



FILES REF: ZHRC/CI/0033/17
ZHRC/CI/0034/17

In the matter between:

ARNOLD FARM RESIDENTS

COMPLAINANTS

AND

VALERIA FARM RESIDENTS

AND

ZIMBABWE REPUBLIC POLICE

RESPONDENTS

AND

MINISTRY OF LANDS AND RURAL RESETTLEMENT

INVESTIGATIVE REPORT

1. Introduction

- 1.1** This report contains findings of the Zimbabwe Human Rights Commission (ZHRC/Commission), pursuant to an investigation undertaken by the ZHRC into a complaint alleging the violation of the right to freedom from arbitrary eviction through the demolition of houses belonging to the complainants by the Zimbabwe Republic Police. Complainants are from Arnold farm which is part of the six farms that formed a game park known as Manzou Game Park. The farms are Arnolds, Glenbervie, Maggiesdale, Surtic, Thetford and Valeria which were never used for agricultural purposes even before the land redistribution exercise as it was designated for wildlife.
- 1.2** The complainants had their houses demolished and burnt from the period ranging from 23 March 2017, with some demolitions reported to be ongoing. It is worth noting that previously there had been demolitions by the same parties since around 2006.
- 1.3** In determining its role in this matter, the ZHRC considered that this set of facts give rise to distinct causes of action, namely;
- 1.3.1 An action** in respect of the arbitrary eviction of the respondents without a court order or suitable alternative accommodation and productive agricultural land.
- 1.3.2 An action** in respect of damages arising from the loss of their houses and household property.
- 1.3.3 A human rights investigation** into human rights violations of the Constitutional rights to shelter (Section 28), freedom from arbitrary eviction (Section 74), the right to human dignity (section 51), right to food (Section 77), right to education (Section 75) freedom from inhuman and degrading treatment (Section 53), personal security 52(a) and the right to Administrative Justice (Section 68).

2. Mandate of the Commission

2.1 The ZHRC is established as an Independent Commission in terms of Section 242 of the Constitution of Zimbabwe.¹ The functions of the ZHRC are set out in terms of Section 243 (1)(a) –(k) which include among others: to promote awareness of and respect for human rights and freedoms at all levels of society; to promote the protection, development and attainment of human rights and freedoms; to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate, and to investigate the conduct of any authority or person where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person. Furthermore, the ZHRC can recommend the prosecution of offenders, where human rights or freedoms have been violated.

2.2 The Zimbabwe Human Rights Commission Act [Chapter 10:30] in Section 9, empowers the ZHRC to conduct investigations into allegations of human rights violations. In particular, Section 9 of the ZHRC Act provides as follows:

(1) The Commission may on its own initiative investigate any action or omission on the part of any authority or person that constitutes or may constitute a human rights violation.

(2) Any person affected by any actual or perceived human rights violation arising out of any action or omission on the part of any authority or person may make a written complaint to the Commission requesting it to investigate such action or omission.

(3) When a person by whom a complaint might have been made under this section has died or is for any reason unable to act for himself or herself, the complaint may be made by his or her legal representative or a member of his or her family or such other person as the Commission considers suitable to represent him or her.

¹ Constitution of Zimbabwe Amendment Act 20/13 herein referred to as the “Constitution”

