZ  
>> membership or its many experienced trainers.  
>> In short, UNDP went and got money fro GoZ from  
>> donors who would never have funded GoZ's  
>> Justice/[InJustice] ministry operations. Their  
>> motives may have been good initially but by  
>> excluding or allowing exclusion of the independent  
>> legal profession from their project, they dealt a  
>> heavy blow to it. They are now at the mercy of GoZ  
>> or are having a soar ball with GoZ and the tragedy  
>> is that a UN agency now gives credibility to GoZ  
>> gimmicks and rubbishes CSO's. That cannot be right.  
>> That cannot be done using money from donors who seek  
>> restoration of rule law, good governance and  
>> independence of the judiciary.

>>  
>> The agenda appears driven by a desire to sanitise  
>> the GoZ and improve its image or in any event, the  
>> process of implementation and the attitude shown by  
>> UNDP is achieving just that. This is confirmed by  
>> the fact that instead of funding and facilitating  
>> review of the state of administration of justice,  
>> review of repressive laws & and critique of the many  
>> mutilations of the bill of rights, UNDP is funding  
>> travel costs, bus acquisitions and workshops where  
>> the ministry officers are trained with no  
>> interaction with the profession and with no input  
>> from the very profession that can independently  
>> evaluate the justice delivery in the country. It is  
>> an absolute waste of donor maoney.

>>  
>> The Workshop  
>> The inflexibility on dates of workshop was proof of  
>> a deliberate deisre to exclude CSO. Certainly  
>> speaking as a member of the Law Society of Zimbabwe  
>> and of ZLHR, I cannot ignore the fact that UNDP  
>> fixed the date on short notice and without  
>> consulting either of these. UNDP was advised that  
>> The President of LSZ, his Deputy would not be  
>> available because they were attending a prior set

>> IBA Conference in Chicago, IL, USA. They were also  
>> told clearly that all committee chairpersons are not  
>> available for the same reason. ZLHR acting director  
>> also advised that all senior management and key  
>> board members including the Chairperson were not  
>> available. I am aware that Coalition Crisis  
>> Director/Co-ordinator was also not going to be  
>> available. Only a political decision by UNDP would  
>> ignore the objections as happened.

>>

>> Agenda

>> More than that, the UNDP appears not in charge of  
>> the agenda. I do not know about other organisations  
>> but LSZ objections to the original agenda (which is  
>> so similar to the current one) were made in writing.  
>> But if you look at the agenda now, Chinamasa speaks  
>> 3 times, Mangwana takes up the other slot. Save for  
>> just 1 hour for some unnamed CSO panel the rest of  
>> the programme is dominated by Prof Kamba, Chinamasa,  
>> Mangwana and other persons not renowned for their  
>> human rights advocacy or for speaking out against  
>> the evil abuses of human rights.

>>

>> Our initial objections to the programme were  
>> conceded and a new agenda agreed. The programme was  
>> actually changed to have more time for specific  
>> organisations like LSZ, ZLHR, NANGO speak  
>> specifically in their own right. This has  
>> predictably been reversed to the original  
>> government dominated programme. What consultation  
>> takes place when the man responsible for the state  
>> of the human rights addresses CSO's or purported  
>> CSOs over and over again?

>>

>> Questioning UNDP

>> To be fair to UNDP I wrote to them as Chairperson of  
>> the Legal Education, Liaison, Advocacy & Public Relations  
>> Committee of LSZ to seek their comments. Specifically  
>> I questioned their actions on the dates which had  
>> effectively excluded LSZ, ZLHR & Coalition Crisis  
>> participation. I also asked why the "the previously  
>> agreed programme which gave space/reasonable time  
>> specifically to Law Society and also to several  
>> human rights NGOs has been dropped in favour of the  
>> original GoZ dominated programme."

>> The UNDP reply came in today, 20th September 2006

>> and it blames the agenda on CSO's and on NANGO &  
>> GALZ in particular. They deny responsibility for the  
>> dates and blame them on CSO's[who are these CSOs? we  
>> really have a problem!].

>>

>> Let me quote below what the reply stated:-

>>

>> a.. " As you may well be aware, the decision to  
>> hold the consultative meeting in the first place as  
>> well as the dates for the meeting is not the  
>> decision of the UNDP.

>> b.. At a meeting with CSOs, which was held at our  
>> office on 7 September 2006, the issue of the new  
>> dates was discussed. We restated the role of the  
>> UNDP in this consultation and that it was up to the  
>> CSOs and government. If either or both of them did  
>> not want the meeting, then our hands were tied. The  
>> consensus was that the meeting should go ahead on  
>> the proposed dates. I must emphasise that this was  
>> not the decision of the UNDP but of the CSOs.

>> c.. Regarding the programme, you may again be  
>> aware that it was revised twice by CSOs. At the 7  
>> September 2006 meeting, the CSOs agreed to revise  
>> the programme again.

>> d.. A committee comprising ZLHR, ZADHR, GALZ,  
>> NANGO and SAHRIT was set up to revise the programme.  
>> It turned out that ZLHR had made a decision not to  
>> participate and so they declined to make  
>> contributions to the revision of the programme. The  
>> other organisations were committed and so only NANGO  
>> and GALZ met for the purpose of revising the  
>> programme.

>> e.. UNDP has not at all had any hand in the  
>> drafting of the programme.

>> f.. It may also help if I clarify to you the role  
>> of the UNDP in this process. It is simply to be an  
>> impartial facilitator. The UNDP has a mandate to  
>> support human rights institutions in Zimbabwe and to  
>> facilitate dialogue among stakeholders. You can rest  
>> assured that this is all that the UNDP is doing in  
>> this process. "

>>

>> Implications

>> The reply does not say what they did to defend the  
>> prior agreed balanced programme. It does not say  
>> what they as purse holders did to prevent the

>> workshop dates being fixed on inconvenient dates. I  
>> recollect from ZLHR report that UNDP and NOT CSO's  
>> were the greatest obstacle to negotiation of  
>> convenient dates. In view of the actions of UNDP I  
>> am satisfied that they wanted to exclude genuine  
>> CSO's and prevent their participation in a  
>> deliberate and hostile fashion. I do hope all  
>> legitimate organisations stand their ground. The  
>> UNDP is aware that CSO's have demanded that before  
>> any talk of a Human Rights Commission commence, the  
>> following must happen:-  
>> a.. review and repeal of all repressive laws  
>> b.. restoration of the bill of rights (which they  
>> have mutilated endlessly) through re-drawing of the  
>> country's constitution to reflect the wishes of  
>> people.  
>> c.. restoration of the right to self-determination  
>> by ending the present electoral laws, practices and  
>> system.  
>> d.. signature, ratification and domestication  
>> international human rights instruments as may be  
>> appropriate.  
>> e.. implementation of the resolutions by UN and AU  
>> on redress of human rights abuses.  
>> It is obvious UNDP and those CSO's or supposed CSOs  
>> supporting their devious strategy have chosen to  
>> proceed in much the same way as ZANU PF always  
>> proceeds.... intollerant, uncompromising and  
>> dishonest. As we deliberate now, their plans are  
>> sealed. They will conduct their bogus consultative  
>> workshop. UNDP was trying to give credibility to  
>> a process or event that has none. I am even more  
>> convinced of the dishonesty in the whole process  
>> because

> === message truncated ===

>

>

> Isabella Matambanadzo

> P.O. Box A1582

> Avondale

> Harare

> Zimbabwe

Thanks Bella

Please feel free to forward to anyone I may have missed.

I defer to some of you on who is strategic in these deliberations.

I may have missed some of them but it was not deliberate. What happened is Arnold put some on cc and so in replying i missed the others but I did a second e-mail to forward to them. I have added the named persons specifically to this reply and have pasted Depose's comments in case othes had missed them too.

Ladies & Gentelemen, if you get the same e-mail twice please remove the juplication in your reply.

Plse review and advise.

I live in the mountains and therefore I am stranger to many and could easily miss some forks.

Please note that Depose's responce which some may have missed is attached below so that we are all now on one page.

Regards  
Tino Bere

----- Original Message -----

From: Muchena, Deprose (HARARE/DGO)

To: Tino Bere ; Arnold Tsunga ; jmafume2003@yahoo.co.uk ; Otto Saki ; Irene Petras ; Isabella Matambanadzo ; Perpetua Dube ; Tafadzwa Mugabe ; maanda@mweb.co.zw ; makonia@mlaw.co.zw ; zviko@zlh.org.zw ; Tawanda Mutasah ; zinasu@gmail.com ; Tawanda Mutasah ; deprose muchena ; arnold tsunga

Sent: Thursday, September 21, 2006 10:47 AM

Subject: RE: CSO RESPONSE TO UNDP-STRATEGY

Tino,

I am here writing as an activist rather than than as a USAID bureaucrat, because I am among friends and that this is only for this forum. I always like the honest manner in which you look at and articulate the national question as it unfolds daily in Zimbabwe. This critique is as honest as they come and in my view, constitute the basic foundation of the call to bring some of these problematic multilateral organizations to account for the manner in which they execute their national mandate.

The first problem with the UN Country Office in general and the UNDP in particular is its minimalist interpretation of "member state". They think that the GOZ equals the people of Zimbabwe and so whatever the minister from this GOZ government tells them, is taken to be representative of the people of Zimbabwe. There is sufficient evidence that the actions of this government has absolutely no relationship with the aspirations of the majority population of this country. The events of September 13th confirm this view over and above the repeated episodes of electoral pick pocketing every five years.

The second problem is one of weeping louder than the bereaved. By ignoring the views of national legitimate bodies that have profound commitment to and work in the area of human rights, rule of law and the judiciary, and proceeding regardless of their objections, presents an image of the UNDP wanting it "more than we do". They pretend to be more proactive than Zimbabweans themselves and seem to be comfortable with substituting the people of Zimbabwe with their thinking or that of one of their officials, particularly if they so happen to have a black skin. They then look for some lukewarm partners in crime, by way of gullible or desperate for attention civic formations to normalize this trickery.

