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BUILDING A SAFE, JUST AND TOLERANT SOCIETY

# ZIMBABWE

# COUNTRY REPORT

## April 2005

## COUNTRY INFORMATION AND POLICY UNIT
## IMMIGRATION AND NATIONALITY DIRECTORATE
## HOME OFFICE, UNITED KINGDOM

# Contents


| | |
|---|---|
| **1. Scope of the Document** | **1.1–1.10** |
| **2. Geography** | **2.1–2.4** |
| **3. Economy** | **3.1–3.4** |
| **4. History** | **4.1–4.4** |
| Post-Independence | 4.5 |
| Matabeleland Insurgency 1983–87 | 4.6 |
| Political Developments | 4.7–4.9 |
| Recent History | 4.10–4.12 |
| Parliamentary Elections, June 2000 | 4.13–4.14 |
| Presidential Election, March 2002 | 4.15–4.17 |
| Land Reform | 4.18–4.21 |
| Sanctions and Commonwealth Suspension | 4.22–4.26 |
| 2002 Incidents of Political Violence and Intimidation | 4.27–4.34 |
| 2003 Incidents of Political Violence and Intimidation | 4.35–4.39 |
| 2004 Incidents of Political Violence and Intimidation | 4.40–4.53 |
| 2005 Incidents of Political Violence and Intimidation | 4.54-4.63 |
| **History of Local and By-elections** | |
| By-elections in 2000 | 4.64–4.65 |
| Bulawayo Local Elections, September 2001 | 4.66–4.69 |
| By-elections in 2001 | 4.70-4.72 |
| Rural Elections, September 2002 | 4.73–4.79 |
| By-elections in 2002 | 4.80–4.81 |
| Mayoral and Urban Council Elections, 30-31 August 2003 | 4.82–4.99 |
| By-elections in 2003 | 4.100-4.105 |
| By-elections in 2004 | 4.106–4.110 |
| The lead up to the March 2005 Parliamentary Elections | 4.111-4.125 |
| Zanu PF – Internal Dissent | 4.126-4.135 |
| **5. State Structures** | **5.1–5.104** |
| The Constitution | 5.1–5.3 |
| Citizenship and Nationality | 5.4 |
| Political System | 5.5–5.6 |
| Parliament | 5.7–5.15 |
| Zimbabwean Electoral Commission | 5.16-5.21 |
| Judiciary | 5.22–5.36 |
| Legal Rights/Detention | 5.37–5.44 |
| Death Penalty | 5.45 |
| Internal Security | 5.46–5.57 |
| Prisons and Prison Conditions | 5.58–5.66 |
| Military Service | 5.67–5.70 |
| Medical Services | 5.71–5.81 |
| People with Disabilities | 5.82–5.85 |
| HIV/AIDS | 5.86–5.98 |
| Education System | 5.99–5.104 |
| | |
| | |
| **6. Human Rights** | **6.1–6.257** |
| **6.A Human Rights Issues** | **6.1–6.98** |
| General | 6.1-6.2 |
| Freedom of Speech and the Media | 6.3–6.26 |
| Journalists | 6.27–6.39 |
| Freedom of Religion | 6.40–6.45 |
| Religious Groups | 6.46–6.47 |
| Freedom of Association and Assembly | 6.48-6.50 |
| Public Order and Security Act | 6.51–6.65 |
| Criminal Law (Codification & Reform) Bill | 6.66-6.70 |
| Political Activists | 6.71–6.79 |

| | |
|---|---|
| Human Rights Abuses (Zimbabwe HR NGO Forum) | 6.80-6.90 |
| Employment Rights | 6.91–6.96 |
| People Trafficking | 6.97 |
| Freedom of Movement | 6.98 |
| | |
| | |
| **6.B Human Rights – Specific Groups** | **6.99–6.188** |
| Ethnic Groups | 6.99 |
| Shona | 6.100 |
| Ndebele | 6.101–6.104 |
| Whites | 6.105–6.107 |
| Asians | 6.108–6.109 |
| Farm Workers of Malawian, Zambian and Mozambican Origin | 6.110–6.113 |
| Mixed Race | 6.114–6.115 |
| Albinos | 6.116 |
| Other Ethnic Minorities | 6.117–6.118 |
| Women | 6.119–6.128 |
| Children | 6.129–6.140 |
| Childcare Arrangements | 6.141–6.142 |
| Homosexuals | 6.143–6.147 |
| Conscientious Objectors and Deserters | 6.148–6.149 |
| Teachers | 6.150–6.163 |
| National Youth Service – ZANU-PF Youth Militia | 6.164–6.181 |
| War Veterans | 6.182-6.188 |
| | |
| | |
| **6.C Human Rights – Other Issues** | **6.189–6.257** |
| Treatment of Human Rights Organisations | 6.189–6.198 |
| Land Reform | 6.199–6.223 |
| Food Shortages | 6.224–6.249 |
| Witchcraft | 6.250-6.254 |
| Treatment of returned failed asylum seekers | 6.255-6.257 |
| **Annexes** | |
| **Annex A – Chronology of Events** | |
| **Annex B – Prominent Organisations** | |
| **Annex C – Prominent People** | |
| **Annex D – Parliamentary Election Results June 2000** | |
| **Annex E – MDC Candidates and MPs June 2000** | |
| **Annex F – MDC Party Symbols and Slogans** | |
| **Annex G – Cabinet List, February 2005** | |
| **Annex H – Sources** | |

## 1. SCOPE OF DOCUMENT

**1.1** This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 March 2005.

**1.2** The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

**1.3** The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

**1.4** The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

**1.5** The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

**1.6** As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

**1.7** The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

**1.8** This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain.

Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

**1.9** Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

**1.10** In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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## Advisory Panel on Country Information

**1.11** The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

**1.12** It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## 2. Geography

**2.1** According to Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005), stated that the official name of the state is the Republic of Zimbabwe. It is located in southern Africa and has an area of 390,757 sq. km. It is land-locked and is bordered to the Northwest by Zambia, to the east by Mozambique, to the south by South Africa and to the west by Botswana. **[1b] (p. 1253)**

**2.2** Europa 2005 states that, principal towns (those with a population over 100,000) are Harare (the capital), Bulawayo, Chitungwiza, Mutare (Umtali) and Gweru (Gwelo). **[1b] (p.1271)** "In recent years urban growth has proceeded rapidly. The urban poor, operating within the highly competitive 'informal economy', are now a large and increasing part of the urban social structure." **[1b] (p.1253)**

**2.3** Economist Intelligence Unit Country Profile 2004 notes that,

> 'Recent UN estimates put Zimbabwe's population at 13.1m in mid-2002. However, preliminary estimates of the 2002 census put the figure at 11.6m—about 1.5m below earlier projections—reflecting a combination of the HIV/AIDS pandemic, emigration, and overcounting related to manipulation of the electoral rolls. Nevertheless the urban population was estimated at 34.6% of the total in 1999; it grew at over 5% per year in the 1980s and 1990s, much faster than the level of overall population growth, indicating continued rural migration. Harare's population, including its Chitungwiza township, is now probably well over 2m.
>
> The population density is about 30 per sq km. The majority of Zimbabweans are Shona, with the Shona outnumbering the Ndebele by about four to one. The Ndebele live mainly in the south and west. The number of whites in Zimbabwe has dropped from a peak of about 275,000 in the mid-1970s to an estimated 70,000—barely more than 0.5% of the population. The most widely spoken language is Shona and its dialects, although English, which is universally spoken in towns, is the official language.' **[24a] (p. 13)**

**2.4** Europe 2005 noted that there are, in addition, several minor ethnic groups such as the Tonga, Sena, Hlengwe, Venda and Sotho with English, Chishona and Sindebele being official languages. **[1b] (p. 1253)**

Back to Contents

## 3. Economy

**3.1** The Foreign and Commonwealth Office (FCO) Country Profile for Zimbabwe, last reviewed 15 October 2004, noted that,

> ‘Zimbabwe's economy is in crisis. Inflation is around 400%, and unemployment is over 70%. Direct foreign investment has declined by 99% over the past three years. The economic decline has been caused largely by years of Government corruption and mismanagement. But this has been compounded by disruption to the crucial agricultural sector, where Government has sanctioned invasions of commercial farms by its supporters, precipitating a collapse in investor confidence and capital flight. There is also a chronic shortage of foreign exchange, which has led to shortages of fuel and other key inputs including power (Zimbabwe imports 35% of its electricity needs from Mozambique and South Africa but is heavily indebted to both countries and has difficulty paying for further electricity supplies). Tourism is down by 80% since 1999.
>
> Zimbabwe has traditionally been the second most industrialised country in the Southern African region. Well-developed infrastructure and financial systems were inherited at independence. For many years Zimbabwe's per capita income was significantly higher than that of most sub-Saharan African countries. At its peak in 1992, manufacturing accounted for 27% of GDP (it has now fallen below 15%). Commercial farming (tobacco, meat, cotton, maize, sugar and plants) has been export orientated, accounting for around 19% of GDP [Gross Domestic Product], and earning 40% of the country's foreign exchange. Mining (gold, ferrous alloys, asbestos and nickel) accounts for about 33% of exports.’ **[13c] (p.4)**

**3.2** The FCO continued,

> ‘With IMF [International Monetary Fund] support, Zimbabwe launched an Economic Structural Adjustment Programme (ESAP) in 1991 after a decade of pursuing socialist economic policies. The IMF considered a new programme of support in 1997, but following the announcement of extraordinary compensation for so-called 'war veterans', amounting to some 3% of GDP, disbursement of new IMF funds was put on hold. The Government of Zimbabwe agreed a Standby Arrangement (SBA) with the IMF in both June 1998 and August 1999, but on both occasions failed to meet agreed targets, resulting in a halt to disbursements. In 2000 Zimbabwe went into arrears to the World Bank, and in February 2001 to the IMF. Until the arrears position is cleared, neither institution can disburse any funds to Zimbabwe. In June 2002, the IMF declared Zimbabwe to be in 'non-co-operation'. In September 2002, it took steps to revoke Zimbabwe's voting rights, the first step to expulsion, and in June 2003 decided to suspend Zimbabwe's voting and administrative rights. In December 2003 the IMF Executive Board decided to initiate procedures on the compulsory withdrawal of Zimbabwe from the IMF, after having determined that Zimbabwe had not actively co-operated with the IMF. The IMF Board decided to review the decision in six months. In July 2004 the Board decided to review the situation again in a further six months.’ **[13c] (p.5)**

**3.3** Inflation has been an enormous problem in Zimbabwe and although, according to Business Report in August 2004, consumer prices dropped 31.7% in July 2004 compared to June, they were still 362.9% higher year-on-year according to official statistics. The increase in the annual rate of inflation was largely due to hikes in the prices of beverages, bread,

cereals, meat, fruits and vegetables. Business Report went on,

> 'Zimbabwe has in recent years faced political, economic and social instability, with high unemployment and rising disease rates. Local non-governmental organisations say up to 80% of Zimbabweans live under the poverty line and that between 60 and 80% of the employable population is without jobs. The country has also been plagued by severe food shortages, caused partly by drought as well as the controversial land redistribution programme dispossessing white farmers.' **[36a]**

(For additional information see 4.18 Land Reform, 6.199 Land Reform, 6.224 – Food Shortages)

**3.4** The Zimbabwe Independent noted in January 2005, that the economy had been in decline for seven years, in that time it is estimated to have contracted by around 30%. **[11p]** Business Report in August 2004, noted that the economy started showing signs of a slight recovery in the latter part of 2004, following remedial steps taken by the central bank. The annual inflation rate has been on an upward trend since 2000, when it stood at 55.9%. In 2003 it surpassed 600%. **[36a]** However, the IMF forecasts an improvement in the economy with growth estimated at 1.8% for 2005. The Reserve Bank of Zimbabwe also forecasts an improvement with inflation dropping to 100%, noted the Zimbabwe Independent on 14 January 2005. **[11p]**

**3.5** On 26 July 2004 Reuters carried a piece by Refugees International in which it stated that despite a statutory minimum wage of Z$72,000 per month (approx. US$13) many new settlers on farms were unable or unwilling to pay their workers more than Z$15,000 (approx. US$3). The report also claimed that some employers ban NGOs from providing food assistance to the workers who are working in 'slave labor' conditions. **[70b]**

**3.6** Business Report noted on 27 August 2004, that the continuing economic turmoil was reflected when the Zimbabwe dollar hit a new record low against the US dollar on 26 August 2004, sliding to Z$5,610.46. **[36b]** Corporate Information noted on the 3 February 2005 that the exchange rate had deteriorated further closing at Z$5,959.47 on the 2 February 2005. **[72]**

Back to Contents

## 4. History

**4.1** Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005), noted that, the country that is now Zimbabwe was established in 1923 as the British colony of Southern Rhodesia. In 1965, the white-dominated Rhodesia Front administration of Prime Minister Ian Smith made an illegal unilateral declaration of independence (UDI) for Rhodesia from the United Kingdom. The Republic of Zimbabwe achieved formal independence from the United Kingdom on 18 April 1980. **[1b] (p.1254)**

**4.2** Europa 2005 also stated that, following UDI, black nationalists organised the fight for majority rule. The principal nationalist groups were the Ndebele-dominated Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Shona-dominated Zimbabwe African National Union (ZANU), led initially by the Reverend Ndabaningi Sithole and later by Robert Mugabe. **[1b] (p.1254-55)**

**4.3** ZAPU and ZANU merged their military efforts in 1976 in the uneasy Patriotic Front alliance. In 1979, according to Europa 2005, the UDI administration concluded an 'internal settlement' with some black nationalists, under which Bishop Abel Muzorewa became Rhodesia's first black Prime Minister. Later in 1979, all parties to the conflict participated in the Lancaster House Conference in London, which agreed an independence settlement. **[1b] (p.1254)**

**4.4** A BBC country profile, updated on 31 July 2004, noted that Robert Mugabe's ZANU won the independence election in 1980. Mugabe was named Prime Minister and included ZAPU leader Nkomo in his cabinet. **[3a]**