3. Detailed background of complaint

- 3.1** The complaint was referred to the ZHRC by the Zimbabwe Lawyers for Human Rights (ZLHR) who recommended that the ZHRC investigate the alleged violations of the human rights of its clients (Complainants) who are residents of Arnold Farm.
- 3.2** The complainants state that in 2000 during the Land Reform Programme, acting upon the authority of the then ZANU PF Political Commissar Mr Elliot Manyika, they invaded and settled on Arnold known as “Manzou Farm” in Mazowe. However, from around 2006 there has been a series of arbitrary evictions by personnel from the Ministry of Lands and Rural Resettlement as well as the Zimbabwe Republic Police (ZRP). The evictions have seen battles between the authorities and the residents and these have escalated into Court cases, with various orders attached hereto as exhibits. The Complainants’ allegations are that since sometime in March 2017, without notification, persons purporting to represent the Ministry of Lands and Rural Resettlement together with the Zimbabwe Republic Police arbitrarily demolished and burnt the complainants’ houses. During the same period, the ZRP in marked vehicles and lorries ferried personnel who demolished and burnt the complainants’ houses. The lorries had ropes which were tied to houses which were then dragged, thereby ensuring irreparable destruction. During the same period, boom gates were erected at each entry point into the farm thereby limiting the complainants’ right to freedom of movement.
- 3.3** It is reported that over 100 homes including households with the sick, the elderly and children were demolished and the people were left sleeping outside in the rubble without adequate shelter in the cold and wetness of the rainy season. The demolitions affected the harvesting season as residents had crops in the fields which awaited harvest. The complainants reported that Nyandirwe, Lazy and Rivers are the farms where some of these evicted people had been relocated to.

4. Methodology

In conducting the investigation, the ZHRC managed to speak to the affected residents in focus group discussions and separate individual household visits through several investigative visits to Arnold Farm. Meetings were held with the Minister of State for Mashonaland Central Province, Advocate Dr. Martin Dinha, the Minister of Lands and Rural Resettlement, Dr Douglas Mombeshora. The ZHRC carried out investigative visits to Nyandirwe, Lazy and Rivers Farms and carried out interviews with the occupants of those farms.

4.1 Desk top Research

4.1.1 The Commission conducted extensive legal research into the legal framework governing human rights locally, regionally and internationally. This was done in order to identify and assess the human rights that were violated by the demolition of houses.

4.2 Interviews

4.2.1 The Commission interviewed the complainants who are situated at Arnold, Lazy 7, Rivers and Nyandirwe Farms. Letters were written to and efforts were made to secure interviews with the Chief Curator for the National Museums and Monuments of Zimbabwe (NMMZ), the Ministry of Mines and Mining Development as well as the Zimbabwe Parks and Wildlife Management Authority in order to clarify issues raised during the investigation. At the time of writing this report, these letters (with the exception of NMMZ) had not been responded to despite follow-ups which raised the urgency of the matter.

4.3 Focus Group Discussions (FGDs)

4.3.1 FGDs were conducted at the demolition sites where residents were staying in squalid structures. This method helped the Commission to gather a wealth of detailed information and deep insight. The FGDs created a conducive environment that put participants at ease

allowing them to thoughtfully answer questions in their own words and add meaning to their answers. Being on the ground also provided an insight into the extent of the demolitions as well as the destruction.

4.3.2 Community members who were interviewed confirmed that their houses had been demolished on the 23rd of March 2017 even though there were several court orders barring the respondents from doing so. They highlighted that those who carried out the demolitions purported to be members of the ZRP acting on instructions from the First Lady to evict the complainants. The complainants highlighted that they were willing to move if they were allocated other pieces of land but they also wanted a notice period as they were still to harvest their crops. They had not yet received any humanitarian assistance from any organisation and they were in dire need of shelter and food and children needed to go to school.

5. Legal Framework

a. Constitutional Framework

The Constitution of Zimbabwe is the supreme guideline within the national legislative framework in as far as demolitions at Arnold Farm are concerned. The following sections of the Constitution are relevant;

- Section 51 on the right to human dignity
- Section 52 which provides for the right to personal security
- Section 53 on freedom from inhuman and degrading treatment
- Section 66 which provides for the right to freedom of movement
- Section 68 which provides for the right to administrative justice
- Section 71 which provides for the right to property
- Section 72 which provides for the right to agricultural land
- Section 74 which provides for freedom from arbitrary eviction
- Section 75 which guarantees the right to education

- Section 76 which guarantees the right to health care
- Section 77 which provides for the right to food and water
- Section 82 which guarantees rights of the elderly
- Section 81 (f) which guarantees the rights of children

b. International Law

Universal Declaration of Human Rights (UDHR)

Article 17 UDHR provides for freedom from arbitrary eviction. It states that

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

International Covenant on Economic, Social and Cultural Rights

Article 11 of the ICESCR provides that;

*The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent (emphasis added).*

6. FINDINGS

6.1 Freedom from arbitrary eviction

In applying and interpreting the Declaration of Rights in terms of Section 46(1) (c) of the Constitution there is need to take into account international law and all treaties which Zimbabwe is part to, to consider relevant foreign law (Section 46(1) (e)) and to pay due regard to all the provisions in the Constitution in particular the National Objectives set out in Chapter 2 (Section 46(1) (d)).