The third problem is the very lazy and pusillanimous critique of the Zimbabwe crisis particularly as it relates to governance, human rights and the democratic deficit that has clearly been induced by this government. And while on this point, greater effort need to be made to reach out to some of these aquatic organizations that are so ready to hit the accept button at every and any distant invitation from either the GOZ or the UN ( DP), no matter how obnoxious the agenda for invitation is or may be.

We clearly need to debunk this disturbing approach and therefore Bella's recommendation is one to strongly consider. And if there is need for more support to these efforts, we could guarantee some, although I know that OSISA's support will be sufficient.

Thanks  
Deprose.

----- Original Message -----

From: "Isabella Matambanadzo" <zvinemazuva@yahoo.com>  
To: "Tino Bere" <tino@mweb.co.zw>; "Arnold Tsunga" <atsunga2002@yahoo.com>;  
<jmafume2003@yahoo.co.uk>; "Otto Saki" <ottosaki@yahoo.com>; "Irene Petras"  
<irene\_petras@yahoo.co.uk>; "Perpetua Dube" <cogwel@mweb.co.zw>; "Muchena,  
Deprose (HARARE/DGO)" <dmuchena@usaid.gov>;  
<belovedchiweshe@yahoo.co.uk>;  
"Tafadzwa Mugabe" <trmugabe@zlh.org.zw>; <maanda@mweb.co.zw>;

<makonia@mlaw.co.zw>; <zviko@zlhhr.org.zw>;  
<henriette.eppenberger@eda.admin.ch>; "Tawanda Mutasah"  
<tawandam@osiafrica.org>; <zinasu@gmail.com>; "Tawanda Mutasah"  
<TawandaM@osisa.org>; "Brian Raftopoulos" <braftopoulos@ijr.org.za>;  
<nancykac@mweb.co.zw>; "Elinor Sisulu" <esisulu@netactive.co.za>;  
<youthnow@mweb.co.zw>; "thoko matshe" <thokomatshe@yahoo.co.uk>;  
<everjoice.win@actionaid.org>  
Sent: Thursday, September 21, 2006 9:36 AM  
Subject: Re: CSO RESPONSE TO UNDP-STRATEGY

dear colleagues,

tino, thank you for sharing - i very much appreciate your notes.

just to be accountable to the list - please accept my request, by cc to add professor brian raftop, nancy kachingwe, lucy makaza, everjoice win, thoko matshe and elinor sisulu to our strategic conversation on these developments.

in addition, osisa is in a position to support a meeting to enable us to, among other things, discuss these matters further and craft a formal response.

this we can have next week, short notice i know, but a tuesday meeting would be wonderful timing given the kariba meeting starts today

--- Tino Bere <tino@mweb.co.zw> wrote: hursday, September 21, 2006 9:51:13 AM  
To: Isabella Matambanadzo <zvinemazuva@yahoo.com>; Arnold Tsunga <atsunga2002@yahoo.com>; jmafume2003@yahoo.co.uk; Otto Saki <ottosaki@yahoo.com>; Irene Petras <irene\_petras@yahoo.co.uk>; Perpetua Dube <cogwel@mweb.co.zw>; "Muchena... [more](#)

> CSO RESPONSE TO UNDP-STRATEGY

>

>

> Ladies & Gentlemen

>

> I have written at length to enrich our discussions  
> with some background.

>

> The views I express are mine. In an effort to be

- > direct I may be rude. UNDP has been trying to use
- > civic society to give credibility to its programme.
- >
- > Background
- > The programme which is well funded is being
- > presented as a genuine programme for the restoration
- > of the judiciary in Zimbabwe but it has the
- > following fundamental weaknesses:-
- >
- > a.. it was clobbered into shape by UNDP & the very
- > people who have destroyed the legal system and
- > judiciary (GoZ).
- > b.. it was desined to the exclusion of the only
- > people statutorily mandated to control & represent
- > the legal profession, the Law Society of Zimbabwe.
- > c.. its budget has been primarily used as a
- > supplement to GoZ budget (for the bungling Min of
- > Justice/Injustice) like buying a vehicles/buses and
- > funding travel for GoZ officials to travel to ACHPR
- > to rubbish legitimate communications and complaints
- > of human rights abuses in Zimbabwe.
- > d.. the UNDP has failed to organise review or
- > critique of the many repressive laws of this
- > country.
- > e.. UNDP has failed to work on this project with
- > legitimate CSOs or broad law based organisations
- > (except the institution they contracted to do the
- > esxclusive training) which is not open to LSZ
- > membership or its many experienced trainners.
- > In short, UNDP went and got money fro GoZ from
- > donors who would never have funded GoZ's
- > Justice/[InJustice] ministry operations. Their
- > motives may have been good initially but by
- > excluding or allowing exclusion of the independent
- > legal profession from their project, they dealt a
- > heavy blow to it. They are now at the mercy of GoZ
- > or are having a soar ball with GoZ and the tragedy
- > is that a UN agency now gives credibility to GoZ
- > gimmicks and rubbishes CSO's. That cannot be right.
- > That cannot be done using money from donors who seek
- > restoration of rule law, good governance and
- > independence of the judiciary.
- >
- > The agenda appears driven by a desire to sanitise
- > the GoZ and improve its image or in any event, the
- > process of implementation and the attitude shown by

- > UNDP is achieving just that. This is confirmed by
- > the fact that instead of funding and facilitating
- > review of the state of administration of justice,
- > review of repressive laws & and critique of the many
- > mutilations of the bill of rights, UNDP is funding
- > travel costs, bus acquisitions and workshops where
- > the ministry officers are trained with no
- > interaction with the profession and with no input
- > from the very profession that can independently
- > evaluate the justice delivery in the country. It is
- > an absolute waste of donor maoney.
- >
- > The Workshop
- > The inflexibility on dates of workshop was proof of
- > a deliberate deisre to exclude CSO. Certainly
- > speaking as a member of the Law Society of Zimbabwe
- > and of ZLHR, I cannot ignore the fact that UNDP
- > fixed the date on short notice and without
- > consulting either of these. UNDP was advised that
- > The President of LSZ, his Deputy would not be
- > available because they were attending a prior set
- > IBA Conference in Chicago, IL, USA. They were also
- > told clearly that all committee chairpersons are not
- > available for the same reason. ZLHR acting director
- > also advised that all senior mamangement and key
- > board members including the Chirperson were not
- > available. I am aware that Coalition Crisis
- > Director/Co-ordinator was also not going to be
- > available. Only a political decision by UNDP would
- > ignore the objections as hapened.
- >
- > Agenda
- > More than that, the UNDP appears not in charge of
- > the agenda. I do not know about other organisations
- > but LSZ objections to the original agenda (which is
- > so similar to the current one) were made in writing.
- > But if you look at the agenda now, Chinamasa speaks
- > 3 times, Mangwana takes up the other slot. Save for
- > just 1 hour for some unnamed CSO panel the rest of
- > the programme is dominated by Prof Kamba, Chinamasa,
- > Mangwana and other persons not renouned for their
- > human rights advocacy or for speaking out against
- > the evil abuses of human rights.
- >
- > Our initial objections to the programme were
- > conceded and a new agenda agreed. The programme was

- > actually changed to have more time for specific
- > organisations like LSZ, ZLHR, NANGO speak
- > specifically in their own right. This has
- > predictably been reversed to the original
- > government dominated programme. What consultation
- > takes place when the man responsible for the state
- > of the human rights addresses CSO's or purported
- > CSOa over and over again?
- >
- > Questioning UNDP
- > To be fair to UNDP I wrote to them as Chairperson of
- > the Legal Education, Liason, Advocacy & Public Relations
- > Committee of LSZ to seek their comments. Specifically
- > I questioned their actions on the dates which had
- > effectively excluded LSZ, ZLHR & Coalition crisis
- > participation. I also asked why the "the previously
- > agreed programme which gave space/reasonable time
- > specifically to Law Society and also to several
- > human rights NGOs has been dropped in favour of the
- > original GoZ dominated programme."
- > The UNDP reply came in today, 20th September 2006
- > and it blames the agenda on CSO's and on NANGO &
- > GALZ in particular. They deny responsibility for the
- > dates and blame them on CSO's [who are these CSOs? we
- > really have a problem!].
- >
- > Let me quote below what the reply stated:-
- >
- > a.. " As you may well be aware, the decision to
- > hold the consultative meeting in the first place as
- > well as the dates for the meeting is not the
- > decision of the UNDP.
- > b.. At a meeting with CSOs, which was held at our
- > office on 7 September 2006, the issue of the new
- > dates was discussed. We restated the role of the
- > UNDP in this consultation and that it was up to the
- > CSOs and government. If either or both of them did
- > not want the meeting, then our hands were tied. The
- > consensus was that the meeting should go ahead on
- > the proposed dates. I must emphasise that this was
- > not the decision of the UNDP but of the CSOs.
- > c.. Regarding the programme, you may again be
- > aware that it was revised twice by CSOs. At the 7
- > September 2006 meeting, the CSOs agreed to revise
- > the programme again.
- > d.. A committee comprising ZLHR, ZADHR, GALZ,