### Post-Independence

**4.5** Europa 2005 and the BBC country profile record that initially Robert Mugabe adopted a conciliatory stance, uniting the Rhodesian forces and the ZANU and ZAPU guerrilla armies into a single force. This didn't last and Mugabe was soon pressing the case for a one-party state, opposed by Joshua Nkomo. Mugabe demoted Nkomo in 1981 and, following the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland, dismissed him in 1982 amid accusations that he was trying to overthrow the government. **[1b] (p.1254-55)**

Back to Contents

### Matabeleland Insurgency 1983–87

**4.6** Europa 2005 states that, the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland in 1982 led to Nkomo's dismissal from government office. Dissidents from Nkomo's former guerrilla force, ZIPRA, perpetrated indiscriminate acts of violence. The Government responded by sending the North Korean-trained Fifth Brigade to Matabeleland in early 1983 to quell dissent. The mainly Shona Fifth Brigade was accused of committing atrocities against civilians in its "pacification" campaign and it alienated support for the Government amongst Matabeleland's Ndebele population. It has been estimated that as many as 10,000, civilians died during the Fifth Brigade's campaign. **[1b] (p.1254-55)**

### Political Developments

**4.7** Europa 2005 noted that a unity agreement between ZANU-PF and ZAPU was reached in 1988. The merged party retained ZANU-PF's name and Nkomo became one of two vice-presidents and took a senior cabinet post. An amnesty in 1988 led to a rapid improvement in the security situation in Matabeleland. Constitutional changes in 1987 ended reserved seats for whites and created an executive Presidency, replacing the ceremonial

post of President formerly held by Canaan Banana and incorporating the post of Prime Minister. Mugabe became Zimbabwe's first executive President at the end of 1987. **[1b] (p.1255)**

**4.8** In July 1999, the Independent noted that on 19 October 1999, at Vice-President Joshua Nkomo's funeral, President Mugabe expressed his regret for the actions of the Fifth Brigade in Matabeleland during the 1980s. At a memorial service for Nkomo in October 1999, Mugabe announced the willingness of the Government to compensate the families of the thousands of people killed during the insurgency. **[4g]** Further promises of compensation projects were made in June 2002 by John Nkomo, the then Minister for Home Affairs, but according to the Zimbabwe Standard on 13 July 2003; this compensation had not been paid. **[20f]**

**4.9** The US State Department Report 2001, reported a shortened version of a 1997 report on atrocities committed during the campaign in Matabeleland called Breaking the Silence was released in 1999 by two Non Governmental Organisations (NGOs), the Catholic Commission for Justice and Peace and the Legal Resources Foundation (LRF). The report characterised the Government's campaign as an effort to impose a one-party state by eliminating support for ZAPU. The Government has not responded formally to the report. In 2000 the LRF and Zimbabwe Lawyers for Human Rights subpoenaed the Government to release the findings of two commissions that investigated the Matabeleland massacres, but the Attorney General claimed that the documents were missing. **[2b] (p. 25)**

**Recent History**

**4.10** The Economist Intelligence Unit Country Profile 2004 noted that,

> 'A steady decline in living standards throughout the 1990s led to growing dissatisfaction with the government and galvanised civic groups and the country's trade union movement; the country was rocked by a series of nation-wide strikes in the late 1990s. Buoyed by this success, sections of the union movement eventually formed an opposition political party, the Movement for Democratic Change (MDC) in September 1999. It led a successful campaign against Mr Mugabe's proposed amendment of the constitution (which included some controversial clauses on land reform), culminating in a "no" vote in a national referendum on the issue in February 2000 which was widely perceived as a vote of no confidence in the government.' **[24a] (p. 5)**

**4.11** However, a BBC Country Profile reported that in February 2000, 'Squatters seized hundreds of white-owned farms in an ongoing and violent campaign to reclaim what they saw was stolen by settlers.' **[3a]**. Europa 2005 noted that, despite losing the (February 2000) referendum the Government pushed through a constitutional amendment in April 2000 to allow the seizure of mainly white-owned farms. The constitutional amendment stated that white farmers dispossessed of their land would have to apply to the United Kingdom Government for compensation. **[1b] (p.1258)**

**4.12** Amnesty International issued a press release on 15 October 2004 welcoming the acquittal of Morgan Tsangirai, on charges of treason. 'His trial on charges of treason started on 3 February 2003 and ended on 24 February 2004. The judgement was reserved and then scheduled to be handed down on 29 July 2004, but was further postponed indefinitely. The acquittal was delivered by the High Court on 15 October 2004. Morgan Tsvangirai faced two charges of treason. The first charge related to an alleged plot to assassinate President Mugabe ahead of the presidential elections in March 2002. The second charge of treason was based on an alleged incitement to engage in a march to unseat the government in the so-called "final push" in June 2003.' **[14g]**

**Parliamentary Elections, June 2000**

**4.13** The Economist Intelligence Unit Country Profile 2004 continued,

> 'Stung by this rejection of his proposed reforms, Mr Mugabe set out to retain political power. He delayed the parliamentary election until June 2000 (it was initially scheduled for April) and unleashed a campaign of violent intimidation against the MDC and its supporters. He also reignited the land issue for electoral purposes-the policy appealed directly to voters in rural areas, where ZANU-PF support was strongest. Despite the intimidation and violence in the run-up to the election, the vote proceeded relatively peacefully (although specific incidents of violence, intimidation and vote rigging led the MDC to challenge the results in 35 constituencies). ZANU-PF won 62 out of the 120 contested seats; the MDC won 57, its vote being concentrated in the main urban areas and the south of the country. The 30 seats that go to presidential appointees overwhelmingly vote with ZANU-PF and bolster ZANU-PF's narrow elected majority. The results of the election was a milestone in the development of democracy in Zimbabwe: for the first time since independence, ZANU-PF faced real political opposition. Subsequently, however, the MDC has found that because of the ZANU-PF majority in parliament, the considerable political powers vested in the president and the financial and logistical advantages enjoyed by the ruling party, there is little that it can do to influence day-to-day politics.' **[24a] (p. 5)**

(For additional information see 5.7 – Parliament)

**4.14** The BBC reported on 27 June 2000 that MDC leader, Morgan Tsvangirai, failed to win the seat he contested, Buhera North in ZANU-PF's rural heartland, by 2,534 votes. **[3g]** However, again according to the BBC on 26 April 2000, the MDC successfully challenged the result in the High Court and it was nullified in April 2001, which should have then led to a by-election. **[3h]** Meanwhile, according to the US State Department Report 2001, in October 2000 President Mugabe issued a decree granting a general amnesty for politically motivated crimes that occurred between 1 January and 31 July 2000. This effectively pardoned the majority of those responsible for the violence in the election campaign from prosecution. The amnesty did not cover the offences of murder, rape, sexual assault, robbery, theft and possession of arms, but did cover other serious offences such as common assault and assault with intent to cause grievous bodily harm. The amnesty permitted the immediate release of prisoners convicted of the latter two offences. This amnesty was used to clear government supporters of their crimes. For example, two War Veterans arrested in August 2000 for their part in the torture of MDC members in Bulawayo by ZANU-PF supporters had charges against them dropped in March 2000 as a result of the amnesty. **[2b] (p. 11)**

Back to Contents

**Presidential Election, March 2002**

**4.15** The next major elections were the presidential elections in March 2002 when, according to the Economist Intelligence Unit Country Profile 2004,

> 'Concerned about the strength of the opposition, Mr Mugabe embarked on a strategy for securing re-election in March 2002. The centrepiece of this was a continuance of the campaign of violent land reform, now officially referred to as the "third chimurenga", or revolution—the first was against settlers in 1896 and the second the war for independence in the 1970s. The strategy had other elements.

‘Increased intimidation of any form of opposition to the government. This included intimidation of the press and judiciary, and creating a climate of fear, especially among opposition supporters. Campaigning by the MDC was severely restricted. The political repression was supported by the passage of various pieces of legislation, notably the Public Order and Security Act, which, among other things, makes it an offence to denigrate the president. The act can be used to break up innocuous public gatherings, and was used to prevent people suspected of supporting the MDC from registering as voters. Even when voters were able to start the registration process, it proved so complicated that many MDC supporters simply gave up.

‘Disenfranchising urban voters, by reducing the number of urban polling stations and increasing the bureaucracy associated with voting. The aim of this was to ensure a low turnout among urban voters, who the government assumed, would overwhelmingly vote for the MDC.

‘Providing an additional 664 polling stations in rural areas, while reducing the number of international and local independent electoral observers and monitors, with the aim of boosting the pro-Mugabe rural vote.

‘The election was declared satisfactory by some observers, particularly from neighbouring African states, but the conduct and outcome of the poll was disputed by the MDC, the EU and the US government, among others. The most important international criticism came from the parliamentary forum of the Southern African Development Community (SADC) and the Commonwealth.’ **[24a] (p. 5-6)**

**Presidential election, March 2002**

| | Votes | % of vote |
|---|---|---|
| Robert Mugabe (ZANU-PF) | 1,685,212 | 53.8 |
| Morgan Tsvangirai (MDC) | 1,258,401 | 40.2 |
| Others | 187,300 a | 6.0 |
| Total | 3,130,913 b | 100.0 |

a. Three other candidates contested the election: Shakespeare Maya for the National Alliance for Good Governance, and two independents, Wilson Kumbula and Paul Siwela.
b. The total electorate was 5,647,812. **[24a] (p. 5-6)**

**4.16** The Daily Telegraph on the 26 February 2002, noted that in the run-up to the presidential election, MDC leader and presidential candidate Morgan Tsvangirai was charged with treason. Mr Tsvangirai was accused of plotting to assassinate President Mugabe in what, he claimed, was a contrived charge to damage him politically. According to the report, since the formation of the MDC two years previously Mr Tsvangirai had been subject to every form of harassment, including assassination attempts. **[5b]**

**4.17** The BBC country profile (dated March 2002) notes that as a result of the high levels of violence that marred the 2002 election campaign, Zimbabwe was suspended from Commonwealth Councils for a year. When in December 2003 the Commonwealth decided to extend the suspension indefinitely, Zimbabwe pulled out of the Commonwealth. **[3a]**

Back to Contents

**Land Reform**

(Additional info on re-distribution of land see 6.199 – Land Reform, 6.224 - Food Shortages)

**4.18** Human Rights Watch report in 2002, noted that 'The need for land reform in Zimbabwe is generally acknowledged even by the representatives of the commercial farming sector…Colonial policies of expropriation gave a few thousand white farmers ownership of huge tracts of arable land. About 4,500 large-scale commercial farmers still held 28% of the total land at the time the fast track programme was instituted; meanwhile, more than one million black families eke out an existence in overcrowded, arid 'communal areas,' the land allocated to Africans by the colonial regime.' **[69b] (p.2)**

**4.19** However, the Human Rights Watch report found that 'The 'fast track' land resettlement programme implemented by the government of Zimbabwe [since early 2000] has led to serious human rights violations.' The report continued that,

> 'As has been widely reported, war veterans and associated ZANU-PF militia occupying commercial farms have intimidated, assaulted, and in at least seven cases killed white farm owners in the course of occupying commercial farms. A much larger number of victims have come from among farm workers on commercial farms; several tens of farm workers have been killed. In addition, Human Rights Watch collected numerous testimonies indicating that commercial farms are being used as bases for war veterans and ZANU-PF militia to intimidate alleged opposition supporters in neighbouring communal areas. Our findings confirmed the reports of Zimbabwean and other international human rights organizations that the police have at best failed to take action against the alleged perpetrators of violent crimes, and in some cases have actively assisted illegal actions. The army, too, has played a role in organizing and facilitating the occupations, without providing any check on the violence.' **[69b p.2]**

**4.20** US State Department Report 2003 reported that,

> 'In 2001, President Mugabe amended the Land Act by decree to permit the immediate government seizure of all commercial farming land, and the ZANU-PF dominated Parliament formalized this decree. The law requires all farm owners who have received a Section 8, final compulsory acquisition, notice to halt farming activities within 45 days of receipt of the order and leave their homes within 90 days. In June 2002, the Government ordered all white commercial farmers who had received Section 8 notices to cease farming operations, despite widespread food shortages. By August 2002, approximately 97% of the 4,500 remaining commercial farmers had received Section 8 notices.
>
> 'In August 2002, the Government began arresting farmers en masse after the time period expired for the first batch of Section 8 notices. Most farmers who were arrested were detained for a few days and released on bail; some were allowed to return to their farms, and some ordered to abandon their standing crops and livestock. Many farmers filed legal challenges, arguing that the acquisition orders were not legitimate since they did not follow the Government's own procedural laws. The new Section 8 orders issued in August superseded almost all of the legal challenges filed in 2002. At year's end, nearly all of the remaining 400 commercial farms owned by whites were designated for compulsory acquisition and few of the original farmers remained on the properties.
>
> 'Even on farms that did not receive Section 8 orders or those that received reprieves from the High Court, farmers were evicted with as little as 2 hours notice. 'Settlers', war veterans, or government youth militia members enforced evictions often in full

view of police who declined to intervene stating that it was a 'political matter'. Hundreds had relocated themselves and their families to the soil-poor Dande area in the north and across the border into the neighbouring Tete Province of Mozambique. Estimates were that more than 500,000 farm laborers and their families were left evicted or unemployed.