General Comment 4 of the United Nations Committee on Economic, Social and Cultural Rights² prescribes that when interpreting the right to adequate housing certain aspects of the right must be taken into account in any particular context. These are legal and security of tenure, availability of services, affordability, habitability, accessibility, and cultural adequacy which should form the normative content of the right.

6.1.1 The Zimbabwe Republic Police and the Ministry of Lands and Rural Resettlement violated the right to freedom from arbitrary eviction by evicting Arnold farm residents without a court order and without suitable alternative land for relocation. As prescribed by General Comment 4, alternative land must be endowed with security of tenure, availability of services, mainly social amenities and habitable and accessible among other things.

6.1.2 The complainants were evicted and had their homes demolished during the rainy season thus worsening their situation. This exposed women, children, the sick and the elderly to the unfavourable weather conditions and hindered children from accessing school thus violating their right to education. Economic, social and cultural rights are intertwined, thus an affront to the right to shelter negatively impacts on the right to life. A certain complainant and his wife were heavily assaulted and had to be hospitalised for some time. The excessive force used on them by the police was not necessary. It is important to note that none of the community members retaliated. All what the complainant cited above did was to ask why the “police” had burnt his house and why they were assaulting his wife. After the assault, the couple was arrested and the ZHRC sought the assistance of the Zimbabwe Lawyers for Human Rights. They were assisted with bail applications and access to medical services at a private hospital. Upon their recovery they were placed in a protective shelter where they fully recuperated. The ZLHR has stated that the matter would proceed by way of summons due to the unavailability of state witnesses. The demolitions have continued to date as was

² General Comment 4 on The right to adequate housing adopted at the Sixth Session of the Committee on Economic, Social and Cultural rights on 13 December 1991 E/1992/23

witnessed during the investigations. This is despite the fact there are a series of court orders ordering the respondents to desist from evicting the complainants without a court order or alternatively to issue the complainants with suitable alternative land for them to occupy.

6.2 Right to Administrative Justice

The right to administrative justice as spelt out by Section 68(1) of the Constitution prescribes that every person has a right to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair.

6.2.1 The investigation done by the ZHRC reveals that the complainants' right to administrative justice was violated. The conduct of the ZRP and Ministry of Lands officials was unlawful and un-procedural given that there were several High Court orders interdicting the eviction let alone the demolition of the complainants' homes. The ZRP also used excessive force which resulted in the assault of anyone who wanted to defend their homes from destruction. The findings also reveal that the police just descended on people's houses demolishing them and setting them on fire thereby destroying people's livelihoods without giving any notice. They also did not have any court order to authorise the eviction of the people. In fact they were in complete defiance of court orders interdicting them from doing so. They did not take into consideration that everyone has a right to administrative justice.

6.2.2 In the High Court case of **DUSABE vs HARARE CITY COUNCIL HH/114/16 at pages 1 and 2** it was held that, *“every citizen of this country has the right to administrative justice which is enshrined in s 68 of the Constitution. This means that administrative conduct must be lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair. It is a disgrace for two government departments to admit that houses which had been built without the requisite planning authority were demolished and razed to the ground without a court order, without notice in writing being given to all those likely to be affected. The process was not procedurally fair. What is shocking and of great concern is the apparent misapprehension by these government*

departments, of their duty to uphold the Constitution, by ensuring that their conduct is not only lawful, it must be procedurally fair. Under no circumstances are government departments at liberty to unilaterally and arbitrarily demolish any structures in the absence of a court order authorizing them to do so, whether the structures were built without approval of building plans, or layout plans or without complying with any other legal requirement. Even if the structures are an eyesore, they cannot just be razed to the ground at the drop of a hat, or on a whim.”