- > NANGO and SAHRIT was set up to revise the programme.
- > It turned out that ZLHR had made a decision not to
- > participate and so they declined to make
- > contributions to the revision of the programme. The
- > other organisations were committed and so only NANGO
- > and GALZ met for the purpose of revising the
- > programme.
- > e.. UNDP has not at all had any hand in the
- > drafting of the programme.
- > f.. It may also help if I clarify to you the role
- > of the UNDP in this process. It is simply to be an
- > impartial facilitator. The UNDP has a mandate to
- > support human rights institutions in Zimbabwe and to
- > facilitate dialogue among stakeholders. You can rest
- > assured that this is all that the UNDP is doing in
- > this process. "
- >
- > Implications
- > The reply does not say what they did to defend the
- > prior agreed balanced programme. It does not say
- > what they as purse holders did to prevent the
- > workshop dates being fixed on inconvenient dates. I
- > recollect from ZLHR report that UNDP and NOT CSO's
- > were the greatest obstacle to negotiation of
- > convenient dates. In view of the actions of UNDP I
- > am satisfied that they wanted to exclude genuine
- > CSO's and prevent their participation in a
- > deliberate and hostile fashion. I do hope all
- > legitimate organisations stand their ground. The
- > UNDP is aware that CSO's have demanded that before
- > any talk of a Human Rights Commission commence, the
- > following must happen:-
- > a.. review and repeal of all repressive laws
- > b.. restoration of the bill of rights (which they
- > have mutilated endlessly) through re-drawing of the
- > country's constitution to reflect the wishes of
- > people.
- > c.. restoration of the right to self-determination
- > by ending the present electoral laws, practices and
- > system.
- > d.. signature, ratification and domestication
- > international human rights instruments as may be
- > appropriate.
- > e.. implementation of the resolutions by UN and AU
- > on redress of human rights abuses.
- > It is obvious UNDP and those CSO's or supposed CSOs

- > supporting their devisive strategy have chosen to
- > proceed in much the same way as ZANU PF always
- > proceeds.... intollerant, uncompromising and
- > dishonest. As we deliberate now, their plans are
- > sealed. They will conduct their bogus consultative
- > workshop. UNDP was trying to give credibility to to
- > a process or event that has none. I am even more
- > convinced of the dishonesty in the whole process
- > because

Tawanda to group

I think Tino hit the nail on the head. He had also articulated the issues clearly in conversations in Chicago and on my part, I had said I was keen to pick up an international dimension to this. Will liaise with Elinor and Bella next week about that.

Regards,

Tawanda

Thanks Bella

Please feel free to forward to anyone I may have missed.

I defer to some of you on who is strategic in these deliberations.

I may have missed some of them but it was not deliberate. What happened is Arnold put some on cc and so in replying i missed the others but I did a second e-mail to forward to them. I have added the named persons specifically to this reply and have pasted Depose's comments in case othes had missed them too.

Ladies & Gentelemen, if you get the same e-mail twice please remove the juplication in your reply.

Plse review and advise.

I live in the mountains and therefore I am stranger to many and could easily miss some forks.

Please note that Deprose's responce which some may have missed is attached below so that we are all now on one page.

Regards  
Tino Bere

----- Original Message -----

From: Muchena, Deprose (HARARE/DGO)  
To: Tino Bere ; Arnold Tsunga ; jmafume2003@yahoo.co.uk ; Otto Saki ; Irene Petras ; Isabella Matambanadzo ; Perpetua Dube ; Tafadzwa Mugabe ; maanda@mweb.co.zw ; makonia@mlaw.co.zw ; zviko@zlh.org.zw ; Tawanda Mutasah ; zinasu@gmail.com ; Tawanda Mutasah ; deprose muchena ; arnold tsunga  
Sent: Thursday, September 21, 2006 10:47 AM  
Subject: RE: CSO RESPONSE TO UNDP-STRATEGY

Tino,

I am here writing as an activist rather than as a USAID bureaucrat, because I am among friends and that this is only for this forum. I always like the honest manner in which you look at and articulate the national question as it unfolds daily in Zimbabwe. This critique is as honest as they come and in my view, constitute the basic foundation of the call to bring some of these problematic multilateral organizations to account for the manner in which they execute their national mandate.

The first problem with the UN Country Office in general and the UNDP in particular is its minimalist interpretation of "member state". They think that the GOZ equals the people of Zimbabwe and so whatever the minister from this GOZ government tells them, is taken to be representative of the people of Zimbabwe. There is sufficient evidence that the actions of this government has absolutely no relationship with the aspirations of the majority population of this country. The events of September 13th confirm this view over and above the repeated episodes of electoral pick pocketing every five years.

The second problem is one of weeping louder than the bereaved. By ignoring the views of national legitimate bodies that have profound commitment to and work in the area of human rights, rule of law and the judiciary, and proceeding regardless of their objections, presents an image of the UNDP wanting it "more than we do". They pretend to be more proactive than Zimbabweans themselves and seem to be comfortable with substituting the people of Zimbabwe with their thinking or that of one of their officials, particularly if they so happen to have a black skin. They then look for some lukewarm partners in crime, by way of gullible or desperate for attention civic formations to normalize this trickery.

The third problem is the very lazy and pusillanimous critique of the Zimbabwe crisis particularly as it relates to governance, human rights and

the democratic deficit that has clearly been induced by this government. And while on this point, greater effort need to be made to reach out to some of these aquatic organizations that are so ready to hit the accept button at every and any distant invitation from either the GOZ or the UN ( DP), no matter how obnoxious the agenda for invitation is or may be.

We clearly need to debunk this disturbing approach and therefore Bella's recommendation is one to strongly consider. And if there is need for more support to these efforts, we could guarantee some, although I know that OSISA's support will be sufficient.

Thanks  
Deprose.

----- Original Message -----

From: "Isabella Matambanadzo" <zvinemazuva@yahoo.com>  
To: "Tino Bere" <tino@mweb.co.zw>; "Arnold Tsunga" <atsunga2002@yahoo.com>;  
<jmafume2003@yahoo.co.uk>; "Otto Saki" <ottosaki@yahoo.com>; "Irene Petras"  
<irene\_petras@yahoo.co.uk>; "Perpetua Dube" <cogwel@mweb.co.zw>; "Muchena,  
Deprose (HARARE/DGO)" <dmuchena@usaid.gov>;  
<belovedchiweshe@yahoo.co.uk>;  
"Tafadzwa Mugabe" <trmugabe@zlh.org.zw>; <maanda@mweb.co.zw>;  
<makonia@mlaw.co.zw>; <zviko@zlh.org.zw>;  
<henriette.eppenberger@eda.admin.ch>; "Tawanda Mutasah"  
<tawandam@osiafrica.org>; <zinasu@gmail.com>; "Tawanda Mutasah"  
<TawandaM@osisa.org>; "Brian Raftopoulos" <braftopoulos@ijr.org.za>;  
<nancykac@mweb.co.zw>; "Elinor Sisulu" <esisulu@netactive.co.za>;  
<youthnow@mweb.co.zw>; "thoko matshe" <thokomatshe@yahoo.co.uk>;  
<everjoice.win@actionaid.org>  
Sent: Thursday, September 21, 2006 9:36 AM  
Subject: Re: CSO RESPONSE TO UNDP-STRATEGY

dear colleagues,

tino, thank you for sharing - i very much appreciate your notes.

just to be accountable to the list - please accept my request, by cc to add professor brian raftop, nancy kachingwe, lucy makaza, everjoice win, thoko matshe and elinor sisulu to our strategic conversation on these developments.

in addition, osisa is in a position to support a

meeting to enable us to, among other things, discuss these matters further and craft a formal response.

this we can have next week, short notice i know, but a tuesday meeting would be wonderful timing given the kariba meeting starts today

--- Tino Bere <tino@mweb.co.zw> wrote:

> CSO RESPONSE TO UNDP-STRATEGY

>

>

> Ladies & Gentlemen

>

> I have written at length to enrich our discussions  
> with some background.

>

> The views I express are mine. In an effort to be  
> direct I may be rude. UNDP has been trying to use  
> civic society to give credibility to its programme.

>

> Background

> The programme which is well funded is being  
> presented as a genuine programme for the restoration  
> of the judiciary in Zimbabwe but it has the  
> following fundamental weaknesses:-

>

> a.. it was clobbered into shape by UNDP & the very  
> people who have destroyed the legal system and  
> judiciary (GoZ).

> b.. it was desined to the exclusion of the only  
> people statutorily mandated to control & reposit  
> the legal profession, the Law Society of Zimbabwe.

> c.. its budget has been primarily used as a  
> supplement to GoZ budget (for the bungling Min of  
> Justice/Injustice) like buying a vehicles/buses and  
> funding travel for GoZ officials to travel to ACHPR  
> to rubbish legitimate communications and complaints  
> of human rights abuses in Zimbabwe.

> d.. the UNDP has failed to organise review or  
> critique of the many repressive laws of this  
> country.

> e.. UNDP has failed to work on this project with  
> legitimate CSOs or broad law based organisations  
> (except the institution they contracted to do the  
> esxclusive training) which is not open to LSZ

- > membership or its many experienced trainers.
- > In short, UNDP went and got money from GoZ from
- > donors who would never have funded GoZ's
- > Justice/[InJustice] ministry operations. Their
- > motives may have been good initially but by
- > excluding or allowing exclusion of the independent
- > legal profession from their project, they dealt a
- > heavy blow to it. They are now at the mercy of GoZ
- > or are having a soar ball with GoZ and the tragedy
- > is that a UN agency now gives credibility to GoZ
- > gimmicks and rubbishes CSO's. That cannot be right.
- > That cannot be done using money from donors who seek
- > restoration of rule law, good governance and
- > independence of the judiciary.

- >
- > The agenda appears driven by a desire to sanitise
- > the GoZ and improve its image or in any event, the
- > process of implementation and the attitude shown by
- > UNDP is achieving just that. This is confirmed by
- > the fact that instead of funding and facilitating
- > review of the state of administration of justice,
- > review of repressive laws & and critique of the many
- > mutilations of the bill of rights, UNDP is funding
- > travel costs, bus acquisitions and workshops where
- > the ministry officers are trained with no
- > interaction with the profession and with no input
- > from the very profession that can independently
- > evaluate the justice delivery in the country. It is
- > an absolute waste of donor money.