'Although the Government's land reform program was supposed to have ended in 2002, the Government continued to designate farms and ranches for resettlement late in [2003]. There were numerous reports that government officials had acquired multiple farms and evicted previously resettled small-scale farmers from the land. The government-issued Utete Land Audit Report (the 'Utete Report') recommended remedying situations where multiple new farms had been acquired and some cases were corrected; however, the Government continued taking additional land without regard to earlier commitments to allow farmers to keep one property.' **[2d] (p.8)**

**4.21** BBC News reported on 12 November 2004 that Zimbabwe's Supreme Court had ruled that previous farm seizure had been 'legal'. The ruling was as a result of an appeal brought by farmer, George Quinnell, who had lost his farm in 2002. Mr Quinnell argued that there had been a procedural violation in the Land Acquisition Amendment Act when it was passed and it should be overturned. A panel of judges ruled that technical issues did not affect the validity of the law. **[3bj]**

Back to Contents

**Sanctions and Commonwealth Suspension**

**4.22** At a meeting with the European Union (EU) in Brussels in January 2002, according to reports by the Zimbabwe Standard on 13 January 2002 and the Independent on 20 January 2002, Foreign Minister Stan Mudenge was warned that Zimbabwe faced a freeze on non-humanitarian aid and targeted EU sanctions over its deteriorating human rights record. According to information sourced from the Zimbabwe Standard of 13 January 2002, the EU gave Zimbabwe a week to agree to five demands: an end to political violence, "allowing international observers and news media personnel for the country's presidential election", freedom of the media, an independent judiciary and the end of illegal land occupations. **[20d][4f]** The Independent report stated that no reassurances on these points had been received from the Zimbabwean government a week later. **[4f]** The Independent and the Daily News reported in the early part of 2002 that the EU had subsequently imposed a travel ban against leading figures in the Zimbabwean Government, including Cabinet Ministers, senior ZANU-PF officials, army generals, heads of parastatal organisations, senior civil servants and businessmen connected with the Government. **[4e]**The persons were also the subjects of an US travel ban. **[9s]**

**4.23** On 12 February 2003 the EU voted to roll over their sanctions against Zimbabwe for another 12 months. **[3bi]** According to the BBC on 23 February 2004 these sanctions were renewed for a third year in February 2004, with 16 additions to the to the travel ban. **[3bd]** Additionally, according to allafrica.com on 9 March 2003, the US imposed an assets freeze on Mugabe and 76 other ZANU-PF officials. This meant that US citizens were forbidden from doing business with the 77 listed officials. **[20h]**

**4.24** In March 2002, there were reports in the BBC and in the Daily News that Zimbabwe had been suspended from the Council of the Commonwealth for one year. A three-man team comprising the Nigerian and South African Presidents and the Australian Prime Minister accepted the findings of the Commonwealth election observer team that "the election was marred by a high level of politically-motivated violence and intimidation" and concluded that the presidential election "had not been free and fair". **[3ba]**

**4.25** On 17 March 2003, according to allafrica.com, Don McKinnon the Commonwealth Secretary-General issued a statement that, after consulting with virtually all Commonwealth Heads of Government, it was decided to continue the suspension of Zimbabwe until the meeting of the Heads of Government in Nigeria in December of that year. **[56]** A report by Don McKinnon, written in March 2003 to facilitate the review of the suspension of Zimbabwe from its councils, was leaked to the media in mid-April. An IRIN article of 10 April reproduced extracts from the report. It condemned the Zimbabwean government, saying that it had made no attempts to address the concerns raised by the organisation, such as "systemic violence", oppressive legislation and the lack of independence in the voting process. It continued, saying that the political, economic and social situation had deteriorated since March 2002. McKinnon stated that all attempts to engage with Mugabe, directly or indirectly, resulted in failure and all offers of assistance had been rejected. **[10w]**

**4.26** BBC News reported on 21 February 2005 that, 'European Union foreign ministers have renewed sanctions against Robert Mugabe's Zimbabwe for another year. However, they said the measures - a response to the political and human rights situation - could be re-examined after next month's parliamentary poll. The extension, which came on the day Mr Mugabe celebrated his 81st birthday, was passed unanimously without debate.' **[3bu]**

Back to Contents

**2002 Incidents of Political Violence and Intimidation**

**4.27** In October 2002, according to reports by allafrica.com and Amnesty International, the Human Rights Forum put the figure of politically motivated killings since 2000 at 151. Fifty-eight of these deaths had occurred in 2002. Prior to the March Presidential elections the death toll stood at 132, with the remaining 19 people dying in post election violence. **[11e]** In an open letter to the South African President, Thabo Mbeki, Amnesty International quoted the Zimbabwe Human Rights Forum's figure of 1,050 cases of torture that had been reported in the first ten months of 2002. **[14b]** Between January and November 2002, according to the BBC on 20 February 2003, the MDC estimated that 1,060 activists had been tortured, 227 abducted and beaten, 58 were murdered, 111 unlawfully detained and 170 tortured and released without charge. **[3m]** The US State Department Report 2002 stated that according to the Amani Trust an estimated 70,000 MDC supporters were internally displaced from their homes during 2002. This compared to 10,000 in 2000. Some internally displaced people moved into urban areas, to live with family members, but some, particularly those in the rural regions, were without reliable access to food. **[2e] (p. 21)** According to the US State Department Report 2003, it is not known how many of these 70,000 people remained displaced at the end of 2003, although it reported that over 100 MDC supporters were displaced during 2003. **[2d p. 13]**

**4.28** The Independent noted on 9 January 2002, hundreds of members of ZANU-PF youth militias sealed off the three towns of Bindura, Chinhoyi and Karoi in Mashonaland West. The youths moved from door to door in Bindura ordering people to produce ZANU-PF membership cards. Failure to do so led to beatings. Many of the youths wore green military uniforms marked "Third Chimurenga". Similar events took place in Chinhoyi and Karoi where youths demanded that people who could not produce ZANU-PF membership cards bought them immediately. **[4d]**

**4.29** The attack on David Mpala followed an axe attack by ZANU-PF supporters and War Veterans on seven MDC supporters in MDC offices in Murambinda, Manicaland, on 12 January 2002, according to a report in the Daily News on 14 January 2002. **[9b]** On 15 January 2002 News 24 reported Innocent Gonese, MDC MP for Mutare Central, as saying

that instead of helping those attacked the police had apprehended 32 MDC supporters and detained them at a police station. **[38a]** On 14 January 2002 Associated Press carried a Daily News report that during the same weekend MDC offices in Kwekwe, Midlands province, were set fire to by ZANU-PF supporters and police disrupted an MDC rally in Masasa, Buhera district, Manicaland, firing tear gas at 5,000 MDC supporters. Roy Bennett, MDC MP for Chimanimani, who was to address the rally, said that police told him that opposition rallies were now illegal. **[39]**

**4.30** On 15 January 2002, News 24 reported that David Mpala, MDC MP for Lupane, Matabeleland was attacked in Lupane by ZANU-PF supporters who slit his abdomen with knives a few hours after abducting him from a shopping centre. A relative described his abductors as known War Veterans. **[38a]** According to a Financial Gazette Online report on 17 January 2002, Mpala's wife said that her husband's attackers were wearing T-shirts bearing the face of the late Border Gezi. **[37a]** News 24 stated that the police had confirmed the attempted murder of the MP but could not confirm whether anybody had been arrested in connection with the attack. **[38a]**

**4.31** In January 2002 the Telegraph reported that commercial farmers in Karoi, Mashonaland, accused ZANU-PF militants of torturing their farm workers. They were forced to attend all-night ZANU-PF political indoctrination rallies known as 'pungwes' and had barbed wire raked across their feet. Farmers said that their workers were too frightened to report the incidents to the police. **[5d]** In January 2002 the Telegraph reported that commercial farmers in Karoi, Mashonaland, accused ZANU-PF militants of torturing their farm workers. They were forced to attend all-night ZANU-PF political indoctrination rallies known as 'pungwes' and had barbed wire raked across their feet. Farmers said that their workers were too frightened to report the incidents to the police. **[5d]**

On 19 January 2002 according to CNN, 20 people were injured and thousands tear-gassed after police and ZANU-PF militants intervened to stop an MDC rally at a stadium in Bulawayo. Militants occupied the stadium and beat MDC supporters while police tear-gassed people waiting outside. The police claimed that they did not target MDC supporters but intervened to stop violence. **[8a]**

**4.32** In the run-up to and immediate aftermath of the presidential election in March 2002 there were many acts of violence, mainly perpetrated by Government supporters and war veterans against MDC activists and supporters. Between January and March 2002 the Zimbabwe Human Rights Forum recorded 48 deaths related to political violence, 16 in March alone, of whom 12 were known MDC supporters. The Forum also recorded during the same period 675 reports of torture, 196 kidnappings, 132 cases of intimidation or threats, 114 cases of unlawful detention, 26 disappearances and 5 reports of rape. The report continued, 'In a statement at the weekend, the global human rights watchdog Amnesty International said it was 'particularly concerned' at the mounting reports of rape and sexual torture perpetrated by ZANU-PF militia.' **[37e]**

**4.33** The BBC reported that in early February 2002, Abednico Bhebhe, MDC MP for Nkayi, Matabeleland South, was shot and seriously injured by unidentified attackers. **[3bb]** And according to the Daily News on 25 March 2002, thousands of MDC supporters including two MPs fled their constituencies in Manicaland province in the wave of violence that affected the area after the election. Shortly before the election, Evelyn Masaiti, MP for Mutasa, was reportedly beaten by soldiers at a police station where she had gone to investigate a case in which ten MDC polling agents had been arrested. **[9y]**

**4.34** On 12 December 2002 the BBC reported that the bodies of four MDC activists and one ZANU-PF activist were found in a dip tank in Nkayi, Matabeleland. Villagers questioned the other ZANU-PF youths about the whereabouts of the dead ZANU-PF activist. After being beaten, the youths admitted to killing the activist and told them that his body was in the dip tank. The villagers contacted the police who mounted a search operation, which also uncovered the four MDC youths' bodies. The youths then confessed that war veterans killed the four MDC members. Two war veterans were arrested. **[3b]**

Back to Contents

**2003 Incidents of Political Violence and Intimidation**

**4.35** As economic and political conditions in Zimbabwe continued to deteriorate into 2003, a Human Rights Watch briefing paper reported that,

> 'On March 18 and 19, 2003, Zimbabwe's main opposition party, the Movement for Democratic Change (MDC) requested that its supporters stay away from their workplaces in protest against declining economic and political conditions in the country. It was the first time that the MDC had called for political action since the ruling party's victory in the March 2002 presidential elections, which were marred by widespread irregularities and incidents of violence. The independent press and the opposition party described the stayaway as a success, reporting fairly credible national observation rates of over 60%. Yet it also triggered a severe government backlash against political activity in the country.
>
> 'State security forces arrested over 400 activists and other citizens, and many more were violently attacked both by security forces and by ruling party militia. The government deployed large numbers of military personnel to low-income suburbs of Harare and other urban areas. Further, in the run-up to two parliamentary by-elections held on March 29 and 30, the MDC was prevented from undertaking normal campaign activities, and known party activists were detained, beaten and harassed. The reaction of the government and the security forces during these weeks illustrated a clear and systematic repression of MDC activists, which amounted to a criminalization of political affiliation.
>
> 'In addition to this direct repression of political activity, legislation passed prior to the presidential elections has resulted in a progressive closure of political space over the past year. Public demonstrations and protests are effectively illegal under the 2002 Public Order and Security Act (POSA), which curtails citizens' rights to freedom of expression. Serious restrictions on citizens' rights to assembly and association have made it difficult for elected representatives to regularly meet with their constituents – meetings are either declared illegal or are otherwise disrupted. In addition, police and youth militia have dispersed public meetings that received police clearance, private organizational meetings, and meetings of organizations that are exempt from POSA. Staff of non-governmental organizations (NGOs) say that their operations have been increasingly constrained by POSA and other legal restrictions since the 2002 presidential elections.' **[69c] (pp. 1-2)**

**4.36** In late May 2003, the BBC reported that the MDC announced its intention to launch a "final push" against the government. The party announced a week-long stayaway to begin on 2 June, calling for people to forego work in order to attend demonstrations against the government. **[3ac]** On 2 June 2003 the BBC reported that a High Court banned the protests but Morgan Tsvangirai claimed the Court ruling was not binding. Tsvangirai was nonetheless arrested on 2 June. **[3aa]**

**4.37** The Crisis in Zimbabwe Coalition noted in their report (dated 16 June 2003) 'Defiance vs. Repression; Critical Reflections on the Final Push', reported that members of parliament, a mayor, councillors, pro-democracy activists, students and unfortunate passers by were all arrested in the week long protest. Security forces used dogs, teargas, armoured vehicles, water cannons, helicopters and live ammunition to disperse peaceful demonstrations in Harare and Bulawayo. In addition to the police presence, thousands of youths loyal to ZANU-PF gathered at the Harare ZANU-PF headquarters. On Friday 6 June 2003 many were deployed across the city at points where pro-democracy activists might have gathered. Police, Army and groups whom the Crisis in Zimbabwe Coalition call paramilitaries moved through high density suburbs, particularly in Harare and Bulawayo, intimidating individuals and locating MDC organisers homes. The Army also gave uniforms to ZANU-PF youths, who assaulted suspected MDC sympathisers. **[52b] (pp.9-10)**

**4.38** The Crisis in Zimbabwe Coalition also reported that in Bulawayo those arrested included Milton Gwetu the MP for Mpopoma and the city's Mayor, Japhet Ncube. The MDC MP Silas Mangono was arrested in Masvingo and Tendai Biti MP, Pearson Mungofa MP, Tichaona Munyanyi MP and Job Sikhala MP were arrested in Harare and Chitungwiza. Furthermore, after being arrested on the first day of the mass action, Morgan Tsvangirai was rearrested on Friday 6 June and charged with treason, relating to alleged statements made in May during the build up to the action. **[52b] (pp.9-10)**

**4.39** Political violence continued throughout 2003. The Zimbabwe Human Rights NGO Forum December 2003 monthly report provided cumulative totals for the number of politically motivated incidents during the year. These included (but were not confined to) 10 murders and 10 attempted murders; 497 cases of torture; 388 assaults; 4 disappearances; 6 rapes; 579 cases of unlawful arrest and 168 of unlawful detention. **[35d] (p. 4)**

Back to Contents

**2004 Incidents of Political Violence and Intimidation**
(For additional information on political violence see Section 6A – Political Activists)

**4.40** With parliamentary elections expected in March 2005, the first eight months of 2004 were characterised by pre-election manoeuvring and continuing political violence and manipulation. By May 2004, the latest month for which figures were available, the Zimbabwe Human Rights NGO Forum estimated that there had been 3 politically motivated murders; 7 attempted murders; 133 cases of torture; 220 assaults; 0 disappearances; and 2 rapes. The only area where there appeared to be a significant improvement over 2003 was in the number of unlawful arrests – 48, and the 15 unlawful detentions. **[35f] (p. 4)**

**4.41** On 25 January 2004 the Standard reported that police ransacked the offices of the MDC looking for what they described as subversive material. '"More than 15 police officers, some in riot gear, descended on the MDC headquarters and confiscated several items that included copies of the in-house bulletin, 'The Changing Times' and staff telephone books.' The police had a warrant citing POSA. **[20a]**