6.3 Right to Freedom of Movement

6.3.1 The investigation also revealed that the right to freedom of movement and residence of the complainants has been heavily curtailed. Section 66 (2) (a) of the Constitution of Zimbabwe provides for the right of every citizen of Zimbabwe to move freely within Zimbabwe. It was noted that the boom gates which have been erected at entry points into Arnold Farm hinder the free movement of people from and into the farm as they are manned by purported ZRP officers day and night. Such measures which impact negatively on a right given by the Constitution are unconstitutional.

6.3.2 Resolution 231 of the African Commission on Human and Peoples Rights³ states that State Parties must, before resorting to eviction ensure availability of alternatives, ensure that legal procedures are complied with, take concrete measures to ensure security of tenure, and that alternative housing complies with international and regional standards on the right to adequate housing. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. This is absent in the context of the residents of Arnold Farm who for almost 17 years since their settlement in 2000 have been subjected to a series of evictions and live in uncertainty.

³ Resolution 231 of the African Commission on Human and Peoples’ rights on the right to adequate housing and protection from forced evictions [www. http://www.achpr.org/sessions/52nd/resolutions/231/](http://www.achpr.org/sessions/52nd/resolutions/231/)

6.4 On site visits were carried out to Rivers, Lazy and Nyandirwe farms. The findings revealed that the following rights were overlooked during the whole relocation process:

6.4.1 The Right to Compensation

The Committee on Economic, Social and Cultural Rights' General Comment 7 is applicable in relation to the Arnold Farm residents' situation. It provides that State Parties shall ensure, prior to carrying out any evictions and particularly those involving large groups such as in this case, that all feasible alternatives are explored in consultation with the affected persons.⁴ Furthermore State Parties shall also see to it that all the individuals concerned have a right to timely and adequate compensation for any property which is affected. None of the residents of Arnold farm were compensated for the move or for their demolished houses. It was also noted that some of those relocated did not even have offer letters in respect of the land they had been assigned which also has a negative impact on the security of tenure.

6.4.2 The Right to Land

Land is very central to the survival and livelihoods of most families. Prior to their displacement, the complainants were allocated four and half hectares for farming and household use at Arnold Farm. It was learnt that at Lazy farm the families have been allocated twenty (20) by forty (40) square metres for household use and another 2 hectares for farming. They were not allocated land for pasture of their livestock. It was also noted that the soil at the farm is suitable for horticulture as it is fertile and there is peaceful co-existence among the resettled but the farm no longer has the capacity to accommodate more people.

At Rivers farm, the ZHRC witnessed people's property that had been dumped on the farm after the people had been forcefully relocated to the farm. The farm already had inhabitants who had remained on the farm when the white commercial farmer was displaced. Through a discussion with one of the residents at Rivers Farm who is the Chairperson of the Rivers Farm Residents Association, it was

⁴General Comment 7 paragraph 13.

learnt that the Ministry of Lands is misinformed about the land that can be distributed at Rivers Farm. According to their map the total arable land is 200 hectares. However on the ground there is only 8 hectares of land for crop production, the rest is a mountain range. He also highlighted that the land that was allocated to the families from Arnold Farm was their grazing land such that it was an inconvenience to them.

Only 5 families were resettled at Nyandirwe farm and each family was allocated six (6) hectares of land. These were granted offer letters and were better placed in terms of security of tenure. Rivers and Nyandirwe farms where people were resettled had been largely used for animal husbandry as the land is unsuitable for crop production. The land is sandy and arid and this will make it impossible for the resettled people to resort back to normal livelihoods without the assistance of the government. Even though the land at Lazy farm is fertile, some of the resettled villagers complained that the land was waterlogged and was prone to flooding.

6.4.3 The Right to Health Services, Including Maternal Services and Immunizations

The Constitution in Section 76 provides for the right to have access to basic health care services including reproductive health care services. The nearest clinic to both Lazy and Nyandirwe farm is called Ceaser Clinic and it is more than fifteen (15) kilometres away from the settlements. Due to the bad dusty roads the transport network is bad, which hampers access to the clinic. This has made it difficult for the disabled, the aged, the sick and for parents to actively take part in immunizations of their children due to the limited mobility to access the clinic.