- >
- > The Workshop
- > The inflexibility on dates of workshop was proof of
- > a deliberate desire to exclude CSO. Certainly
- > speaking as a member of the Law Society of Zimbabwe
- > and of ZLHR, I cannot ignore the fact that UNDP
- > fixed the date on short notice and without
- > consulting either of these. UNDP was advised that
- > The President of LSZ, his Deputy would not be
- > available because they were attending a prior set
- > IBA Conference in Chicago, IL, USA. They were also
- > told clearly that all committee chairpersons are not
- > available for the same reason. ZLHR acting director
- > also advised that all senior management and key
- > board members including the Chairperson were not
- > available. I am aware that Coalition Crisis
- > Director/Co-ordinator was also not going to be

- > available. Only a political decision by UNDP would
- > ignore the objections as hapened.
- >
- > Agenda
- > More than that, the UNDP appears not in charge of
- > the agenda. I do not know about other organisations
- > but LSZ objections to the original agenda (which is
- > so similar to the current one) were made in writing.
- > But if you look at the agenda now, Chinamasa speaks
- > 3 times, Mangwana takes up the other slot. Save for
- > just 1 hour for some unnamed CSO panel the rest of
- > the programme is dominated by Prof Kamba, Chinamasa,
- > Mangwana and other persons not renowned for their
- > human rights advocacy or for speaking out against
- > the evil abuses of human rights.
- >
- > Our initial objections to the programme were
- > conceded and a new agenda agreed. The programme was
- > actually changed to have more time for specific
- > organisations like LSZ, ZLHR, NANGO speak
- > specifically in their own right. This has
- > predictably been reversed to the original
- > government dominated programme. What consultation
- > takes place when the man responsible for the state
- > of the human rights addresses CSO's or purported
- > CSO's over and over again?
- >
- > Questioning UNDP
- > To be fair to UNDP I wrote to them as Chairperson of
- > the Legal Education, Liason, Advocacy & Public Relations
- > Committee of LSZ to seek their comments. Specifically
- > I questioned their actions on the dates whih had
- > effectively excluded LSZ, ZLHR & Coalition crisis
- > participation. I also asked why the "the previously
- > agreed programme which gave space/reasonable time
- > specifically to Law Society and aslo to several
- > human rights NGOs has been dropped in favour of the
- > original GoZ dominated programme."
- > The UNDP reply came in today, 20th September 2006
- > and it blames the agenda on CSO's and on NANGO &
- > GALZ in particular. They deny responsibility for the
- > dates and blame them on CSO's [who are these CSOs? we
- > really have a problem!].
- >
- > Let me qoute below what the reply stated:-
- >

- > a.. " As you may well be aware, the decision to
- > hold the consultative meeting in the first place as
- > well as the dates for the meeting is not the
- > decision of the UNDP.
- > b.. At a meeting with CSOs, which was held at our
- > office on 7 September 2006, the issue of the new
- > dates was discussed. We restated the role of the
- > UNDP in this consultation and that it was up to the
- > CSOs and government. If either or both of them did
- > not want the meeting, then our hands were tied. The
- > consensus was that the meeting should go ahead on
- > the proposed dates. I must emphasise that this was
- > not the decision of the UNDP but of the CSOs.
- > c.. Regarding the programme, you may again be
- > aware that it was revised twice by CSOs. At the 7
- > September 2006 meeting, the CSOs agreed to revise
- > the programme again.
- > d.. A committee comprising ZLHR, ZADHR, GALZ,
- > NANGO and SAHRIT was set up to revise the programme.
- > It turned out that ZLHR had made a decision not to
- > participate and so they declined to make
- > contributions to the revision of the programme. The
- > other organisations were committed and so only NANGO
- > and GALZ met for the purpose of revising the
- > programme.
- > e.. UNDP has not at all had any hand in the
- > drafting of the programme.
- > f.. It may also help if I clarify to you the role
- > of the UNDP in this process. It is simply to be an
- > impartial facilitator. The UNDP has a mandate to
- > support human rights institutions in Zimbabwe and to
- > facilitate dialogue among stakeholders. You can rest
- > assured that this is all that the UNDP is doing in
- > this process. "

>

#### > Implications

- > The reply does not say what they did to defend the
- > prior agreed balanced programme. It does not say
- > what they as purse holders did to prevent the
- > workshop dates being fixed on inconvenient dates. I
- > recollect from ZLHR report that UNDP and NOT CSO'a
- > were the greatest obstacle to negotiation of
- > convenient dates. In view of the actions of UNDP I
- > am satisfied that they wanted to exclude genuine
- > CSO's and prevent their participation in a
- > deliberate and hostile fashion. I do hope all

- > legitimate organisations stand their ground. The
- > UNDP is aware that CSO's have demanded that before
- > any talk of a Human Rights Commission commence, the
- > following must happen:-
- > a.. review and repeal of all repressive laws
- > b.. restoration of the bill of rights (which they
- > have mutilated endlessly) through re-drawing of the
- > country's constitution to reflect the wishes of
- > people.
- > c.. restoration of the right to self-determination
- > by ending the present electoral laws, practices and
- > system.
- > d.. signature, ratification and domestication
- > international human rights instruments as may be
- > appropriate.
- > e.. implementation of the resolutions by UN and AU
- > on redress of human rights abuses.
- > It is obvious UNDP and those CSO's or supposed CSOs
- > supporting their divisive strategy have chosen to
- > proceed in much the same way as ZANU PF always
- > proceeds.... intollerant, uncompromising and
- > dishonest. As we deliberate now, their plans are
- > sealed. They will conduct their bogus consultative
- > workshop. UNDP was trying to give credibility to to
- > a process or event that has none. I am even more
- > convinced of the dishonesty in the whole process
- > because

TINO TO LSZ COUNCIL

View Wednesday, September 20, 2006 8:47:14 PM

To: arnold tsunga <atsunga2002@yahoo.com> ; Virginia Sithole <deputy@lsz.co.zw> ;  
 E MAGADE <emagade04@yahoo.co.uk> ; Tinoziva Bere <tino@syscom.co.zw> ; T C  
 Masawi <tcmasawi@zimlink.com> ; Perpetua Dube <pdlaw@mweb.co.zw> ; Lloyd  
 Mhishi <... [more](#)

### **CSO RESPONSE TO UNDP-STRATEGY**

Ladies & Gentlemen

I have written at length to enrich our discussions with some background.

The views I express are mine. In an effort to be direct I may be rude. UNDP has been trying to use civic society to give credibility to its programme.

## **Background**

The programme which is well funded is being presented as a genuine programme for the restoration of the judiciary in Zimbabwe but it has the following fundamental weaknesses:-

- it was clobbered into shape by UNDP & the very people who have destroyed the legal system and judiciary (GoZ).
- it was desined to the exclusion of the only people statutorily mandated to control & represent the legal profession, the Law Society of Zimbabwe.
- its budget has been primarily used as a supplement to GoZ budget (for the bungling Min of Justice/*Injustice*) like buying a vehicles/buses and funding travel for GoZ officials to travel to ACHPR to rubbish legitimate communications and complaints of human rights abuses in Zimbabwe.
- the UNDP has failed to organise review or critique of the many repressive laws of this country.
- UNDP has failed to work on this project with legitimate CSOs or broad law based organisations (except the institution they contracted to do the exclusive training) which is not open to LSZ membership or its many experienced trainers.

In short, UNDP went and got money fro GoZ from donors who would **never** have funded GoZ's **Justice/[InJustice]** ministry operations. Their motives may have been good initially but by excluding or allowing exclusion of the independent legal profession from their project, they dealt a heavy blow to it. They are now at the mercy of GoZ or are having a soar ball with GoZ and the tragedy is that a UN agency now gives credibility to GoZ gimmicks and rubbishes CSO's. That cannot be right. That cannot be done using money from donors who seek restoration of rule law, good governance and independence of the judiciary.

The agenda appears driven by a desire to sanitise the GoZ and improve its image or in any event, the process of implementation and the attitude shown by UNDP is achieving just that. This is confirmed by the fact that instead of funding and facilitating review of the state of administration of justice, review of repressive laws & and critique of the many mutilations of the bill of rights, UNDP is funding travel costs, bus acquisitions and workshops where the ministry officers are trained with no interaction with the profession and with no input from the very profession that can independently evaluate the justice delivery in the country. It is an absolute waste of donor maoney.

## **The Workshop**

The inflexibility on dates of workshop was proof of a deliberate deisre to exclude CSO. Certainly speaking as a member of the Law Society of Zimbabwe and of ZLHR, I cannot ignore the fact that UNDP fixed the date on short notice and without consulting either of these. UNDP was advised that The President of LSZ, his Deputy would not be available because they were attending a prior set IBA Conference in Chicago, IL, USA. They were also told clearly that all committee chairpersons are not available for the same reason. ZLHR acting director also advised that all senior mamangement and key board members including the Chirperson were not available. I am aware that Coalition Crisis Director/Co-ordinator was also not going to be available. Only a political decision by UNDP would ignore the objections as hapened.

## **Agenda**

More than that, the UNDP appears not in charge of the agenda. I do not know about other organisations but LSZ objections to the original agenda (which is so similar to the current one) were made in writing. But if you look at the agenda now, Chinamasa speaks 3 times, Mangwana takes up the other slot. Save for just 1 hour for some unnamed CSO panel the rest of the programme is dominated by Prof Kamba, Chinamasa, Mangwana and other persons not renounced for their human rights advocacy or for speaking out against the evil abuses of human rights.

Our initial objections to the programme were conceded and a new agenda agreed. The programme was actually changed to have more time for specific organisations like LSZ, ZLHR, NANGO speak specifically in their own right. This has predictably been reversed to the original government dominated programme. What consultation takes place when the man responsible for the state of the human rights addresses CSO's or purported CSOs over and over again?