**4.42** The Daily Telegraph reported on 27 February 2004 that the trial of Morgan Tsvangirai ended on 26 February 2004. Mr Tsvangirai denied accusations of plotting to kill Mr Mugabe and stage a military coup but faces the death penalty if convicted. **[5e]** A further Telegraph report on 30 July 2004 stated that the verdict in the trial, which was expected to be handed down on 29 July, was delayed after the two lay assessors in the trial insisted they be fully consulted. Mr Justice Paddington Garwe, who was the presiding judge in the trial, had

wanted to find Mr Tsvangirai guilty but the lay assessors insisted on their right to be consulted on matters of fact. **[5c]** According to ZWNews.com in August 2004, the judgement has been postponed indefinitely. **[67c]**

**4.43** On 10 June 2004 newzimbabwe.com reported that,

> 'Zimbabwe's opposition leader Morgan Tsvangirai has suffered a major court setback in his bid to reverse President Robert Mugabe's March 2002 election victory.
>
> High Court judge Benjanmin [sic] Hlatshwayo threw out a total of three contentions by Tsvangirai's lawyers – leaving the MDC leader's case resting on his legal team's ability to prove systematic torture and abuse of his supporters by President Mugabe's shock troops.' **[41a]**

**4.44** On 2 July 2004 the BBC reported that Morgan Tsvangirai claimed to have been subject to an assassination attempt when axe-wielding assailants arrived in trucks at a meeting Mr Tsvangirai was addressing in Mvurwi, north of Harare. Mr Tsvangirai was unhurt but 11 MDC youths were injured as they fought off the attack. **[3d]**

**4.45** The by-election for the Buhera North seat that should have been held as a result of Morgan Tvangirai's successful challenge of the 2000 election result had not been held at the time of writing, and on 9 July 2004, the Zimbabwe Independent reported that Tsvangirai would not contest the next parliamentary elections in 2005 because he wanted to concentrate on national politics. **[44a]**

**4.46** On 20 July 2004 Zimbabwe Online published the executive summary of what it described as a damning African Union report on human rights in Zimbabwe. The report was based on a fact-finding mission to Zimbabwe on 24–28 June 2002. **[49a]** On 16 August 2004, allAfrica.com noted that the Southern African Development Council responded by recommending that no action be taken against Zimbabwe but proposing that the region should be more active in ensuring the 2005 parliamentary elections are fair. The government of Zimbabwe refused to recognise the report. **[50a]**

**4.47** IRIN on 9 August 2004 noted that the Secretary General of the Zimbabwe Congress of Trade Unions and three of his colleagues were released on bail having been arrested under the Public Order and Security Act. 'According to the ZCTU, the four were initially accused of holding the [taxation and HIV/AIDS] workshop without clearance, but the charge was later altered to uttering public comments likely to cause despondency….' The arrests were condemned by international labour organisations. The four were freed on bail and due to re-appear on 8 September 2004. **[10c]**

**4.48** BBC News reported on 28 November 2001 and 6 August 2004 that, Cain Nkala, a ZANU-PF official, was abducted and murdered in November 2001, after being charged with kidnapping and killing Patrick Nabanyama, the election agent for David Coltart, the MDC MP for Bulawayo North. **[3f]** Nkala's murder was blamed on the MDC and six MDC suspects were charged with his murder: Fletcher Dulini-Ncube, MDC MP for Lobhengula, Kethani Sibanda, Sonny Masera, Lobengula-Magwegwe, Army Zulu, Remember Moyo and Sazini Mpofu Sibanda. During the trial, state prosecutors sought to blame the MDC for political violence. However, it emerged during the trial that prosecution witnesses had been coerced into giving false evidence. In August 2004, all six were acquitted, the judge describing the prosecution evidence as "works of fiction". The MDC activists claimed to

have been tortured in detention, and Dulini-Ncube had lost sight in one eye as a result of detention. **[3i]**

**4.49** The Zimbabwe Human Rights NGO Forum noted in 'Political Violence Report – October 2004' that

> 'A large number of MDC supporters gathering outside the High Court to hear the Tsvangirai trial verdict were tear-gassed and assaulted by riot police. Of those who sought medical assistance, several had to be treated at or admitted to hospital. In a related incident, a truck full of Riot Police reportedly dispersed an all-night meeting of NCA members interceding on Tsvangirai's behalf. A victim claims that they were assaulted with plastic whips, booted feet and open palms.' **[35l] (p.2)**

**4.50** On 20 August 2004 the BBC reported that, in what was perceived to be an attempt to mute criticism of its human rights record, the Zimbabwean government published a bill to ban foreign human rights organisations and restrict the operation of many local charities. The proposed law would require NGOs to apply for a license but says that a license would not be granted to groups whose aim is to promote human rights. **[3e]**

Back to Contents

**4.51** On the 9 September 2004 Afrol News reported that, the police had raided two MDC offices in Bulawayo. Lovemore Maduku, the chair of the National Constitutional Assembly, an umbrella body for various Zimbabwean pro-democracy groups, was arrested for arranging a demonstration. MDC MP Nelson Chamisa was also arrested for allegedly holding an illegal meeting in his constituency. A spokesman for the MDC, Paul Themba Nyathi, stated that the actions of the police were a flagrant violation of the Mauritius agreement on democratic elections. Their actions vindicated the MDC's decision to suspend participation in all elections until the government honours the undertaking it gave to regional leaders in Mauritius. **[73a] (p.1-2)**

**4.52** The Zimbabwe Human Rights NGO Forum noted in 'Political Violence Report – November 2004' that

> 'It is reported that on Monday 1 November 2004, police searched the house of Ian Kay, a commercial farmer and an MDC parliamentary aspirant for Marondera East constituency, seeking for subversive material, reportedly without a search warrant. After the search, the police reportedly took away newspaper cuttings, from the *Daily Mirror*, and magazines, as well as documents pertaining to the MDC. It appears that Kay was arrested under section 16 of POSA for possessing documents, newspaper cuttings, magazines and other material on MDC President, Morgan Tsvangirai.' **[35m] (p.10)**

**4.53** The Zimbabwe Human Rights NGO Forum noted that between 1 January 2004 and 30 November 2004 there was a total of 3 reported deaths related to political violence. **[35m] (p.11)** ZHRF further noted that the prevailing political conditions made it difficult, if not impossible, for NGOs to document all human rights abuses that occurred during November. **[35m] (p.2)**

**2005 Incidents of Political Violence and Intimidation**

(For additional information see 4.111 - The lead up to parliamentary elections, March 2005)

**4.54** On the 13 January 2005 the South African Sunday Times reported that,

> 'Zimbabwe's opposition has been exposed to lower levels of political violence in the run up to March polls compared to previous elections, opposition leader Morgan Tsvangirai said.' He is also reported to have said that, "although pockets of rogue elements still exist here and there, by and large, we have witnessed a decrease in cases of open violence against political opponents." Mr Tsvangirai continued, "Through latter day exhortions to its supporters to display some form of civility in the run up to the next election, the regime is, at least, sending out a positive signal to the people." "I must recognise and record what appears to be a change of rhythm within the police force, especially the force's public stance towards direct, physical violence." **[74]**

**4.55** The Guardian reported on 18 January 2005 that, 'New evidence of alleged attacks on opposition supporters in Zimbabwe has been passed to the Guardian by activists who say they are being subjected to systematic violence, intimidation and sexual abuse in the run up to elections in March.' The Guardian reported one incident where the chairperson of a constituency group was covered in paraffin and set alight. Her crime was to have attended the high court in Harare on the day that Morgan Tsvangarai was acquitted of treason. 'In one incident, 25 people, including four women, were arrested for attending the funeral of an opposition politician, the source said.' **[34e] (p.1-2)**

**4.56** Reuters reported on 25 January 2005 that, the MDC had accused the authorities of stepping up harassment of its members, including arresting scores of supporters at the weekend for meeting without police approval. Paul Themba Nyathi, a spokesman for the MDC, said that a legislator from Zanu PF had abducted and tortured three MDC youths before handing them over to the police on unspecified charges. The police failed to comment on either incident, but they have repeatedly denied MDC accusations of bias in favouring the governing party. **[75a]**

**4.57** On 26 January 2005, Canada Free Press noted that, 'The MDC Member of Parliament for Makokoba constituency, Thokozani Khupe was this morning arrested together with 100 members of the three ward structures in her constituency. Among those arrested are two councillors Peter Nyathi, Ward 10 and Amen Mpofu Ward 2.' Khupe, who held a strategic meeting with members of her ward structures and councillors at her restaurant when the police arrested them was taken to Bulawayo Central police station and charged under the POSA for holding an illegal meeting. **[76]**

**4.58** afrol news reported on 8 February 2005 that leading members of the opposition Movement for Democratic Change (MDC) are being imprisoned and intimidated in the run up to elections called for March. The MDC claimed that its candidates have been arrested when trying to organise local party meetings, even when permission had been given. Paul Nyathi, the MDC's Secretary for Information and Publicity, condemned the arrest of Godrich Chimbaira, the MDC candidate in Harare's Zengeza township. A spokesman for the MDC said that Mr Chimbaira was arrested for meeting members of his district structure at his house. Mr Chimbaira's arrest came in the wake of the arrests, two weeks ago, of MDC MP's, Nelson Chamisa (Kuwadzana constituency – Mashonaland), and Thokozani Khupe Makokoba constituency (a township in Bulawayo). **[73b]**

**4.59** Reuters reported on 10 February 2005 that,

> 'Militants loyal to Zimbabwe president Robert Mugabe's party attacked opposition

supporters, invaded a police base and stabbed an officer during a pre-election rampage, state media reported on Thursday.' The government controlled Herald newspaper is reported to have said that, 'Thirty one Zanu-PF youths were remanded in custody after they allegedly went on the rampage in Norton last Sunday and invaded a police base, stabbing a police officer in the process…The paper said the youths overran the police base because one of their friends was detained there. Police officers were forced to flee after they were punched and kicked and one of them was stabbed in the shoulder.' Reuters continued, 'The private-owned Daily Mirror reported that two MDc members were stabbed during clashes between two factions of the party at a meeting addressed by party leader Morgan Tsvangirai in the Southern town of Masvingo on Wednesday…Mugabe has said his government will not tolerate election violence, but the MDC says he must get tough with Zanu-PF's militant youth brigades to ensure this.' **[75b]**

**4.60** On 28 February 2005, IRINNEWS reported that police were investigating claims that a group of soldiers had assaulted MDC officials. 'According to Movement for Democratic Change (MDC) spokesman Paul Themba Nyathi, the officials were at a rural business centre in Manicaland in Eastern Zimbabwe - traditionally MDC territory – when soldiers disembarked from two army trucks and started assaulting them.' A spokesman for the police said the authorities were "still verifying the incident". Among those assaulted were three candidates standing in the March 2005 parliamentary elections, Pishai Muchauray, Edwin Maupa and Gabriel Chiwara. It is claimed that the soldiers had accused MDC officials of "selling the country to the British". The three candidates were amongst those who claimed to have sustained injuries following the assault. **[10bw]**

**4.61** On 26 January 2005, the Timesonline reported that 'Zimbabwe's ruling party descends into chaos'. 'It's very doubtful whether Zanu (PF) will be able to put in place the same kind of infrastructure of violence that characterised the two previous elections," said Eliphas Mukonoweshuro, a political commentator. "The people Mugabe has dismissed got to their positions because they had some support. They would also have discussed their plans with their party structures before they defied Mugabe."' **[82]**

**4.62** On 25 February 2005 Reuters reported that 'Zimbabwe election violence falls but fear thrives.' The report noted that the MDC said that political violence had eased dramatically ahead of the March parliamentary elections, but Zanu PF continued to threaten reprisals against those who failed to support it. A spokesperson for the MDC, Paul Themba-Nyathi told Reuters that the party is pleasantly surprised by the reduction in violence, so much so that MDC are able to campaign in rural areas for the first time in 5 years. **[75i]**

**Incidents of Political Violence - Further information**

**4.63** Detailed reports concerning political violence can be found at the Zimbabwe Human Rights NGO Forum website. The Forum has been monitoring political violence in Zimbabwe since the June 2000 parliamentary elections and full details of reported incidents can be found at: http://www.hrforumzim.com/frames/inside_frame_monthly.htm

(For additional information see 6.71 - Political Activists)

## History of Local and By-elections

## By-elections in 2000

**Marondera West**

**4.64** On 27 November 2000 the BBC reported that a by-election was held in the Marondera West constituency in November 2000 following the death of the ZANU-PF MP. Although a ZANU-PF stronghold, with a majority of more than 6,000 over the MDC in June 2000, the by-election campaign was nevertheless marred by acts of violence by ZANU-PF supporters and War Veterans against the MDC. One person died when ZANU-PF supporters fired on an opposition rally. Further opposition rallies had to be abandoned after armed ZANU-PF supporters dispersed another meeting. ZANU-PF won the by-election. **[3l]**

**Bikita West**

**4.65** On 15 January 2001 the BBC reported that Amos Munyaradzi Mutongi, MDC MP for Bikita West in Masvingo province, died in November 2000. According to the electronic Telegraph on 12 January 2001, the MDC had won the seat in June 2000 by less than 300 votes. **[3o][5g]** The BBC reported on 2 January 2001 that the subsequent by-election in January 2001 was marred by violence, perpetrated by both Government and MDC supporters. A ZANU-PF party member was killed during clashes at a political rally. Two MDC MPs, Renson Gasela and Willias Madzimure, were injured in the clashes. A motor convoy of MDC officials was petrol-bombed during the by-election campaign. **[3n]** The War Veterans' leader, and ZANU-PF MP, Chenjerai Hunzvi organised much of the intimidation in Bikita West according to an electronic Telegraph report on 12 January 2001. **[5g]** The 15 January BBC report stated that government supporters and War Veterans occupied many polling stations in the constituency. The ZANU-PF candidate, who took almost two-thirds of the vote, won the by-election, 12,993 votes against 7,001 for the MDC. **[3o]** Following the by-election, the Daily News reported on 23 January 2001 that ZANU-PF supporters and War Veterans embarked on a witch-hunt of MDC supporters in the constituency. War Veterans targeted teachers, who they claimed had campaigned for the MDC. Three schoolteachers were reportedly tortured by suspected war criminals. **[9a]**