6.4.4 The Right to Education

When the evictions were carried out there was no consideration for the right of the affected children to education. At the time of the visit there was 1 (one) primary school and one secondary school. The primary school Hawk Ridge was said to be about five (5) kilometres away which is quite a long distance considering the ages of the primary school going children. The nearest secondary school Ceaser was said to be far from the resettlements such that it was not possible for the children to walk

to and from school on foot considering the road network. Parents had to resort to renting rooms for their children from houses nearby as there are no boarding facilities at the schools. This worked against the right of the child to education as provided in Section 75 (1) of the Constitution. Parents were worried about the safety and security of their children in the make-shift boarding facilities and the vulnerability created by the need to walk long distances in the bushy area. Moreover a school environment that is not adequately resourced may negatively affect the performance of pupils. There were no Early Childhood Development (ECD) facilities in the settlements meaning that the younger age group is disadvantaged.

6.5 RESPONSE FROM MINISTER OF LANDS AND RURAL RESETTLEMENT

The meeting with and discussion points from the Honourable Minister in the Ministry of Lands and Resettlement revealed the following:-

- 6.5.1. That Arnold farm is part of the six farms that formed a game park known as Manzou Game Park. The farms are Arnolds, Glenbervie, Maggiesdale, Surtic, Thetford and Valeria which were never used for agricultural purposes even before the land redistribution exercise as it was designated for wildlife.
- 6.5.2. He highlighted that at the onset of the land redistribution exercise people from Mt Darwin, Rushinga, Mazowe and other Provinces flocked into the game park mostly for illegal mining purposes in pursuit of the rich gold deposits within the game park while some were targeting the vast woodlands so that they could make money by selling firewood in Harare.
- 6.5.3. He further highlighted that between 2011 and 2012 the status of the game park was restored by allocating the farms that make up Manzou Game Park to National Parks and Wildlife Authority of Zimbabwe. Its name has now been changed to Makwiramiti Game Park since they have found an investor who intends to fund it under that name. On being questioned on whether the investor in question had any links to the First Family, the Minister indicated that the offer

letter was given to a company and not an individual and therefore he could not provide details regarding the persons behind the company.

- 6.5.4. He also highlighted that this necessitated the relocation of 208 people who cooperated with the relocation exercise. Those who remained at the farm were not the original occupiers of the farm as these had been relocated to Nyandirwe, Rivers and Lazy farms. Lazy farm was offered for resettlement by a local Member of Parliament, Honourable Chasi, to whom the farm had been allocated. He highlighted that recently 8 people were relocated to Rivers of Wengi farm an A1 established farm. He hinted that those who were interested in being relocated had been relocated and those that remain resisted the relocations since they were mostly illegal gold panners who did not want to leave the gold deposits.
- 6.5.5. He highlighted that the relocations had been made to planned areas with established services such as shops, schools, clinics and domestic water supply. He gave examples of the schools to be Wengi Primary School, Tsatsi Secondary School and Masasa School. He further highlighted that those who had accepted the relocations were happy.
- 6.5.6. Letters have since been written to the Ministry of Mines and Mining Development, Parks and Wildlife Management Authority for their comments on the allegations raised. The letters have not yet been responded to.
- 6.5.7 A letter was written to the National Museums and Monuments of Zimbabwe requesting for information pertaining to Arnold Farm's classification as a National Monument. The response advised that the Upper Mazowe valley was through a General Notice 82/2007 of Section 20 of the National Museums and Monuments Act Chapter 25:11 defined as a protected cultural landscape. It was highlighted that the area is thus a national monument which derives its

significance and sacred importance from the legend of Mbuya Nehanda and the First Chimurenga.

6.5.8 The letter also stated that the cultural landscape traverses across several commercial farms such as Arnolds Farm, Smithfield, Sartic, Valeria, Thetford and Balkiza, Spelonken and Christon Bank estates, University College Farm and Archie Henderson Estate. Proof of that was attached with the letter.