### Questioning UNDP

To be fair to UNDP I wrote to them as Chairperson of the Legal Education, Liaison, Advocacy & Public Relations Committee of LSZ to seek their comments. Specifically I questioned their actions on the dates which had effectively excluded LSZ, ZLHR & Coalition crisis participation. I also asked why the "the previously agreed programme which gave space/reasonable time specifically to Law Society and also to several human rights NGOs has been dropped in favour of the original GoZ dominated programme." The UNDP reply came in today, 20th September 2006 and it blames the agenda on CSO's and on NANGO & GALZ in particular. They deny responsibility for the dates and blame them on CSO's [who are these CSOs? we really have a problem!].

Let me quote below what the reply stated:-

- *"As you may well be aware, the decision to hold the consultative meeting in the first place as well as the dates for the meeting is not the decision of the UNDP.*
- *At a meeting with CSOs, which was held at our office on 7 September 2006, the issue of the new dates was discussed. We restated the role of the UNDP in this consultation and that it was up to the CSOs and government. If either or both of them did not want the meeting, then our hands were tied. The consensus was that the meeting should go ahead on the proposed dates. I must emphasise that this was not the decision of the UNDP but of the CSOs.*
- *Regarding the programme, you may again be aware that it was **revised twice by CSOs**. At the 7 September 2006 meeting, **the CSOs agreed to revise the programme again**.*
- *A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only **NANGO and GALZ met for the purpose of revising the programme**.*
- ***UNDP has not at all had any hand in the drafting of the programme.***
- *It may also help if I clarify to you the role of the UNDP in this process. It is simply to be an impartial facilitator. The UNDP has a mandate to support human rights institutions in Zimbabwe and to facilitate dialogue among stakeholders. You can rest assured that this is all that the UNDP is doing in this process. "*

### Implications

The reply does not say what they did to defend the prior agreed balanced programme. It does not say what they as purse holders did to prevent the workshop dates being fixed on inconvenient dates. I recollect from ZLHR report that **UNDP and NOT CSO's were the greatest obstacle** to negotiation of convenient dates. In view of the actions of UNDP I am satisfied that they wanted to exclude genuine CSO's and prevent their participation in a deliberate and hostile fashion. I do hope all legitimate organisations stand their ground. The UNDP is aware that CSO's have demanded that before any talk of a Human Rights Commission commences, the following must happen:-

- review and repeal of all repressive laws

- restoration of the bill of rights (which they have mutilated endlessly) through re-drawing of the country's constitution to reflect the wishes of people.
- restoration of the right to self-determination by ending the present electoral laws, practices and system.
- signature, ratification and domestication international human rights instruments as may be appropriate.
- implementation of the resolutions by UN and AU on redress of human rights abuses.

It is obvious UNDP and those CSO's or supposed CSOs supporting their devious strategy have chosen to proceed in much the same way as ZANU PF always proceeds.... intollerant, uncompromising and dishonest. As we deliberate now, their plans are sealed. They will conduct their bogus consultative workshop. UNDP was trying to give credibility to a process or event that has none. I am even more convinced of the dishonesty in the whole process because of a recent incident in MUTARE where one lawyer confirmed in writing while resigning office from a local Lawyers's Association that he had been retained by the GoZ as a consultant (UNDP funded of course!) to set up a HUMAN RIGHTS COMMISSION. Let me not even begin to discuss the interesting political affiliation of the lawyer in question. These people are just dishonest.

Someone should just send a letter to UNDP to tell them that their insulting attitude to CSO is noted as have been their deliberate efforts to exclude CSO and we will ensure that the public is informed of the true nature of their so called civic consultation process. Indeed I believe UNDP HQ would not have sanctioned these attitudes and these schemes.

As I have said I hope no legitimate and credible CSO will turn up and glorify this nonsense.

I also hope someone tells the funders how their money is being used by the local UNDP office.

Finally, CSO needs to meet as already suggested to bring organisations to account for their actions and also try to repair the damage that these devious tactics are causing to CSO unity. This will cost money but if it can be found...it will be money better spent than what will be spent in KARIBA! CSO efforts are being eroded by the appeasement activists.....its an unhealthy situation. Urgent redress is necessary.

Regards  
**Tino Bere**

Colleagues

Just to advise you that the letter below by Bella is to the wider civil society and not LSZ alone. The views anyone will express are personal views and not those of Council. So we need to be careful on what we say but it is clear that civil society are looking up to lawyers for directions on what they see as a genuine problem.

Arnold

**Isabella Matambanadzo <zvinemazuva@yahoo.com>** wrote:

Date: Wed, 20 Sep 2006 01:45:48 -0700 (PDT)

From: Isabella Matambanadzo <zvinemazuva@yahoo.com>

Subject: Police Brutality in Zimbabwe and the Diplomatic/ International/UN/EU Community's Silence

To: arnold tsunga <atsunga2002@yahoo.com>,

Virginia Sithole <deputy@lsz.co.zw>, E MAGADE <emagade04@yahoo.co.uk>,

Tinoziva Bere <tino@syscom.co.zw>, T C Masawi <tcmasawi@zimlink.com>,

Perpetua Dube <pdlaw@mweb.co.zw>, Lloyd Mhishi <lmhishi@yahoo.co.uk>,

Lloyd Mativenga Mhishi <lmhishi@dmh.co.zw>,  
Josephat Tshuma <wlb@mweb.co.zw>, Joseph James <JMMN@mweb.co.zw>,  
James Mutizwa <nyaguvi@ecoweb.co.zw>, James Mutizwa <cmplaw@ecoweb.co.zw>,  
Colin Kuhuni <ckuhuni@zsr.co.zw>, Dr Ellen Sithole <emakasitho@yahoo.com>,  
Beatrice Mtetwa <twanya@tnfs.co.zw>,  
Beatrice Mtetwa <bea.twanya@tnfs.co.zw>,  
Arnold Tsunga <atsunga@zhr.org.zw>, Arnold Tsunga <secretary@lsz.co.zw>,  
Saru <snjerere@yahoo.com>, Nancy K <nancykachingwe@yahoo.co.uk>,  
nancykac@mweb.co.zw, youthnow@mweb.co.zw,  
bertha.faranisi@international.gc.ca,  
EU LINDA KALENGA <linda.kalenga@cec.eu.int>

Dear Colleagues,

I write partly in reaction to the earlier email about the UNDP/EU and their attempt to create a normalised environment and structure around the issue of human rights in Zimbabwe through a really dubious human rights commission. This is utter nonsense and should be recorded as such.

But I write especially in response to news that I have that yesterday various diplomats meeting with the diplomats of the European Union system decided not to issue a statement that had already been prepared and drafted about the recent brutalities workers peacefully protesting under the ZCTU experienced.

My information, and I want to share it with you all because I am quite enraged, is that the diplomats decided that while workers have rights, they really do not have human rights, something about how they are a political force backing the opposition....

So the police brutality we witnessed in Zimbabwe last week, and last month with the degrading and inhuman money frisking searches, and on numerous other occasions in our country, is in the view of these diplomats, not worthy of a statement at the very least.

I have become quite alarmed by the manner in which the institutions in Zimbabwe that are part of the global mechanisms of human rights promotion and protection have become so docile.

So why the UNDP, part of the collective institutions of the UN that are supposed to protect and promote rights would want to organise NGOs to go and endorse a strange commission is really beyond reason. As is the decision of the EU and its friends that workers do not have rights.

I want to make a proposal. That we meet with the leadership of the international institutions and the diplomats and hold them to account. This negotiation

of the rights of the people of Zimbabwe has gone on for far too long. We saw it so clearly when those Border Gezi Militia were raping women and the women's movement stood alone.

Many thanks for your return commentry and suggestions.  
Bella

--- arnold tsunga wrote:

> They can go and party as they wish while the country  
> is burning. Constitutional Amendment no 18 here we  
> come!!! Joining No 17 (ouster of court's  
> jurisdiction), POSA (ouster of enjoyment of  
> fundamental freedoms, movement ,assembly, procession  
> et al), AIPPA(ouster of print \_expression),  
> Broadcasting Services Act(Ouster of broadcast  
> \_expression), The criminal Codification( ouster of  
> equal protection of the law), Interception of  
> Communication (ouster of privacy in communication).  
> Organised torture and violence (ouster of human  
> dignity and integrity, peace, \_expression, assembly  
> and association). The UNDP are not serious!! They  
> take us to be a big joke. They are contemptous of  
> our country and our people. We do not need these  
> minimalist measures. Its especially offending coming  
> just after workers and students were degraded and  
> dehumanised by the police for behaving like normal  
> human beings! These are personal strongly held  
> views

> Arnold

>

> Virginia Sithole wrote:

> Dear

> Mr President Ladies and Gentlemen.

>

> Attached is the programme from UNDP for the CSO-GoZ  
> consultative meeting for your sight.