Back to Contents

**Bulawayo Local Elections, September 2001**

**4.66** A BBC report on 12 September 2001 and a report by Amani Trust, a Zimbabwean human rights NGO, stated that elections were held in Bulawayo on 8 and 9 September 2001 for the post of Executive Mayor and seven vacant council seats. In the mayoral vote, the MDC won 60,988 (82% of the vote) against 12,785 for ZANU-PF (17%) and 390 for the Liberty Party candidate. Voter turnout was 20.5%, which, although low, was four times the turnout in the 1999 Bulawayo local elections. **[3ak][33]**

**4.67** The Amani Trust report reported in September 2001 that the MDC won all seven vacant seats with 79% of the total vote in the seven wards. Most of the remaining votes went to ZANU-PF with negligible votes to other parties, including ZAPU and the Liberty Party. The Amani Trust report concluded that the voting reflected the same pattern as that of the parliamentary elections in June 2000, essentially a two party race between ZANU-PF and the MDC, with the MDC having an overwhelming majority of support in urban areas. **[33]**

**4.68** The Amani Trust noted that the Bulawayo local elections had been the least violent elections to date in 2001, compared to parliamentary by-elections in Bikita West, Bindura and Makoni West. Nevertheless, the Trust detailed a number of violent incidents that took place during the election campaign, most of them directed at the MDC. These included a gun attack on four senior MDC members at the party's Bulawayo offices on the second day of voting. None of the four, who included party Vice-President Gibson Sibanda MP and Secretary-General Welshman Ncube MP, were injured. Other incidents included the beating by riot police of MDC supporters guarding the party's offices. **[33]**

**4.69** On 10 September 2001, by which time it was clear that the MDC had won all the seats contested in Bulawayo, a group of ZANU-PF youth supporters and War Veterans attacked people and passing cars at the Renkini Bus Station. The police did not intervene to stop the attacks, in which a war veteran stabbed one man who he thought was an MDC supporter. **[33]**

Back to Contents

## By-elections in 2001

### Bindura

**4.70** The BBC reported on 30 July 2001 that ZANU-PF won the Bindura by-election in July 2001. Border Gezi, a close aide to President Mugabe, won Bindura in June 2000, however, Gezi died in a car accident in April 2001. ZANU-PF's Elliot Manyika polled 15,864 against 9,456 for the MDC's Eliot Pfebve. In June 2000 the voting had been 13,329 for Gezi against 11,257 for Pfebve. Violence and tension marred the by-election campaign and Pfebve was detained and questioned by police over charges by the authorities of illegal campaigning, but released after several hours. Voter turnout, at 61%, was high despite the tension. **[3ai]**

### Makoni West

**4.71** A by-election was held in Makoni West in September 2001, according to the BBC on 12 September 2001. The election resulted from the death in a car accident in May 2001 of Defence Minister Moven Mohachi. Although ZANU-PF only narrowly beat the MDC in June 2000, in the by-election its margin of victory increased to 66%. However, in the Bulawayo mayoral elections held at the same time, the MDC won by a landslide with 80% of the votes cast, a similar margin to that achieved by the party in urban seats in the June 2000 parliamentary elections. **[3ak]**

Back to Contents

### Chikomba

**4.72** A BBC report on 25 September 2001 stated that Chenjerai Hunzvi, MP for Chikomba and War Veterans' leader, died in June 2001. In the subsequent by-election in late September 2001, Chikomba was held by ZANU-PF, which increased its majority by 2,000 votes while the MDC lost 1,500, compared to the June 2000 result. Polling in the by-election was peaceful but human rights groups reported that murder and intimidation, including the death of the MDC's local organising secretary, marred the run-up to the vote. Analysts commented that the result confirmed Zimbabwe's rural-urban split with the MDC gaining most support in urban areas, such as in the Masvingo and Bulawayo mayoral elections, and ZANU-PF winning rural by-elections. **[3aj]**

### Rural Elections, September 2002

**4.73** Rural district council elections were held across Zimbabwe on 28 and 29 September 2002. On 2 September 2002 the Daily News had reported that the MDC had stated that 36 of its candidates in Midlands province had withdrawn from the elections in fear of their lives after threats of violence from ZANU-PF supporters. The MDC stated that the worst affected areas were Shurugwi, Chirumhanzu, Mberengwa West and Zvishavane. The MDC also stated that its remaining candidates found it difficult to campaign openly as rallies were often disrupted by ZANU-PF youth supporters and the police would not intervene against them. **[9aa]**

**4.74** The Financial Gazette Online reported on 5 September 2002 that Professor Welshman Ncube, the MDC's Secretary-General, accused ZANU-PF of increasing the level of its militia in rural areas to intimidate the MDC and deter it from campaigning for the rural elections. The MDC reported that in Matabeleland North the MDC MP for Tsholotsho, Mtoliki Sibanda, had been forced to leave the area by War Veterans and militia. It was also reported from Matabeleland North that 10 MDC candidates for the rural district elections had

withdrawn from the elections following threats from War Veterans and the militia. [37g] In Mashonaland West, the Daily News reported on 6 September 2002 that in Chegutu the MDC MP for Mhondoro, Hilda Mafudze, was detained by 200 ZANU-PF supporters who laid siege to the rural district council offices. An MDC official was reportedly assaulted and eight of the party's 11 candidates were chased away. [9ab]

**4.75** The Daily News reported on 30 September 2002 that other problems, such as late delivery of ballot papers also marred the process in some areas. Ultimately, the MDC only fielded 646 candidates for 1,397 rural districts and 27 urban wards that were to be contested. This is because other candidates were prevented from contesting their wards due to acts of violence against its members. This meant that ZANU-PF won 700 seats uncontested. [9ac]

**4.76** The Electoral Supervisory Commission (ESC) received reports of violence in the run up to the elections according to a report in The Standard on 29 September 2002. Whilst some cases were corroborated by the police others were not. [20g] On 27 September 2002 a US State Department Press Release condemned the climate of fear and intimidation that surrounded the run up to the poll. They also made the observation that unfair registration criteria were placed on opposition candidates. [2c]

**4.77** An Amnesty International Press release on 1 October 2002 stated that the MDC protested against the arrest of two of its Members of Parliament. Roy Bennett MP for Chimanimani, his bodyguard and a South African accompanying them, were arrested after taking pictures of a polling booth. Bennett was also charged under Section 8 of the Land Acquisition Act, for allegedly failing to vacate his farm. All three were reportedly beaten. [14c] Tichaona Munyanyi MP was arrested on 1 October 2002 in connection with the alleged murder of a ruling party supporter, according to an IRIN report on 2 October 2002. [10ak]

Business Briefing reported on 3 October 2002 that the outcome of the poll was:

| Party | Wards |
|---|---|
| ZANU-PF | 1,303 |
| MDC | 46 |
| Independents | 7 |
| ZANU-Ndonga | 0 |

[29b]

**4.78** According to Business Briefing on 10 October 2002, after the elections the MDC claimed that a campaign of violence and retribution had been launched by ZANU-PF supporters against the number of its victorious candidates. Although ZANU-PF disputed this claim, and the police stated that they had received no reports of this nature, the MDC claimed that a number of their candidates had had to flee their homes. [37i]

**4.79** Further evidence of violence and intimidation was apparent during the local council elections of 28–29 September 2002 [20g] and the Hurungwe West by-election according to The Standard on 29 September 2002 and the Amani Trust. [33]

Back to Contents

## By-elections in 2002

### Hurungwe West

**4.80** Following the death of ZANU-PF MP Marko Madiro, on 29 September 2002 a by-election was held for the seat of Hurungwe West in Mashonaland according to a report by Africa News Service on 2 October 2002. Two candidates contested the seat, Phone Madiro for ZANU-PF, the brother of the former MP, and Justin Dandawa on behalf of the MDC. Out of the 54,206 registered voters, 19,064 cast their ballot. Madiro won, with 15,882 votes compared to Dandawa's 2,665. Dandawa stated that he intended to challenge the result in court, citing intimidation and violence in the run up to the election. **[42a]** The Standard reported on 29 September 2002 that, eight days prior to the election, a member of the MDC named Nikoniari Chabvamudeve was reportedly axed to death by suspected ZANU-PF supporters. Additionally, Dandawa was forced to flee his rural home. **[20g]**

**Insiza**

**4.81** On 29 October 2002, The Daily News reported that in August 2002 the Movement for Democratic Change (MDC) MP George Joe Ndlouv died. A by-election was held in the constituency of Insiza in Matebeleland South. It was held over the weekend of the 26–27 October 2002. Andrew Langa ran for the Zimbabwe African National Union – Patriotic Front (ZANU-PF) and Siyabonga Malandu Ncube stood for the MDC. **[9bm]** IRIN reported on 28 October 2002 that prior to the election allegations of intimidation and misappropriation of food relief were reported. The MDC allege that maize was being distributed by ZANU-PF officials at two polling stations and that campaigning was going on within 100 metres of the polling station, in contravention of electoral regulations. Government officials denied the allegations, referring the issue to the Electoral Supervisory Commission (ESC) who in turn said that its people on the ground were counting ballots and were difficult to contact. **[10s]** IRIN reported on 10 October 2002, the World Food Programme (WFP) had suspended the delivery of food aid in two wards in Insiza earlier in the month after ZANU-PF officials intimidated its implementing partner, stole three tonnes of food aid and distributed it as part of its by-election campaign. **[10m]** A WFP report on 20 December 2002 stated that they had resumed their programme in Insiza in December 2002. **[54a]** The Daily News and IRIN reports noted that, the MDC claimed that their candidate was prevented from entering the constituency and that in the week before the election he survived an assassination attempt. **[9bm]** A BBC report on 28 October 2002 stated that according to the party, the MDC offices and vehicles were extensively damaged in Bulawayo during an attack by 100 stone-throwing youths wearing ZANU-PF uniforms. **[3au]** The 29 October 2002 Daily News report stated that turn out for this election was 42%, with 17,521 of the 45,000 registered voters casting their ballots. ZANU-PF won the seat with 12,115 votes to the MDC's 5,102. **[9bm]**

Back to Contents

**Mayoral and Urban Council Elections, 30-31 August 2003**

**4.82** On 2 September 2003 the BBC reported that on 30–31 August elections for town councils and two parliamentary seats took place. At stake were seven mayoral seats, 234 council seats and 2 parliamentary seats. **[3ad]** The Daily News reported on 19 July and 5 August 2003 that in the run up to the elections the MDC accused the ruling ZANU-PF government of intimidation tactics. **[9ay]**

**4.83** The USSD 2003 reported that,

> 'Leading up to August [2003] mayoral and urban council elections in about 20 cities across the country, ruling party supporters set up make-shift roadblocks and otherwise prevented approximately 30 MDC candidates from registering their candidacies through threats, harassment, and intimidation. For example, on July 21, ruling party supporters used intimidation to prevent at least 20 potential MDC

candidates from registering their candidacies at nomination courts. Ruling party supporters harassed and intimidated opposition candidates and in some cases attacked or burnt the houses of opposition officials. During the week of August 11, ruling party members beat approximately 50 MDC supporters, including council and mayoral candidates in Mutare. The opposition nonetheless won six of seven contested mayoral contests and a majority of the contested urban council seats.' **[2d] (p.14)**

**4.84** On 14 May 2003 according to the Daily News on 16 May 2003, the police raided the offices of the MDC mayoral candidate for Mutare. **[9bj]** On 19 July 2003 the Daily News reported that on 18 July the MDC stated that it feared for the safety of its candidates for the council elections in Rusape. The MDC claimed that suspected ZANU-PF youths threatened some of its candidates with death. **[9ay]**

**4.85** On 22 July 2003 the Daily News reported that the MDC reported that it could not register its candidates in the Chegutu council elections because ZANU-PF youths had blocked all the roads to the Chegutu Town House, where candidates have to submit their papers. Ten ZANU-PF councillors won seats automatically, as there was no one to stand against them in upcoming elections. The MDC stated that one of its candidates, Albert Ndlouv, suffered a broken neck after being attacked by ZANU-PF youths. A similar course of events lead to ZANU-PF's Martin Dinha being declared Mayor of Bindura, after the MDC's candidate, Fred Chimbiri, failed to reach the nomination court as all roads leading to it were blocked by ZANU-PF youths. A further two candidates from the town of Karoi were rushed to hospital after being severely assaulted by suspected ZANU-PF youths. **[9cj]**

**4.86** The Zimbabwe Election Support Network issued a statement on 31 July 2003 in which it expressed its concern over the fact that not all wards and mayoral seats would be contested in the upcoming elections. ZESN noted that in Chegutu, Rusape and Bindura no other candidates stood for election, apart from those of the ruling party, ZANU-PF. Under the Urban Councils Act, if only one candidate has registered for the election by the end of the nomination day, that candidate is automatically elected. However, ZESN believed that this discounted the problems some candidates faced in registering, including threats, violence and intimidation. **[53a]**

**4.87** In early August 11 MDC party members petitioned the High Court to order the Registrar General, Tobaiwa Mudende, to consider their nominations for the council elections in Chegutu, according to a report by the Daily News on 2 August 2003. **[9ba]** A Daily News article reported that on 4 August the MDC accused ZANU-PF of clandestinely registering voters to boost its chances of winning the council elections. Welshman Ncube said that the MDC would challenge the illegal registration in court. **[9bb]**

**4.88** On 26 August 2003, allafrica.com reported that the MDC had claimed that they had uncovered further evidence of improperly registered voters in the Harare Central constituency. They claimed that nearly 20,000 had been improperly registered, whilst another 1,700 had been taken off it. Among those whose names had been removed were Susan Tsvangirai, wife of the MDC leader Morgan Tsvangirai, Mike Auret, the former MDC MP whose resignation precipitated the by-election in Harare Central and Harare city councillors. Remus Makuwaza, the MDC director of elections, claimed that its supporters had been taken off the register and replaced by ghost voters in order to increase the opposition's chances of winning the election. Makuwaza continued stating that approximately 4,000 people had been improperly registered in Mutare, 3,000 in Gwanda, nearly 7,000 in Makonde and 6,000 in Gweru. **[9bc]** The MDC also, according to ZWNEWS.com on 30 August 2003, stated that on eve of the elections the Registrar-