6.6 RESPONSE FROM THE MINISTER OF STATE FOR MASHONALAND CENTRAL PROVINCE

The Minister of State highlighted the following during the meeting with the Commission:-

- 6.6.1. He was not the right person to contact in relation to the Arnold Farm issue since land redistribution was in the hands of the Ministry of Lands and Rural Resettlement. He confirmed that he was however, well versed with the issue as it had been recurring since he assumed office in 2008 and he had been cited as one of the respondents in a number of the court cases.
- 6.6.2. As the Resident Minister for the Province and the Coordinator of the Provincial Lands Committee he had invited the Zimbabwe Republic Police, Ministry of Lands and Rural Resettlement, Ministry of Mines and Mining Development and other relevant stakeholders to discuss the issue of Arnold farm but it was difficult to collaborate with them as they were not answerable to him but rather to their head offices.
- 6.6.3. He highlighted that Arnold farm is a Conservancy made up of a consortium of 5 farms and also housed a Mbuya Nehanda National Monument. He further highlighted that he had engaged the first family over the conservancy issue as he wanted to take advantage of their social influence to identify investors for the conservancy which required a fence of 86 kilometres.

- 6.6.4. He highlighted that there has been a cycle of people who were relocated from the farm who kept coming back to resettle on the farm. This necessitated a research which revealed that people were attracted to the area by the rich gold deposits and fishing activities. He raised concern over the environmental degradation due to the uncontrolled mining activities.
- 6.6.5. In 2012 there were approximately 600 families on the farm but the number had doubled to 1 200 in 2014 despite the relocations. In his capacity as the Member of Parliament for the area Advocate Fortune Chasi offered his farm Lazy 7 for resettlement and some of the people were relocated there in 2012.

6.6.6 SUMMARY OF THE FINDINGS

Whilst the government initiative to find alternative land and resettle affected families is commendable, the ZHRC notes with concern the lack of proper planning and coordination by the responsible government agencies. In particular, the families were moved without the expected valuation of their homes and the subsequent payment of compensation for the establishment of new homes. Further, some of the families were allocated pieces of land that are far inadequate for rural livelihoods and also against government policy on land sizes. Worse still, others were “dumped” on land that was already occupied by another community, with no space for additional families. A large majority of these farmers were not issued with any official documents (like offer letters) leaving them at risk of being classified as illegal settlers. Lack of security of tenure is the very reason why these families are currently suffering and vulnerable to human rights violations, and their fears of future evictions (from the new areas) are therefore valid. As a result of these issues some of those who had been resettled returned back to occupy the farm or resisted relocation altogether. Other concerns of the affected families that require government attention include accessibility to a reliable road network and other social amenities like schools, clinics and service facilities.

To ensure sustainable livelihoods, there is need for the government to further invest in resourcing and training the farmers on farming models suitable for their new environment.

Rivers and Nyandirwe farms where people were resettled had been largely used for animal husbandry as the land is unsuitable for crop production. The land is sandy and arid and this will make it impossible for the resettled people to resort back to normal livelihoods without the assistance of the government. Even though the land at Lazy farm is fertile, some of the resettled villagers complained that it was prone to waterlogging and flooding in the rainy season.

7. CONCLUSION

In conclusion the ZHRC notes that the relocation of people from Arnold Farm without suitable alternative land was not sanctioned by the Courts as required by the law, therefore a violation of numerous rights. In the course of the evictions, the rights to freedom from arbitrary eviction, education, health, administrative justice, freedom of movement were chief among those negatively impacted. It is worth noting that the issue of adequate compensation to the affected families continues to be a bone of contention which state institutions involved in this exercise have not prioritized. The State when effecting evictions through its institutions should ensure the evictees possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. The evictions at Arnold farm were not well coordinated between government agencies, thereby causing suffering by the evictees. In brief the evictions and demolitions at Arnold and Valeria farms were unconstitutional and are a clear violation of the rights as stated out in the Declaration of Human Rights.