>

> Kind Regards

>

> Cledwin

> ----- Original Message ----- From:

> godfrey.mupanga@undp.org

> To: info@crisiszimbabwe.org ; director@cps.org.zw ;

> cephas@nango.org.zw ; lrfnd@mweb.co.zw ;

> lchaza-jangira@zan.co.zw ; coalition@zolco.undp.org

> ; zw@undp.org ; director@galz.co.zw ;

> irene@zlh.org.zw ; zadhr@mweb.co.zw ;

> ccjz@mango.zw ; nascoh@zol.co.zw ;

> ntando@zimcodd.co.zw ; zimcodd@zimcodd.co.zw ;

> info@zan.co.zw ; admin@hrforum.co.zw ;

> sahr@saht.org.zw ; annie@misazim.co.zw ;

> deputy@lsz.co.zw ; administrator@lsz.co.zw

> Sent: Monday, September 18, 2006 1:01 PM

> Subject: CSO-GoZ Consultations, 21-24 September

> 2006, Kariba  
>  
>  
>  
> This message is send on behalf of the Mfaro Moyo,  
> Officer In Charge, UNDP.  
> Dear Colleagues  
> I am writing to you with regards to the above  
> mentioned CSO-GoZ Consultations to take place in  
> Kariba from 21 to 24 September 2006. Please find  
> attached copies of the invitation letter and the  
> draft programme. Hard copies of these documents  
> have been send to you and we hope that you have by  
> now received them.  
> Please contact Naome Mhone to confirm your  
> participation on the following email and telephone  
> numbers: legal.guest1.zw@undp.org. Telephone:  
> 792681 - 6 ext 202.  
> As you can see on the draft programme, we shall be  
> departing Harare at 2pm on Thursday 21 September  
> 2006. I therefore kindly request that we assemble at  
> Takura House at 1.30pm for boarding.  
> Yours faithfully  
> Godfrey Mupanga  
> for UNDP Officer In Charge  
> Date: Mon, 18 Sep 2006 12:10:54 +0200  
> From: godfrey.mupanga@undp.org  
> Subject: Digital Document  
> To: godfrey.mupanga@undp.org

See my reply to Godfrey & the letter I am sending to you to share with the group.  
Cheers

**arnold tsunga** <[atsunga2002@yahoo.com](mailto:atsunga2002@yahoo.com)> wrote:

This is manipulation at its best. Nana is now playing Zimbabweans against Zimbabweans. I feel pitty that Godfrey would agree to be used to play such a role. I predicted this and we need to be careful what we do with the UNDP. They are worse than the state and want to destroy the good human rights organisations.

Arnold

**TINOZIVA BERE** <[tinozivabere@yahoo.com](mailto:tinozivabere@yahoo.com)> wrote:

Arnold.

What do you do with this?

I am disappointed & want to call some people names.

Cheers

Tino Bere

*godfrey.mupanga@undp.org* wrote:

Date: Wed, 20 Sep 2006 16:27:30 +0200

From: godfrey.mupanga@undp.org

Subject: GoZ & CSO CONSULTATIVE MEETING

To: tino@mweb.co.zw, tinozivabere@yahoo.com

CC: nana.busia@undp.org, bettina.kittel@undp.org

Dear Tino

Thank you for your email.

It is unfortunate that the Law Society of Zimbabwe is unable to attend the consultation because of important commitments elsewhere. Undoubtedly, the Law Society of Zimbabwe is a critical player and would have made an enormous contribution to the process. In this regard, your input will be dearly missed by colleagues from CSOs, government and other stakeholders. However, it may very well be that this meeting is the beginning of a process, in which case there will be opportunities in future for the Law Society and other CSOs to contribute.

As you may well be aware, the decision to hold the consultative meeting in the first place as well as the dates for the meeting is not the decision of the UNDP. You may also be aware that this consultative meeting was originally set for 7 July 2006, but could not take place because, among other reasons, CSOs wanted some time to consult with their constituencies and among themselves. At a meeting with CSOs, which was held at our office on 7 September 2006, the issue of the new dates was discussed. We restated the role of the UNDP in this consultation and that it was up to the CSOs and government. If either or both of them did not want the meeting, then our hands were tied. The consensus was that the meeting should go ahead on the proposed dates. I must emphasise that this was not the decision of the UNDP but of the CSOs.

Regarding the programme, you may again be aware that it was revised twice by CSOs. At the 7 September 2006 meeting, the CSOs agreed to revise the programme again. A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only NANGO and GALZ met for the purpose of revising the programme. UNDP has not at all had any hand in the drafting of the programme.

It may also help if I clarify to you the role of the UNDP in this process. It is simply to be an impartial facilitator. The UNDP has a mandate to support human rights institutions in Zimbabwe and to facilitate dialogue among stakeholders. You can rest assured that this is all that the UNDP is doing in this process.

All the best for the IBA conference and please send my regards to ZLHR leaders and secretariat and Jacob, the Crisis Coalition Executive Director.

Yours sincerely

Godfrey Mupanga

----- Original Message -----

**From:** tino@mweb.co.zw

**Date:** Tuesday, September 19, 2006 4:58 pm

**Subject:** UNDP SPONSORED-GoZ & CSO CONSULTATIVE MEETING

> Hie Godfrey

>

> My name is Tinoziva Bere.

>

> I chair the Legal Education, Advocacy, Liason & Public Relations

> Committee of Law

> Society of Zimbabwe.

>

> I notice UNDP Zimbabwe are now proceeding with the consultative

> workshop despite

> absence of LSZ leadership. I also notice that the previously

> agreed programme

> which gave space/reasonable time specifically to Law Society and

> and aslo to

> several human rights NGOs has been dropped in favour of the

> original GoZ

> dominated programme. The revised programme followed consultation and

> consideration of objections we made.

>

> Could you kindly check with the officer who initially liased with

> LSZ and favour

> me with a responce. I am raising these concerns so that i properly

> advise Council

> of the Law Society as I find it hard to believe that UNDP would

> unilaterally fix inconvenient dates or impose one sided programme

> over a prior agreed

> balanced programme.

>

> You could use this address to reply or tinozivabere@yahoo.com

> which is easier to

> access since I am in Chicaog for IBA Conference with all committee

> chairpersonsof Law Society as well as the President and his Deputy.

>

> I have also seen ZLHR leaders and Secretariate as well as the

> Coalition Crisis

> Executive Director at this same world lawyers conference.

>

> I wait to hear from you and trust UNDP still takes the legal

> profession's views

> and participation seriously.

>

> Regards

> Tino Bere

Date: Wed, 20 Sep 2006 10:33:16 -0700 (PDT)  
From: TINOZIVA BERE <tinozivabere@yahoo.com>  
Subject: Re: GoZ & CSO CONSULTATIVE MEETING  
To: godfrey.mupanga@undp.org, tino@mweb.co.zw  
CC: nana.busia@undp.org, bettina.kittel@undp.org

Dear Godfrey

I thank you for your letter and the kind and understanding words you express in relation to the role and importance of LSZ in these matters.

I have shared your letter with Council and I am sure Council will deliberate on this issue in detail at its next meeting.

I am however sure Council will have to consider the concerns I have raised already and those which are emerging even from your reply to my inquiry.

One will obviously be that you appear NOT to be in charge of the agenda and while you claim it is CSO that is in charge, the GoZ domination of the programme would suggest that it is GoZ and not CSOs that are in charge.

I do not know about other organisations but LSZ objections to the original agenda (which is so similar to the current one) were made in writing. But if you look at the agenda now, Chinamasa speaks 3 times, Mangwana takes up the other slot. Save for just 1 hour for some unnamed CSO panel the rest of the programme is dominated by Prof Kamba, Chinamasa, Mangwana and other persons not renowned for their human rights advocacy or for speaking out against the evil abuses of human rights.

I find it hard that such an unacceptable situation would please UNDP to fund. I also find it hard to imagine that genuine CSOs would accept that. You may not be aware but your colleagues would be aware that LSZ initial objections to the programme were conceded and a new agenda agreed. The programme was actually changed to have more time for specific organisations like LSZ, ZLHR, NANGO speak specifically in their own right. This has predictably been reversed to the original government dominated programme. What consultation takes place when the man responsible for the state of the human rights legislation addresses CSO's or purported CSOs over and over again?

Another issue that will be closely interrogated is your advice that lays responsibility for the agenda on CSO's and on NANGO & GALZ in particular. I have also noted that UNDP does not accept responsibility for fixing the inconvenient dates and blames these on CSO's.

Obviously I shall raise these issues when LSZ deliberates at its next meeting.

I am not satisfied that UNDP did all it could to prevent restoration of the unfair agenda and to secure a convenient date for all. I remain doubtful that UNDP did all

in its power to ensure genuine participation by LSZ and the other NGO's like ZLHR. I am fortified in this view because of the role UNDP allegedly played at the last consultative meeting.

Obviously further dialogue will be most healthy and I am sure the LSZ will look at that as priority.

#### CONDITIONS

The UNDP is or should be aware that CSO's have demanded that before any talk of a Human Rights Commission commence, the following must happen:-

- review and repeal of all repressive laws
- restoration of the bill of rights (which they have mutilated endlessly) through re-drawing of the country's constitution to reflect the wishes of people.
- restoration of the right to self-determination by ending the present electoral laws, practices and system.
- signature, ratification and domestication international human rights instruments as may be appropriate.
- implementation of the resolutions by UN and AU on redress of human rights abuses.

Had we participated these would have been our demands.

Regards

**Tino Bere**

*godfrey.mupanga@undp.org* wrote:

Dear Tino

Thank you for your email.

It is unfortunate that the Law Society of Zimbabwe is unable to attend the consultation because of important commitments elsewhere. Undoubtedly, the Law Society of Zimbabwe is a critical player and would have made an enormous contribution to the process. In this regard, your input will be dearly missed by colleagues from CSOs, government and other stakeholders. However, it may very well be that this meeting is the beginning of a process, in which case there will be opportunities in future for the Law Society and other CSOs to contribute.

As you may well be aware, the decision to hold the consultative meeting in the first place as well as the dates for the meeting is not the decision of the UNDP. You may also be aware that this consultative meeting was originally set for 7 July 2006, but could not take place because, among other reasons, CSOs wanted some time to consult with their constituencies and among themselves. At a meeting with CSOs, which was held at our office on 7 September 2006, the issue of the new dates was discussed. We restated the role of the UNDP in this consultation and that it was up to the CSOs and government. If either or both of them did not want the meeting, then our hands were tied. The consensus was that the meeting should go ahead on the proposed dates. I must emphasise that this was not the decision of the UNDP but of the CSOs.