General had still not provided copies of the voters roll to MDC and independent candidates for the mayoral and council election in Mutare, Kariba, Kadoma and Victoria Falls. **[9t]**

**4.89** Allafrica.com reported on 27 August 2003 that on 26 August the MDC alleged that six of its polling agents had been abducted by ruling party supporters in Kwekwe. The six were held for several hours but were released after intervention from the police. Several other candidates for the council elections in the Midlands province were visited by State Security agents. **[9be]**

**4.90** During the polling there were, according to News24 on 31 August 2003, reports of violence and intimidation. In Norton, militants armed with stones iron bars and catapults blocked off the approaches to polling stations. Other militants beat tribal drums outside the polling stations themselves. **[38d]**

**4.91** IRIN reported on 2 September 2003 that the MDC won six out of the seven Mayoral contests, Gwanda, Gweru, Redcliff, Victoria Falls, Mutare and Kariba. **[10ba]** In Kariba according to allafrica.com on 2 September 2003, the MDC's John Rolland Houghton became the country's first executive white mayor. **[9u]** The 2 September IRIN report stated that MDC also claimed 135 wards in the town councils, against ZANU-PF's total of 88. **[10ba]**

**4.92** Following the election results, ZANU-PF wrote to the Registrar General's Office threatening to take legal action to nullify the council election result in Masvingo because of alleged voter irregularity, according to a report by allafrica.com on 2 September 2003. ZANU-PF claimed that some MDC supporters voted twice as they registered under different names. The Masvingo Provincial Registrar denied that the voters' roll was flawed, saying both the MDC and ZANU-PF inspected the roll prior to the vote and were satisfied with it. However, the MDC were also contesting the result of Ward Seven of Masvingo, where its candidate Berias Marlie lost to Naison Tsere by 12 votes. **[9ah]**

**4.93** On 25 August, according to the Daily News on 27 August 2003, the MDC held elections for the positions of deputy Mayor of Harare and executive committee members in a primary election held that week. As a result Elijah Manjeya was elected as deputy Mayor and five out of six council committee chairpersons were also voted out of office. Manjeya replaced Sekesayi Makwavarara, who had come under fire for backing directives by ZANU-PF's Minister for Local Government, Ignatius Chombo, against suspended Mayor of Harare, Elias Mudzuri. **[9bd]** The Daily News also reported on 10 September 2003 that following the council elections Alexio Musundire, the MDC Provincial Chairman for Chitungwiza was expelled from the party. He was found guilty of violating the party's rules and regulations. The newspaper quoted one unnamed source as saying Musundire undermined the MDC's structures and was creating factionalism. This comes a month after the MDC suspended its chairman for the Midlands North province. **[9ak]**

**4.94** On 11 August, ZWNews reported that on 9 August 2003 the MDC MP for Kadoma Central, Austin Mupandawana, had died in hospital. Mupandawana had not recovered his health since being detained in March 2003, over what the policed termed "mysterious explosions". He was tortured during his incarceration and received no medical treatment. He was charged and bailed after one month. **[67a]**

**4.95** On 10 September 2003 the Daily News reported that nine MDC activists were arrested in Sakubva on allegations of public violence. When the newly elected MDC councillor for Ward 2 of Sakubva went to visit the nine, he too was arrested. The police claimed that they had stoned a house belonging to the former councillor, Cecilia Gambe,

injuring her and causing approximately Z$600,000 dollars worth of damage. [9v]

**4.96** On the same day the Daily News reported that Nehemia Charamba, from Chipinge, was suing Sergeant Nasho of the police for forcing him to drink Nasho's urine in order to secure his release from detention. Charamba claimed that he was detained and tortured after going to the police station to report the theft of six loaves of bread by police officers. However, the police then found an MDC card about Charamba's person and allegedly started beating him up. [9aj]

**4.97** The state controlled Herald newspaper reported on 29 October 2003 "ZANU-PF yesterday [28 October 2003] retained uncontested, two Mayoral seats, 13 urban wards and seven rural district council by-elections around the country". However the report continues that while the rural wards of Marondera, Bindura, Shamva, Mangwe, Umzingwane and Mutoko were unopposed, Nkayi was contested between Musolina Mpofu for ZANU-PF and Sifiso Mpofu of MDC. Risipa Kapesa won the Chinhoyi mayoral seat and Ralph Chimanikire took the Marondera mayoral seat without opposition. [42b] The privately owned Standard reported on 2 November 2003 that the notorious ZANU-PF gang "Top Six" had assaulted some MDC officials preventing them from submitting their papers at the nomination courts. Employees of the Registrar-General's office were also assaulted after they had accepted nomination papers. The ZANU-PF supporters reportedly removed these papers. [20e] The Zimbabwe Human Rights Forum reported that 'Given Makombe, an MDC supporter, died as a result of injuries he reportedly sustained when he was severely assaulted by members of the 'Top Six Gang' (ZANU-PF youths), during the final push on 3 June 2003.' [35d]

**4.98** On 21 November 2003 the Zimbabwe Independent reported that the MDC filed a petition before the High Court seeking to annul ZANU-PF's Chinhoyi mayoral victory. Edeline Chivimbo Huchu, the MDC candidate, stated that her nomination papers had been filed but, were removed by criminal elements. Huchu also states that the ZANU-PF candidate did not possess the necessary qualifications as required by law, and cited acts of violence perpetrated by the ZANU-PF gang, "Top Six". [11o]

**4.99** The Herald reported on 13 July 2004, that an investigation committee had begun to look into events that led to the suspension on 1 June 2004 of 13 Harare city councillors after they defied a government directive stopping the holding of elections to choose a new deputy mayor and standing committees. The suspended councillors were: Christopher Mushonga, Peter Chikwati, Shingirirai Kondo, Last Maengahama, Betty Suka, Peter Karimakwenda, Tupfumaneyi Bangajena, Wendy Dehwa, Tichanzii Gandanga, Elijah Manjeya, Wellington Madzivanyika, Linus Paul Mushonga and Oswell Badza. [23c]

Back to Contents

## By-elections in 2003

### Kuwadzana

**4.100** On 22 October 2002 MDC MP for Kuwadzana and a leading party spokesman, Learnmore Jongwe, was found dead in his cell at Harare's Chikurubi Prison according to a report by the BBC on 22 October 2002. [3bf] A Financial Gazette report on 22 October 2002 stated that, in the run up to the March 2003 by-election, the opposition MDC claimed that 10,000 voter's names had been added to the electoral role since the March 2002 Presidential election. The anomaly was discovered after the MDC carried out a physical check into the differences between the voters' roll from the March 2002 election and the new roll issued by the Registrar-General. The MDC stated that many of the "new voters"

were not known at the addresses they allegedly lived at because some were residents from neighbouring areas, whilst others had long since been dead. The Registrar-General was accused of manipulating the list in favour of the ruling ZANU-PF party. [37p] The Financial Gazette report and an IRIN report of 27 March 2003 stated that on 29–30 March 2003 the by-election to fill the seat was held. Amid reports of violence and electoral malpractice [10t] the MDC managed to retain their seat, with their candidate Nelson Chamisa winning 12,548 votes to ZANU-PF's David Mutasa's 5,022 according to IRIN on 31 March 2003. [10u]

**Highfield**

**4.101** The 31 March 2003 IRIN report stated that Munyaradzi Gwisai, the MDC MP for Highfield constituency in Harare, was found guilty of six charges of misconduct under the MDC's constitution, and expelled from the organisation. The by-election for the seat took place on 29–30 March 2003, the same weekend as the Kuwudzana by-election. Again, in an atmosphere of intimidation the MDC's Pearson Mungofa emerged the victor garnering 8,759 votes against 4,844 for ZANU-PF's Joseph Chinotimba. [10u]

**4.102** The USSD 2003 reported that,

> 'In the weeks leading up to March [2003] by-elections in the Harare high-density suburbs of Kuwadzana and Highfield, ruling party supporters and youth militia members undertook an aggressive campaign of violence and intimidation by arresting, beating, and detaining opposition campaign officials, opposition members, and members of civil society. In addition, according to MDC claims, approximately 19,000 names were added to the voters' rolls. Police also denied permission to the MDC to hold campaign rallies, prevented rallies for which permission had been granted, or disrupted with tear-gas campaign rallies in progress. Despite these tactics, the MDC retained both of these constituencies in the polls.' [2d] (p.14)

Back to Contents

**Makonde**

**4.103** Following the death of Swithun Mombeshora of ZANU-PF, the Makonde seat became vacant. The Zimbabwe Independent reported on 18 July 2003 that tensions rose in the ZANU-PF primary poll, the vote to decide who would represent the party in the by-election. Among those vying to represent ZANU-PF at the by-election were Leo Mugabe, Robert Mugabe's nephew, and Kindness Paradza. Tensions rose in the ZANU-PF primary poll when supporters of Leo Mugabe assaulted Virginia Katyamaedza, the campaign manager for Kindness Paradza. Ms Paradza went on to win the primary. One senior ZANU-PF official is reported as saying that the poll was one of the most fraudulent he had ever seen. [11g] The Financial Gazette reported on 4 September 2003, that in the by-elections Paradza polled 11,223 seats against 1,769 for the MDC's Japhet Kwemba, meaning that ZANU-PF retained the seat. [37k]

**Harare Central**

**4.104** Due to ill health, Mike Auret MP for the MDC, resigned his seat of Harare Central. The Daily News reported on 26 August 2003 that the MDC had claimed that ZANU-PF were adding ghost voters to the electoral register, whilst removing others it suspected of supporting the MDC. [9bc] In what was seen as increasing voter apathy, the turnout for the by-election was significantly down on the June 2000 figure of 17,942. The Financial Gazette reported on 4 September 2003 that the MDC's Murisi Zwizwai won the seat with 2,707 votes to 1,034 for ZANU-PF's William Nhara. Mathias Guchutu Matambanadzo of the Multi-racial Open Party Christian Democrats polled 15 votes and Rumbidzai Hwicho of

the National Alliance for Good Governance polled 10 votes. [37k] The turn out was 11%, according to the BBC on 2 September 2003. [3ad]

### Kadoma Central

**4.105** Following the death of Austin Mupandawana the MDC MP for Kadoma Central on 9 August 2003, a by-election was held in Kadoma on 29–30 November 2003, according to a report by News24 on 29 November 2003. [37c] State controlled The Herald, reported that the ZANU-PF candidate, Ishmail Mutema, donated more than Z$100,000,000 to the needy residents of the town and the council. [42d] Prior to the poll, on 14 November 2003 the Zimbabwe Independent reported MDC claims that other irregularities had occurred. The MDC claimed that five of its activists, Calistro Tsvangirai, Regis Kamuswe, Claudius Chagadama, Hubert Guvav and Daniel Dauya, were abducted, seriously assaulted, and abandoned at various points outside of Kadoma, in late October. The MDC also highlighted problems their election agent, Felix Zifunzi, encountered in trying to register the MDC's candidate at the nomination court. [11m] The 29 November News24 report stated that on the first day of polling, 29 November, shots were fired to scare off MDC supporters after ZANU-PF supporters and War Veterans sealed off the Kanyemba polling station. [37c] ZANU-PF's Ishmail Mutema won the seat with 9,282 votes to the MDC's Charles Mpandawana's 6,038 according to the Financial Gazette on 4 December 2003. [37r]

Back to Contents

## By-elections in 2004

### Gutu North By-election

**4.106** Following the death of vice-president Simon Muzenda in September 2003, the seat of Gutu North was vacant. The Zimbabwe Independent reported on 16 January 2004 that a by-election was set for 2–3 February 2004. Retired Air Marshall Josiah Tungamirai contested the seat for ZANU-PF and Casper Musoni ran for the MDC. Musoni accused ZANU-PF of intimidating opposition supporters ahead of the elections. [11n] The Zimbabwe Independent and The Standard carried MDC claims of assaults and abductions. [11n][20c] On 2 February the Daily News reported that the MDC had uncovered a plan to insert 7,000 voters from outside the constituency onto the electoral roll for Gutu North. [9az] However, the Daily News also reported on 4 February 2004 that 'Police maintained a heavy presence [at polling stations] and removed all traditional leaders who had camped outside polling stations, allegedly on the instructions of the ruling party.' They continued, 'The MDC vice-provincial chairman, Shacky Makate, said despite report of chiefs and headmen instructing their subjects to vote for the ruling party, polling was peaceful throughout the constituency'. [9al] ZANU-PF's Josiah Tungamirai won the seat with 20,699 votes to Musoni's 7,291, according to the Daily News on 5 February 2004. Musoni accepted the results despite believing the run up to the poll was not free and fair. [9j]

### Zengeza By-election

**4.107** The seat of Zengeza, in Chitungwiza, fell open after the incumbent MP, Tafadzwa Musekiwa, left the country. IRIN reported that the MDC's Musekiwa won 14,814 votes to ZANU-PF's 5,330 in the June 2000 Parliamentary Elections. On 27/28 March 2004 a by-election was held to fill the vacant seat. The election was marred by violence, with one MDC youth, Francis Chinozvinya, reportedly shot dead in the home of the MDC candidate, James Makore. [10bg] The Financial Gazette reported on 4 January 2004 that the result was a victory for ZANU-PF's Christopher Chigumba, with 8,442 votes to Makore's 6,704. However, the MDC said that they would challenge the result, claiming that the violence in the run up to, and during the poll undermined the election. [37d]

**Lupane By-election**

**4.108** On 19 May 2004, the Independent reported that the Lupane by-election held over the weekend of 15-16 May was 'brazenly rigged'. The by-election resulted from the death of David Mpala, MDC member whose health had deteriorated after he was tortured by ZANU-PF supporters in 2002. **[4b]** ZANU-PF won the by-election by 883 votes, 10,069 to the MDC's 9,186. This after ZANU-PF lost the Lupane seat in the 2000 parliamentary elections by about 10,000 votes. **[10d]** Independent Zimbabwean monitors alleged that Mugabe bussed people in from neighbouring constituencies to vote and the MDC claimed opposition campaigners were abducted and tortured and villagers were told they would not be eligible for famine relief if they did not vote for ZANU-PF. The leader of the National Constitutional Assembly urged the MDC to boycott the elections saying that it made no sense to keep contesting elections then crying foul when they lost. **[4b]**