8. RECOMMENDATIONS

TO THE GOVERNMENT OF ZIMBABWE/MINISTER OF STATE FOR MASHONALAND CENTRAL PROVINCE

8.1 It is recommended that the Government takes appropriate measures to ensure that complainants are resettled in adequate productive land that

supports livelihoods and is suitable for crop and livestock production. The issue of land tenure in some of the relocation sites is unclear to the residents who are already traumatised by many years of uncertainty due to recurring demolitions. The ZHRC recommends that those being relocated be guaranteed security of tenure as clearly provided for in section 292 of the Constitution.

- 8.2** ZHRC recommends that the Government must provide just and fair compensation and effective remedies in terms of Article 12 of the Kampala Convention. The information on the assessment of homes and the criteria used to evaluate lost property should also be shared with the affected people.
- 8.3** ZHRC recommends that sustainable measures be put in place to ensure that complainants are provided with essentials such as food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation.
- 8.4** ZHRC recommends that the Government should ensure that quality education is available at the places where they relocate the complainants for the benefit of children. The Government must also construct appropriate schools with adequate furniture and stationery to enhance the quality of primary and secondary education according to section 75 of the Constitution. Furthermore there is need to create ECD educational facilities that are accessible in terms of cost and distance especially for the tender age groups.
- 8.5** The ZHRC recommends that the government engages with/permits humanitarian agencies to alleviate the situation of those evicted from Arnold farm guided by Article 9 (3) of the Kampala Convention⁵.

⁵ This article states that where appropriate, States should be assisted by international organisations, humanitarian civil society organisations and other relevant actors in cases of such emergency.

TO THE MINISTRY OF LANDS AND RURAL RESETTLEMENT

- 8.6** In dealing with relocations and offer letters, the ZHRC recommends that for future planning purposes, the Ministry should put in place procedures to be followed to minimise the adverse effect of displacement according to UN Guiding Principles 5⁶ and 9.⁷ All feasible alternatives should be explored to avoid displacement where possible.
- 8.7** The Ministry should have a predictable land issuing framework so as to enable beneficiaries to plan and invest for medium to long term.
- 8.8** The Ministry as the custodian of land must collaborate with other Ministries to guard against multiple use of the same land. The position of the land use is not clear as it is alleged to be a game park, a conservancy, and mining, cultural heritage site and farming area. There is need for such confusion to be rectified through coordination by government ministries, departments and other State agencies.
- 8.9** The Ministry of Lands and Rural Resettlement must ensure that land is put to the appropriate use to which it is designated. The Ministry must therefore monitor and ensure that Arnold Farm is used as a national monument. The Ministry must coordinate with the National Museums and Monuments to ensure that such information is publicized through the use of relevant, visible public information, education and communication material.

ZIMBABWE REPUBLIC POLICE

- 8.10** The ZRP must at all times uphold the functions stated in section 219 (1) (c) to (e) in that, as the Police Service, they are responsible for protecting and securing the lives and property of the people, maintaining law and order and

⁶www.unhcr.org/.../idps/.../guiding-principles-internal-displacement All authorities and International actors shall respect and ensure respect for their obligations under International law including human rights and humanitarian law, in all circumstances so as to prevent and avoid conditions that might lead to displacement of persons.

⁷ States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands.

must uphold the Constitution of Zimbabwe. In enforcing the law without fear or favour, ZRP should desist from using disproportionate force which leads to further human rights violations through the assault and injury of citizens. The ZRP should also uphold the rule of law by respecting judiciary decisions and court orders.

MINISTRY OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE

8.11 The complainants are in need of humanitarian assistance from Government and non-governmental organisations. Government should ensure that NGOs are afforded the space to assist the complainants.

9. Pictorial Evidence of demolitions by the Zimbabwe Republic Police

9.1 The pictorial evidence of demolitions and arbitrary evictions of the complainants at the hands of the Zimbabwe Republic Police is attached hereto as '**ANNEXURE A.**'

Annexure A



Picture A



Picture B

Pictures A and B showing some of the structures that were demolished at one of the complainants' homes.



Picture C



Picture D

Pictures C and D showing some of the structures that were burnt down where people used to reside.



Picture E



Picture F

Pictures E and F showing property that is now in the open and a child who was left to look after the property while the mother went to work in the field.