Regarding the programme, you may again be aware that it was revised twice by CSOs. At the 7 September 2006 meeting, the CSOs agreed to revise the programme again. A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to

revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only NANGO and GALZ met for the purpose of revising the programme. UNDP has not at all had any hand in the drafting of the programme.

It may also help if I clarify to you the role of the UNDP in this process. It is simply to be an impartial facilitator. The UNDP has a mandate to support human rights institutions in Zimbabwe and to facilitate dialogue among stakeholders. You can rest assured that this is all that the UNDP is doing in this process.

All the best for the IBA conference and please send my regards to ZLHR leaders and secretariat and Jacob, the Crisis Coalition Executive Director.

Yours sincerely

Godfrey Mupanga

----- Original Message -----

**From:** tino@mweb.co.zw

**Date:** Tuesday, September 19, 2006 4:58 pm

**Subject:** UNDP SPONSORED-GoZ & CSO CONSULTATIVE MEETING

> Hie Godfrey

>

> My name is Tinoziva Bere.

>

> I chair the Legal Education, Advocacy, Liason & Public Relations

> Committee of Law

> Society of Zimbabwe.

>

> I notice UNDP Zimbabwe are now proceeding with the consultative

> workshop despite

> absence of LSZ leadership. I also notice that the previously

> agreed programme

> which gave space/reasonable time specifically to Law Society and

> and aslo to

> several human rights NGOs has been dropped in favour of the

> original GoZ

> dominated programme. The revised programme followed consultation and

> consideration of objections we made.

>

> Could you kindly check with the officer who initially liased with

> LSZ and favour

> me with a responce. I am raising these concerns so that i properly

> advise Council

> of the Law Society as I find it hard to believe that UNDP would

> unilaterally fix inconvenient dates or impose one sided programme

> over a prior agreed

> balanced programme.

>  
> You could use this address to reply or tinozivabere@yahoo.com  
> which is easier to  
> access since I am in Chicago for IBA Conference with all committee  
> chairpersonsof Law Society as well as the President and his Deputy.  
>  
> I have also seen ZLHR leaders and Secretariate as well as the  
> Coalition Crisis  
> Executive Director at this same world lawyers conference.  
>  
> I wait to hear from you and trust UNDP still takes the legal  
> profession's views  
> and participation seriously.  
>  
> Regards  
> Tino Bere  
Dear Godfrey

I thank you for your letter and the kind and understanding words you express in relation to the role and importance of LSZ in these matters.

I have shared your letter with Council and I am sure Council will deliberate on this issue in detail at its next meeting.

I am however sure Council will have to consider the concerns I have raised already and those which are emerging even from your reply to my inquiry.

One will obviously be that you appear NOT to be in charge of the agenda and while you claim it is CSO that is in charge, the GoZ domination of the programme would suggest that it is GoZ and not CSOs that are in charge.

I do not know about other organisations but LSZ objections to the original agenda (which is so similar to the current one) were made in writing. But if you look at the agenda now, Chinamasa speaks 3 times, Mangwana takes up the other slot. Save for just 1 hour for some unnamed CSO panel the rest of the programme is dominated by Prof Kamba, Chinamasa, Mangwana and other persons not renowned for their human rights advocacy or for speaking out against the evil abuses of human rights.

I find it hard that such an unacceptable situation would please UNDP to fund. I also find it hard to imagine that genuine CSOs would accept that. You may not be aware but your colleagues would be aware that LSZ initial objections to the programme were conceded and a new agenda agreed. The programme was actually changed to have more time for specific organisations like LSZ, ZLHR, NANGO speak specifically in their own right. This has predictably been reversed to the original government dominated programme. What consultation takes place when the man responsible for the state of the human rights legislation addresses CSO's or purported CSOs over and over again?

Another issue that will be closely interrogated is your advice that lays responsibility for the agenda on CSO's and on NANGO & GALZ in particular. I have also noted that UNDP does not accept responsibility for fixing the inconvenient dates and blames these on CSO's.

Obviously I shall raise these issues when LSZ deliberates at its next meeting.

I am not satisfied that UNDP did all it could to prevent restoration of the unfair agenda and to secure a convenient date for all. I remain doubtful that UNDP did all in its power to ensure genuine participation by LSZ and the other NGO's like ZLHR. I am fortified in this view because of the role UNDP allegedly played at the last consultative meeting.

Obviously further dialogue will be most healthy and I am sure the LSZ will look at that as priority.

#### CONDITIONS

The UNDP is or should be aware that CSO's have demanded that before any talk of a Human Rights Commission commence, the following must happen:-

- review and repeal of all repressive laws
- restoration of the bill of rights (which they have mutilated endlessly) through re-drawing of the country's constitution to reflect the wishes of people.
- restoration of the right to self-determination by ending the present electoral laws, practices and system.
- signature, ratification and domestication international human rights instruments as may be appropriate.
- implementation of the resolutions by UN and AU on redress of human rights abuses.

Had we participated these would have been our demands.

Regards

**Tino Bere**

*godfrey.mupanga@undp.org* wrote:

Dear Tino

Thank you for your email.

It is unfortunate that the Law Society of Zimbabwe is unable to attend the consultation because of important commitments elsewhere. Undoubtedly, the Law Society of Zimbabwe is a critical player and would have made an enormous contribution to the process. In this regard, your input will be dearly missed by colleagues from CSOs, government and other stakeholders. However, it may very well be that this meeting is the beginning of a process, in which case there will be opportunities in future for the Law Society and other CSOs to contribute.

As you may well be aware, the decision to hold the consultative meeting in the first place as well as the dates for the meeting is not the decision of the UNDP. You may also be aware that this consultative meeting was originally set for 7 July 2006, but could not take

place because, among other reasons, CSOs wanted some time to consult with their constituencies and among themselves. At a meeting with CSOs, which was held at our office on 7 September 2006, the issue of the new dates was discussed. We restated the role of the UNDP in this consultation and that it was up to the CSOs and government. If either or both of them did not want the meeting, then our hands were tied. The consensus was that the meeting should go ahead on the proposed dates. I must emphasise that this was not the decision of the UNDP but of the CSOs.

Regarding the programme, you may again be aware that it was revised twice by CSOs. At the 7 September 2006 meeting, the CSOs agreed to revise the programme again. A committee comprising ZLHR, ZADHR, GALZ, NANGO and SAHRIT was set up to revise the programme. It turned out that ZLHR had made a decision not to participate and so they declined to make contributions to the revision of the programme. The other organisations were committed and so only NANGO and GALZ met for the purpose of revising the programme. UNDP has not at all had any hand in the drafting of the programme.

It may also help if I clarify to you the role of the UNDP in this process. It is simply to be an impartial facilitator. The UNDP has a mandate to support human rights institutions in Zimbabwe and to facilitate dialogue among stakeholders. You can rest assured that this is all that the UNDP is doing in this process.

All the best for the IBA conference and please send my regards to ZLHR leaders and secretariat and Jacob, the Crisis Coalition Executive Director.

Yours sincerely

Godfrey Mupanga

----- Original Message -----

**From:** tino@mweb.co.zw

**Date:** Tuesday, September 19, 2006 4:58 pm

**Subject:** UNDP SPONSORED-GoZ & CSO CONSULTATIVE MEETING

> Hie Godfrey

>

> My name is Tinoziva Bere.

>

> I chair the Legal Education, Advocacy, Liason & Public Relations

> Committee of Law

> Society of Zimbabwe.

>

> I notice UNDP Zimbabwe are now proceeding with the consultative

> workshop despite

> absence of LSZ leadership. I also notice that the previously

> agreed programme

> which gave space/reasonable time specifically to Law Society and

> and aslo to

> several human rights NGOs has been dropped in favour of the

> original GoZ

> dominated programme. The revised programme followed consultation and

- > consideration of objections we made.
- >
- > Could you kindly check with the officer who initially liased with
- > LSZ and favour
- > me with a responce.I am raising these concerns so that i properly
- > advise Council
- > of the Law Society as I find it hard to believe that UNDP would
- > unilaterallyfix inconvinient dates or impose one sided programme
- > over a prior agreed
- > balanced programme.
- >
- > You could use this address to reply or tinozivabere@yahoo.com
- > which is easier to
- > access since I am in Chicaog for IBA Conference with all committee
- > chairpersonsof Law Society as well as the President and his Deputy.
- >
- > I have also seen ZLHR leaders and Secretariate as well as the
- > Coalition Crisis
- > Executive Director at this same world lawyers conference.
- >
- > I wait to hear from you and trust UNDP still takes the legal
- > profession's views
- > and participation seriously.
- >
- > Regards
- > Tino Bere
- >
- >

Nkosi, Jacob and good colleagues,  
 attached is our press statement as a response on govt attack on CHRR.  
 Regards  
 Undule

#### Press Statement

In Response to Government Statement on the Stand of the Centre for Human Rights and Rehabilitation on the Political and Human Rights Situation In Zimbabwe .

It is with great reluctance that the Centre for Human Rights and Rehabilitation (CHRR) is compelled to issue this statement. Although we are advocacy oriented, at CHRR we have always laboured to deal with issues in the context of ideals and principles rather than personality or partisanship. In particular, CHRR has always avoided the enticement of being drawn into personalised public debates with individual public officials, and even more so individual Cabinet Ministers. However, in the light of the grossly misdirected and personalized attack on the Executive Director, Mr. Undule Mwakasungura, by the Information and Tourism minister, Mrs. Patricia Kaliati, CHRR

feels constrained to issue this statement. Our main reason is to avert the possibility of any likely public uncertainty on CHRR's integrity and avoid any unnecessary as well as unwelcome angry public exchanges with the Minister (and, therefore, government) through the media.