**Seke By-election**

**4.109** IRIN reported that on 6 September 2004, Zanu-PF moved a step closer to gaining total control of parliament after it won the parliamentary seat from the Movement for Democratic Change (MDC). Zanu-PF recaptured the Seke seat by default following the MDC's decision to boycott the poll, in line with a decision it took in September 2004 to suspend its participation in all elections. The MDC's decision to boycott all elections follows the Zimbabwean government's agreement to a SADC (Southern African Development Community) protocol, agreed in Mauritius, guaranteeing equal access to the state media and freedom of association. IRIN noted that Zanu-PF's victory in Seke placed it within two seats of a two-thirds majority needed to amend the constitution. **[10br]**

**Masvingo By-election**

**4.110** On 11 October 2004 IRIN reported that Zimbabwe's ruling Zanu-PF retained Masvingo after the Movement for Democratic Change (MDC) failed to field a candidate. The by-election was called following the death of 69-year old Eddison Zvobgo, a founding member of Zanu-PF. The result of the by-election did not effect the ruling party's share of the vote, which continued to stand at 98 seats. **[10bs]**

Back to Contents

**The lead up to the March 2005 Parliamentary Elections**

**4.111** BBC News reported on 1 February 2005 that 'Zimbabwe's President Robert Mugabe has announced a general election is to be held on 31 March…Mr Mugabe has promised to abide by a set of regional guidelines to ensure that elections are free and fair.' **[3bm]** However, the Movement for Democratic Change (MDC), who had been calling for the elections to be delayed to allow time for reforms to the electoral system to be passed, faced a difficult decision as to whether they should take part. The MDC who last year said that they would boycott all further elections until reforms had taken place announced that they would review their position and announce their decision later in the week. **[3bm] [77a]**

**4.112** On the 4 February 2005, the Institute for War and Peace Reporting noted that,

> 'Zimbabwe's only major opposition party has gone back on its threat to boycott parliamentary elections on March 31, even though its leaders expect the ruling ZANU PF party to engage in violence and fraud and state institutions to make a fair vote impossible. Grass roots members of the Movement for Democratic Change, MDC, voted overwhelmingly in favour of participation, arguing that a failure to challenge President Robert Mugabe's ruling party would put the MDC at risk of becoming politically irrelevant, while leaving an unchallenged ZANU PF free to

establish a de facto one-party state.' **[77a]**

**4.113** ZWNEWS.Com reported on 6 February 2005 that five days after announcing the date of the 2005 Parliamentary elections, President Robert Mugabe announced that war veteran's militia, ex-political prisoners and traditional chiefs would receive pay increases of up to 1,400%. **[67g]** With earlier forecasts that Zimbabwe's rate of inflation would drop to around 100% in 2005 **[11p]**, ZWNEWS reported accusations that Mugabe was paying off key political groups who could be relied upon to intimidate voters during the forthcoming election. 'In the last parliamentary elections in 2000 and the presidential ballot in 2002, war veterans led a country wide reign of terror against opposition Movement for Democratic Change (MDC), and are considered responsible for most of the murders of 300 people in the campaigns.' **[67g]**

**4.114** ZWNEWS reported on the 8 February 2005 that MDC party officials accused traditional chiefs of forcing their subjects to back the ruling Zanu PF party by threatening to deny government supplied maize to those who refuse. 'To be allowed to buy cheaper priced maize from the government's Grain Marketing Board, starving villagers must be on a food assistance register kept by the chief.' Chiefs in a number of areas have told their subjects to attend Zanu PF campaign rallies, those who defy the order or are found to have attended MDC rallies will be barred from receiving government subsidised food. **[67h]**

(For additional information see 6.224 – 6.249 Food Shortages)

**4.115** On 15 February 2005**,** allAfrica.com noted that, 'Government has disbursed a total of Z$6,5 billion to Zanu-PF and the MDC under the Political Parties Finance Act ahead of next month's parliamentary election while the state has invited local organisations and eminent persons to observe the poll,' reported The Herald newspaper. Under the Political Parties Finance Act, Zanu PF and the MDC are the only parties that will qualify for state funding, each party receiving approximately half of the total disbursements available. **[50h]**

**4.116** The Financial Gazette reported on 10 February 2005 that 'Aspiring members of parliament with shallow pockets would be the hardest hit in a new round of fee increases for candidates in March 31 parliamentary elections, which have gone up by 2,000 percent'. Zimbabwe's opposition parties have accused Zanu PF of raising the cost of registration fees to financially cripple its opponents. 'In a statutory instrument 14 of 2005 published last week, the government pegged the registration fee for parliamentary nominees at (Z)$2 million per candidate from the previous (Z)$100,000.' A spokesman for the MDC said that the high fees were a cynical response to democracy calculated to discourage the main opposition party, already tottering under a heavy weight of legal bills. **[37s]**

**4.117 '**South Africa's ruling African National Congress (ANC) and its alliance partners have concluded that conditions are not believed to be "conducive" to holding "free and fair elections" in Zimbabwe in March, an official told IRIN (28 January 2005).'

> 'The ruling alliance secretariat, made up of the ANC, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), met on Thursday to develop a common understanding of the issues touching Zimbabwe, among other items. "All the alliance members were in agreement on that position. To ensure that the electoral process in Zimbabwe complies with the SADC [Southern African Development Community] protocols, all alliance partners have been asked to take whatever course they can," COSATU spokesman Paul Notyawa said.'

> ‘Following the meeting on Thursday, the members announced that COSATU's upcoming "fact-finding" mission to Zimbabwe, reportedly scheduled for next week, should be seen as a "people-to-people exchange between South Africans and Zimbabweans" for the creation of a "climate of dialogue". "The aim of the visit is not to undermine the government of Zimbabwe, but to interact with the people of that country and listen to their concerns. We cannot announce the coming Zimbabwe national elections as being free and fair if we do not have a true reflection of the problems of the people of Zimbabwe. The aim of the trip is to experience these problems ourselves," Notyawa explained.’ **[10bv]**

**4.118** However, BBC News reported on 2 February 2005 that ‘A group of South African unionists has been deported from Zimbabwe after arriving on a “fact finding” mission ahead of next month’s elections. The 20-member team was refused entry by immigration officials at Harare’s international airport.’ The report noted suspicions that President Robert Mugabe suspects the South African unionists of secretly backing the MDC, which was formed by Zimbabwe’s unions. **[3bn]**

**4.119** On 4 February 2005, Reuters reported that

> ‘Zimbabwean pro-democracy groups have cautioned that the use of civil servants and the military to monitor next month’s poll would throw its fairness and transparency into doubt. In a report released last week, the Crisis Zimbabwe Coalition (CZC) alleged that the deployment of civil servants, security personnel and the use of pro-government national youth service militia was designed to ensure a ZANU-PF victory…Lovemore Madhuku, a constitutional and human rights lawyer, said the organisation of the 31 March poll by an alleged partisan civil service rather than independent monitors, as recommended in the electoral guidelines of the Southern African Development Community (SADC), was cause for concern.’ **[75d]**

**4.120** On 18 February 2005, Reuters reported that Ian Makone, the MDC’s election co-ordinator, had been arrested. ‘Makone was arrested in the capital, Harare, on Wednesday for organising “an illegal meeting”, said police spokesman Wayne Bvudzijena. He was charged with violating the Public Order and Security Act (POSA), which effectively bans any assembly without police permission, but was released the same day.’ The same article also went on to report that three international correspondents, who work for South African and British new organisations, had been picked up by police who claimed that they were investigating allegations of espionage that had been levied against the journalists. The Committee to protect Journalists (CPJ) expressed concern about the actions of the police and called on the government to cease its harassment of independent journalists. **[75e]**

**4.121** Reuters reported on 22 February 2005 that ‘Gorden Moyo, the chairman of Bulawayo Agenda, a civic education group based in Zimbabwe’s second city, alleged that political violence, intimidation and the use of food aid to coerce voters was increasing ahead of the 31 March poll…It was also reported that greater use was being made of traditional chiefs to allegedly influence their subjects.’ And in a further step to intimidate the populace, it was reported that people were told that the use of translucent boxes would enable the authorities to trace each vote cast. **[75f]**

**4.122** allAfrica.com reported on 18 February 2005 that “Ghost Voters Unearthed”. The article that was originally published in the Zimbabwe Independent, reported that,

> ‘The voters’ roll has glaring errors that are likely to disenfranchise thousands of voters, especially in urban constituencies, in the March 31 parliamentary election. A voters' roll audit conducted this week unearthed hundreds of ghost voters, with some entered more than once. There are also incomplete addresses and dubious entries. This came out as the High Court in Bulawayo yesterday barred police from interfering with the voters' roll inspection being conducted by the opposition Movement for Democratic Change (MDC) countrywide. The MDC filed the application after police arrested seven of its activists who were conducting voters' roll audit in the city. High Court Judge Maphios Cheda granted the opposition an interim relief to conduct its voter verification exercise without interference…Independent candidate for Harare Central and former member of parliament for Harare South, Margaret Dongo, claims the discrepancies are a deliberate tool to be used by Zanu PF to rig the March election.’ **[50i]**

**4.123** Reuters reported on 22 February 2005 that ‘Zimbabwean President Robert Mugabe’s government has set up an electoral court to handle legal matters arising from a general election due next month, the official Herald newspaper said on Tuesday’. The Herald went on to report that ‘”The Electoral Court is now in place and the administrative machinery is also in place. We are now ready to deal with election matters”’ However, the MDC said that government reforms were skewed in favour of Mugabe’s ruling Zanu-PF party, and that state security agents have sought to hamper its campaign activities. **[75g]**

**4.124** On 25 February 2005 Reuters reported that ‘Zimbabwe election violence falls but fear thrives.’ The report noted that the MDC said that political violence had eased dramatically ahead of the March parliamentary elections, but Zanu PF continued to threaten reprisals against those who failed to support it. A spokesperson for the MDC, Paul Themba-Nyathi told Reuters that the party is pleasantly surprised by the reduction in violence, so much so that MDC are able to campaign in rural areas for the first time in 5 years. The report continued,

> ‘Themba-Nyathi said a "climate of fear", from five years of "incessant violence", still prevailed as ZANU-PF supporters threatened MDC members with physical violence if they voted for the MDC in the March 31 vote. "This is what we are trying to dislodge from the people, that climate of fear," he said. But ZANU-PF's secretary for external affairs, Didymus Mutasa, accused the MDC of provoking its supporters. He said MDC supporters beat up ZANU-PF members in the southern town of Chiredzi last weekend, a charge immediately denied by Themba-Nyathi. "The MDC is going around provoking our supporters ... If they go about causing trouble, what are we supposed to do? Should we do nothing? Obviously no," Mutasa told Reuters. Analysts said the fall in violence could be a sign that ZANU-PF felt the MDC was too weak to mount a strong enough challenge to unseat it. But Mugabe's party is also going into the elections divided over the issue of his future successor, the analysts said. "ZANU-PF is deeply divided and its capacity to organise and co-ordinate a violent campaign is hamstrung. Also, the thinking in ZANU-PF is that the MDC poses no threat," Professor Heneri Dzinotyiwei of the University of Zimbabwe said. **[75i]**

**4.125** BBC News reported on 26 February 2005 that ‘Zimbabwe has shut down an independent newspaper launched last month in Bulawayo, the second city.’ The Weekly Times, the forth newspaper to be closed down in two years, claimed that the timing of its closure was politically motivated; parliamentary elections are due to be held at the end of March. Officials for the government denied any such allegations and accused the newspaper

of misrepresentations and also pointed to the fact that the newspaper had failed to focus on development issues as promised. **[3bp]**

**Zanu-PF – Internal dissent**

**4.126** allAfrica.com reported on 9 December 2004, that Robert Mugabe ended 2004 "firmly in charge" following the election of his chosen candidate as vice president. However, the article noted the views of the Financial Gazette, that considered that ZANU-PF continued to be a "faction riddled party" in spite of Mugabe's success at having Joyce Mujuru elected as the country's' first female vice-president. The election of Joyce Mujuru was seen by one political commentator as an attempt by Mugabe to "postpone the succession debate" that had been developing. **[50l]** The Guardian reported on 6 January 2005 that Mr Mugabe now has two vice-presidents, Joseph Msika and Joyce Mujuru. 'Both appear to have been selected because they are unlikely to challenge him.' **[34f]**

**4.127** ZWNEWS.com noted on 13 January 2005 that Minister of Information, Jonathan Moyo, convened a meeting in Tsholotsho on 18 November 2004 in an attempt to block the election of Joyce Mujuru as vice president, in favour of Speaker of Parliament Emmerson Mnangagwa. Several ruling party members, including six provincial chairmen and war veterans' leader, Jubulani Sibanda, attended the meeting. 'Mnangagwa has since distanced himself from the plot, which would also have seen the removal of party vice-president Joseph Msika and Chairman John Nkomo in favour of former women's league boss Thenjiwe Lesabe and legal secretary Patrick Chinamasa, respectively.' **[67i]**

**4.128** BBC News reported on 20 January 2005 that Moyo's campaign to have Parliamentary Speaker Emmerson Mnangagwa named as vice president was seen as a stepping stone in replacing Mugabe when he steps down, possibly in 2008. **[3br]**

**4.129** allAfrica.com noted (on 9 December 2004) that the new wave of younger party members (headed by Jonathan Moyo) who had been brought into cabinet in 2000, had been viewed with increasing suspicion within ZANU-PF circles and as an open threat to the old guard's hold on the party. **[50k]** The Zimbabwe Independent noted on 23 December 2004, that the Tsholotsho meeting, described by Mugabe as "clandestine", led to Moyo being severely punished by the ruling party presidium for organising what has been described as a "foiled palace coup". **[11r]** BBC News reported (on 3 January 2005) that in December 2004 Moyo was dropped from the ruling party's top policy body. **[3bs]** newzimbabwe.com (dated 29/12/2004) noted that the 'Tsholotsho meeting' had finally finished off Jonathan Moyo's political career. **[90]**