CHRR observes that the Honourable Minister's comments, as reported in the Nation, Monday, 23rd October 2005, were in reference to remarks made during a press briefing ten days ago by the Executive Director, Mr. Undule Mwakasungura and a delegation from Zimbabwe Crisis Coalition based in Harare, Johannesburg and Windhoek. He referred to media reports of a lament by a section of civil society about having been conned by government into breaking ranks with other rights NGOs that criticised the controversial invitation by the Malawi government extended to the Zimbabwean President, Mr. Robert Mugabe in May this year. During the visit, Mugabe was further honoured by having the newly constructed highway from Midima to Mulanje named after him.

These NGOs, according to the Nation, 13th October 2006, were regretting having broken ranks in agreement to unfulfilled promises by the Head of State to facilitate a face-to-face meeting between them and President Mugabe. In this meeting, they were to express their concerns about the deteriorating political, economic and human rights situation in Zimbabwe directly to Mugabe rather than hold public protest as well as other actions. CHRR together with the Centre for Youth and Children's Affairs (CEYCA), the Civil Liberties Committee (CILIC) and the Transport and General Workers Union (TGWU), as well as the Institute for Policy Interaction (IPI), took a principled stand and actually continued, through special press statements, to condemn in the strongest terms possible what was happening and continues to happen to civil and political rights of the Zimbabwean people.

Honourable Mrs Kaliati was quoted as not only having questioned CHRR's intentions in raising the issue of Mugabe's visit which she said "ended a long time ago", but also inferred suggestively that Mr. Mwakasungura was implicated in the removal of the plaque on the pillar commemorating the official opening of the highway. The Minister was further quoted as insinuating that Mr. Mwakasungura was involved in this lawless act and, consequently, that the police should investigate him as a prime suspect.

If indeed true, the open threat by government against Mr. Mwakasungura – and by extension, any other individuals or organizations that dare to question government policies and actions, is most regrettable and a cause for grave concern. It is most unfortunate that matters that ought to be discussed as issues are apparently being personalized, seemingly with a view to intimidate particular law-abiding citizens and human rights defenders for holding divergent views to those of the national leadership.

CHRR wishes to declare again that the position it has maintained is not new; the same stand has previously been expressed on similar forums elsewhere in the SADC region as well as in Zimbabwe . As regards Zimbabwe, we have criticized the actions, and lack of action, by the government of President Mugabe as far back as the campaign waged in 2000 against white Zimbabwean farmers, which saw farms belonging to the latter expropriated and their labourers chased, many of them Malawian citizens or Zimbabweans

of Malawi origin. We have criticised in equal terms the destruction, through Operation Murambatsvina, in which thousands poor urban dwellers lost their homes and property. We continue to see the aftermaths of that cruel campaign as hundreds of Malawians have been forcibly removed and repatriated to Malawi . CHRR previously expressed concern about Southern African Development Community (SADC) leaders' reluctance to prevail upon President Mugabe, as one of their colleagues, to end the state of siege and terror unleashed upon citizens and the anguish and embarrassment that his actions have enveloped the rest of the SADC region as well as the African continent at large.

Contrary to the Minister's assertion, the Zimbabwe subject is very much current and it is time that our leaders stopped burying their heads in the sand. This has bred comfort and encouragement to the authorities in Zimbabwe , as did the state visit and the honours accorded him by the Malawi government. It might be worthwhile for government consider the attack on the commemorative plaque on the Midima road to represent expressions of disapproval by ordinary Malawians to government's policies and actions rather than imply criminal act by any rights organizations and individual advocates.

As to the question why CHRR should be concerned about the political, economic and social disorder going on in Zimbabwe, we should like to recall that the SADC governments in their many declarations as well as the commitment to which they pledged themselves to protect and promote good governance and human rights in the African Charter and Human and People's Rights Charter (to which Malawi is a signatory) obliges not only the state agents but ordinary citizens, too, to uphold and protect the principles enshrined in those legal instruments. Any infringement of human rights by any one anywhere, more particularly on the African continent, should be the concern of every democracy loving African. This commitment is enshrined in the Bill of Rights of the Malawi Constitution.

The Malawi Constitution guarantees the right to freedom of \_expression and the right to individual opinion and conscience. It is in responsible exercise of these rights and freedoms that CHRR at times voices opinions that prick certain individuals as well as institutions and sometimes-political leaders in government or in opposition.

With regard to the accusation of CHRR as being unpatriotic, we believe that the record of the many projects and programmes in which the organization has collaborated with various government departments have benefited the Malawians who can sufficiently attest. CHRR has endeavoured to instil in the ordinary Malawian communities an awareness of rights and freedoms and, equally, their duties and responsibilities to

the state and government as citizens.

We at CHRR are fully aware of the discomfort often caused while carrying out its functions and responsibilities as a watchdog on adherence to democratic government and respect for the rule of law. This organization on its own or in concert with other NGOs has felt compelled to hold those in positions of leadership to transparency and accountability for their own utterances and actions. Could this really be taken as being unpatriotic? We believe not!

Suffice to say that we at CHRR welcomes the suggestion of having an investigation into the attacks on the signpost on the Robert Mugabe Highway as long as this is not done with a view to confirm preconceived but unproven suspicions against any individuals or organizations. That, in our view, would be tantamount to unwarranted personalization of issues and an unacceptable abuse of state instruments and powers to intimidate citizens and a threat to people's safety and security. This will be a threat to the work of Human Rights Defenders .

In conclusion, the Centre for Human Rights and Rehabilitation will continue, as always, to express its opinions frankly and, if need be, loudly, whenever the principles of democratic rights and the rule of law are infringed, whether within Malawi or elsewhere. We shall also be ready to work with government as we have done before in such areas as our expertise may be fruitfully utilized to the benefit of both our country's leadership and citizenry. We shall also continue to fulfil our responsibilities and duties as embers of the wider community at large, in fulfilment of our perceived mandate and responsibilities under the relevant conventions and protocols under the SADC, the AU's Charter on Human and People's Rights, and the United Nations Charter, with particular reference to the Universal Declaration on the Bill of Rights.

In doing so, CHRR will not be driven by lack of patriotism but, rather, by the desire to see our country and the government live up to principles to which the Malawian people have committed themselves in the context of their own national laws and also to those which our government has committed itself through the international instruments to which Malawi is a state party.

Management

Centre for Human Rights and Rehabilitation (CHRR), P.O.BOX 2340 , Lilongwe ,  
Malawi ,

Email: [chrr@sdp.org.mw](mailto:chrr@sdp.org.mw), 24th October, 2006

**Civic groups set preconditions for backing rights  
body**

Zim Online

Thursday 02 November 2006

HARARE - Zimbabwe civic society groups say they want President Robert Mugabe to first repeal harsh security laws before they could back a government exercise to set up a statutory commission to monitor human rights in the country.

The civic groups, including some that had initially appeared willing to co-operate with the government when they attended a September workshop that discussed the creation of the proposed Zimbabwe Human Rights Commission, said they want the government to repeal the draconian Public Order and Security Act (POSA).

The law, among other tough provisions, prohibits Zimbabweans from carrying out public demonstrations or meeting in groups of more than three to discuss politics without permission from the police.

The main opposition Movement for Democratic Change party and civic groups say the police have used the law to try and cripple them by frequently banning their meetings with members and supporters.

National Association of Non-Governmental Organisations (NANGO) spokesman Fambai Ngirandi told ZimOnline that civic groups felt they could not be discussing creation of a rights commission with the government when they were in the first place being denied the freedom to assemble or associate.

He said: "We don't have the freedom to assemble and associate so we want them (government) to display positive goodwill by removing these impediments such as POSA which prevents us from meeting."

Justice Minister Patrick Chinamasa was not immediately available for comment on civic society's new pre-condition to back the proposed statutory human rights commission.

But Chinamasa has previously indicated the government would push ahead with or without backing from NGOs to create the commission that he insists shall have the necessary power and autonomy to probe human rights violations and act on findings.

Harare, well known for its anti-homosexual stance, ironically banned gays and lesbians from a United Nations facilitated workshop last September to discuss the setting up of the rights commission.

NANGO, the largest representative body for NGOs in the country,

attended the workshop held in the resort town of Kariba but some of the country's leading human rights and pro-democracy groups boycotted the event.

Ngirande said the NGO movement had however met last Monday and agreed that the government repeal POSA before they could take any further party in the exercise to set the proposed human rights commission.

Western governments, local and international rights groups say human rights violations are on the rise in Zimbabwe as Mugabe's government battles to keep public discontent in check amid a deteriorating economic meltdown, hunger and poverty - a charge Harare strongly denies. - ZimOnline

## **Zimbabwe NGOs Break Off Talks With Harare On Human Rights Panel**

VOA

By Patience Rusere  
Washington  
31 October 2006

Under heavy pressure from civic groups, Zimbabwe's National Association for Non-Governmental Organizations on Tuesday pulled out of talks with the government and United Nations officials on the creation of a human rights commission.

A broad cross-section of Zimbabwean civil society groups held a meeting Monday in which more militant civil society organizations urged NANGO to sever talks with Harare on grounds that engagement was pointless so long as rights abuses continued.

The U.S. based watchdog organization Human Rights Watch issued a report Tuesday saying the Zimbabwean government has escalated violent repression of protests. The government dismissed the report as coming from a longstanding Western critic.

Opponents of engagement with the government of President Robert Mugabe included highly influential civic organizations including the National Constitutional Assembly, Zimbabwe Lawyers for Human Rights and the Crisis in Zimbabwe Coalition.

Such groups want to see a clear undertaking by Harare to cease all human rights violations before giving a green light to talks. The decision was a setback for the U.N. country team, which had encouraged engagement with the government. U.N. officials in Zimbabwe could not be reached for comment on

the NANGO decision.

NANGO spokesman Fambai Ngirande told reporter Patience Rusere of VOA's Studio 7 for Zimbabwe that his organization has set conditions for talks to resume.