**4.130** allAfrica.com noted on 20 January 2005 that

> 'Embattled Information Minister Jonathan Moyo has lodged a sensational $2 billion defamation lawsuit against ZANU PF heavyweights John Nkomo, the ruling party's national chairman, and Dumiso Dabengwa, a senior politburo member, as political temperatures within the faction-riddled party continue to rise ahead of the crucial March parliamentary elections. Moyo, barred from contesting in primary elections in Tsholotsho, Matabeleland North, by the ZANU PF national elections directorate, filed his papers at the Bulawayo High Court on Tuesday to set up an unprecedented legal war with his political seniors in the party. In court papers filed through his lawyers, Muzangaza, Mandaza and Tomana, Moyo claims $2 billion in damages for defamation emanating from statements Nkomo and Dabengwa are alleged to have made over the propaganda chief's involvement in a contentious Tsholotsho meeting that has proved to be the single most divisive incident in ZANU PF's recent history.' **[50m]**

**4.131** NEWS24.com noted on the 23 January 2005 that

> 'Zimbabwean information minister Jonathan Moyo, already accused of plotting against President Robert Mugabe, is now under investigation for corruption as his political future crumbles, reports said here on Sunday. The independent weekly Standard quoted from official documents claiming that Moyo was given free government labour, electricity, water supplies and farm equipment on a former white-owned farm occupied by his elderly mother. Another probe established that Moyo's wife, Beatrice, illegally leased an elite hunting lodge, also a formerly white-owned property seized by ruling party militants, to a state-owned hotel chain. Moyo, nicknamed "Zimbabwe's Goebbels" - a reference to Adolf Hitler's propaganda minister Josef Goebbels - was regarded as exercising considerable influence over Mugabe until November. Then the 80-year-old leader discovered that he had organised a wide-cross section of senior ruling Zanu-PF party officials to push Emmerson Mnangagwa, the powerful speaker of parliament, to the top of the list of heirs to succeed Mugabe. Mugabe immediately carried out a major purge of the party, with Moyo, an articulate, cultured academic, dealt most severe punishment.
> He was removed from the party's controlling politburo, barred from contesting parliamentary elections and threatened with expulsion from the party.' **[38h]**

**4.132** BBC Monitoring reported on 6 January 2005 that a purge within Zanu-PF of "party bigwigs" involved in the Tsholotsho meeting may result in their standing as independent candidates. The dozen or so connected to the meeting have been replaced by party placemen in a move reported to have caused furore and discontent within the party. 'Sources said the decision to elbow out party heavyweights linked to the Tsholotsho debacle by reserving their constituencies for women and the nomination of other senior party members unopposed had raised the ire of party activists in the grassroots – the backbone of Zanu-PF…Some women party supporters this week besieged the Zanu-PF headquarters demanding an explanation from political commissar Elliot Manyika on the controversial nominations.' **[71c]**

**4.133** On 26 January 2005, the Timesonline noted that 'Zimbabwe's ruling party descends into chaos.' The report continued that,

> 'Two months before Zimbabwe's parliamentary elections, President Mugabe appears to be losing his grip over the party he has controlled for 31 years. Mr Mugabe, 80, is struggling to suppress an unprecedented outbreak of infighting and dissent within Zanu (PF). A purge of dissidents has cost him the figures who controlled the party's machine of violent intimidation, fraud and propaganda. It has left a pliant but second-rate old guard to run the election campaign. "Mugabe is now a leader of a faction, not the leader of the party or the country," claimed Morgan Tsvangirai, leader of the opposition Movement for Democratic Change.' **[82]**

**4.134** On 3 February 2005, allafrica.com reported that 'Zanu PF at war.' The article first published in the Financial Gazette noted that 'The ruling ZANU PF will go into next month's polls in a state of disarray as it emerged this week that its Young Turks, slowly being sidelined from President Robert Mugabe's inner cabal, are itching to hit back at the party's old guard at the least expected time.' Observers' note that the escalating discord between the upper and lower ranks of ZANU PF indicates that Mugabe is fast losing control of his faction-ridden party. **[50n]**

**4.135** Newzimbabwe.com reported on 9 January 2005 that the leader of the war veterans, Jabulani Sibanda, 'Militant war veterans chairman Jabulani Sibanda, says the Zanu PF presidium comprising President Robert Mugabe, Vice Presidents Joseph Msika and Joyce Mujuru, and national chairman John Nkomo has become too powerful and needs to have its wings clipped.' Sibanda's comments follow movements by President Mugabe to have the **[41c]**

# 5. STATE STRUCTURES

## The Constitution

**5.1** Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005), notes that,

> 'The constitution of the Republic of Zimbabwe took effect at independence on 18 April 1980. Amendments to the Constitution must have the approval of two-thirds of the members of the House of Assembly …. Zimbabwe is a sovereign republic and the Constitution is the supreme law…. The declaration of rights guarantees the fundamental rights and freedoms of the individual, regardless of race, tribe, place of origin, political opinions, colour, creed or sex.' **[1b] (p.1275)**

**5.2** However, this was not always the case in practice, because the US State Department Report on Human Rights Practices 2003, noted that,

> 'The Constitution provides that 'every person in Zimbabwe' cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, the Constitution allows for discrimination, primarily against women, on the grounds of 'customary law.' Domestic violence and discrimination against women, abuse of children and discrimination against persons with disabilities were problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.' **[2d] (p.16)**

**5.3** The 2004 US State Department Report also records that,

> 'Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and security forces.' **[2f] (Introduction)**
>
> 'The Constitution provides for freedom of expression; however, legislation limits this freedom in the 'interest of defense, public safety, public order, state economic interests, public morality, and public health,' and the Government restricted this right in practice.' **[2f] (Section 2a)**
>
> 'The Constitution provides for freedom of assembly; however, the Government restricted this right in practice through laws such as the POSA. Many legal experts believed that the restrictions imposed by POSA on an individual's right to freedom of assembly were unconstitutional.' **[2f] (Section 2b)**
>
> 'The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly, including foreign diplomats.' **[2f] (Section 2b)**
>
> 'The Constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favour of ZANU PF, which has ruled continuously since independence in 1980. The Government manipulated the electoral process to effectively disenfranchise voters and to skew elections in favour of ruling party candidates.' **[2f] (Section 3)**

'The Constitution prohibits such practices [Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment]; however, security forces tortured, raped, and otherwise abused persons.' **[2f] (Section 1c)**

'The Constitution provides for an independent judiciary; however, the Government installed judges sympathetic to government policies, sanctioned intimidation against sitting judges, and ignored or overturned judgements with which it did not agree.' **[2f] (Introduction)**

'The Constitution provides that they [judges] may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons. Unlike in previous years, there were no reports that the Government arrested judges or coerced them to resign. However, magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases and continued to come under intense political pressure after some of their decisions were interpreted as running counter to government interests.

The Constitution provides for the right to a fair trial; however, this right was frequently not enforced due to political pressures.' **[2f] (Section 1e)**

'The Constitution prohibits [arbitrary interference with privacy, family, home, or correspondence]; however, security forces searched homes and offices without warrants, and the Government was believed to monitor some private correspondence and telephones, particularly international communications.' **[2f] (Section 1f)**

'The Constitution provides for [freedom of movement within the country, foreign travel, emigration, and repatriation]; however, the Government at times restricted them in practice.

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practising witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.' **[2f] (Section 2d)**

Back to Contents

**Citizenship and Nationality**

(For additional related information see 6.105 – 6.107 Whites & 6.110 – 6.113 Farm Workers)

**5.4** The US State Department Report 2004 stated that,

'The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. The Act also revokes the citizenship of persons who fail to return to the country in any 5 year period. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500,000 commercial farm workers, many of whom have origins in neighbouring countries; and the approximately 30,000 mostly white dual nationals. Many persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The

Citizenship of Zimbabwe Amendment Act of 2003, which went into effect early in the year, removes the renunciation requirement for persons born in the country with parents from SADC countries or who were born in SADC countries [Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe].with parents from Zimbabwe.' **[2f] (Section 3)**

**Political System**

(For further information see 4.13 – 4.14 Parliamentary Elections & 4.15 – 4.17 Presidential Election)

**5.5** Europa 2005 noted that,

'Executive power is vested in the President, who acts on the advice of the Cabinet. The President is Head of State and Commander-in-Chief of the Defence Forces. The President appoints two Vice-Presidents and other Ministers and Deputy Ministers, to be members of the Cabinet. The President holds office for six years and is eligible for re-election. Each candidate for the Presidency shall be nominated by not fewer than 10 members of the House of Assembly; if only one candidate is nominated, that candidate shall be declared to be elected without the necessity of a ballot. Otherwise, a ballot shall be held within an electoral college consisting of the members of the House of Assembly.

'Legislative power is vested in a unicameral Parliament, consisting of a House of Assembly. The House of Assembly comprises 150 members, of whom 120 are directly elected by universal adult suffrage, 12 are nominated by the President, 10 are traditional Chiefs [who are appointed by the President and who then elect 10 members from among themselves] and eight are Provincial Governors [who are again appointed by the President]. The life of the House of Assembly is ordinarily to be six years.' **[1b] (p.1275)**

**5.6** A BBC country profile of Zimbabwe, updated 21 July 2004, reported that,

'Robert Mugabe played a key role in ending white rule in Rhodesia and he and his ZANU-PF party have dominated Zimbabwe's politics since independence in 1980. He has only recently faced any serious challenge to his authority, in the form of popular protest and substantial gains for the opposition Movement for Democratic Change (MDC). The MDC has refused to recognise Mr Mugabe as head of state.

'Mr Mugabe was declared winner of the 2002 presidential elections, considered seriously flawed by the opposition and foreign observers. Ideologically, he belongs to the African liberationist tradition of the 1960s – strong and ruthless leadership, anti-Western, suspicious of capitalism and deeply intolerant of dissent and opposition. His economic policies are widely seen as being geared to short-term political expediency and the maintenance of power for himself.' **[3a]**

**Parliament**

**5.7** The last parliamentary elections were held in 2000. According to a BBC report on 16 June 2000 only ZANU-PF and the MDC fielded candidates in all 120 constituencies. A number of small parties and independents fielded candidates in various constituencies. The United Parties, led by Bishop Muzorewa, put forward 59 candidates, mainly in northern and eastern areas. A party calling itself ZAPU, after the late Joshua Nkomo's party that merged

with ZANU-PF in 1987, fielded 23 candidates mainly in Matabeleland, advocating a federal state to counteract Shona dominance of the Ndebele. The Zimbabwe Union of Democrats (ZUD), led by Margaret Dongo, outgoing MP for Harare South, put forward 16 candidates in Harare and the east. Reverend Sithole's small ZANU-Ndonga party, which held two seats in the outgoing parliament, also contested seats. **[3c]**

(For additional information see 4.13 – Parliamentary Elections, June 2000)

**5.8** The US State Department Report on Human Rights Practices 2003 reported that,

> 'General parliamentary elections were held in 2000 amid widespread voter intimidation and violence by the Government and ZANU-PF supporters with reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The MDC won 57 out of the 120 popularly elected seats. Thirty additional seats were reserved for presidential and tribal chief appointees, who were ZANU-PF supporters, which gave ZANU-PF a total of 92 seats; this total increased to 93 in 2001 after the ruling party won a parliamentary by-election for a seat previously held by the MDC.' **[2d] (Section 3)**

**5.9** The Daily Telegraph reported on 28 June 2000 that, amid allegations of irregularities, ZANU-PF won 62 of the 120 seats with just over 49% of the vote and the MDC won 57 seats with just under 48% of the vote. ZANU-Ndonga won one seat. The results highlighted regional divisions. The MDC won all 19 seats in Harare, all 8 in Bulawayo and took 13 of the 15 seats in Matabeleland. ZANU-PF took every seat in the farming province of Mashonaland Central. **[5f]**

**5.10** The USSD 2003 reported that 'All major ethnic groups were represented in Parliament and in the Government. Most members of the Government and the Parliament, as well as most ZANU-PF officials, belong to the Shona ethnic group, which composed 82% of the population.' **[2d] (Section 3)**

**5.11** The USSD 2004 also stated that,

> 'There were 16 women in the 150 seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one female governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU PF congress allotted women 1 out of every 3 party positions and reserved 50 positions for women on the party's 180 member Central Committee, which was one of the party's most powerful organs.' **[2f] (Section 3)**

**5.12** Financial Gazette Online reported on 12 February 2004 that Robert Mugabe had reshuffled his Cabinet. The Cabinet expanded, accommodating new posts, including the Minister of Special Affairs in the President's Office in charge of Anti-Corruption and Anti-Monopolies. This post was filled by Didymus Mutasa. Retired Air Marshall Josiah Tungamirai was recalled as the new Minister of State for Indigenisation and Empowerment. **[37l]**

**5.13** On 3 August 2004, IRIN reported that ZANU-PF had called on the MDC to support its proposals for electoral reforms:

> 'Among the key revisions proposed by the government would be the appointment of an independent electoral commission, combining the functions of four controversial

electoral bodies, which would require a constitutional amendment. Under the plan, President Robert Mugabe would appoint the chairman of the commission, while its five commissioners would be appointed by parliament.

Other reforms [the ZANU-PF secretary for information and publicity] said the government intended to introduce before the March 2005 poll include reducing the voting period to one day, the use of visible indelible ink, the counting of ballots at polling stations and more polling stations.

The revisions would comply with standards set by the Southern African Development Community (SADC) parliamentary forum, and could help deflect some of the criticisms leveled at the management of previous elections in Zimbabwe.' **[10b]**

**5.14** IRIN reported that the MDC response was that far more needed to be done to make elections free and fair "'Having all these reforms would be very good, but as long as the environment in which elections are held is not conducive to free and fair elections, then there would be no point in having the reforms,' Welshman Ncube said." To be effected the proposals require a two-thirds majority in parliament for which the support of four MDC MPs was required. **[10b]**

**5.15** On 26 August 2004 the (South African) Financial Gazette reported that the MDC had announced that they were boycotting all elections in Zimbabwe with immediate effect. The MDC also announced that it was withdrawing all its remaining councillors from Harare city council, again with immediate effect. The withdrawal would only be revoked if the government agreed to implement proposals for electoral reform agreed by the Southern African Development Community in August 2004. **[37b]** CNN.com reported on 26 June 2004 that the government had proposed a number of electoral reforms, but these had been seen primarily as an attempt to head off anticipated criticism by western governments of the conduct of the elections and were not enough to mollify the MDC. **[51a]**

Back to Contents

**Zimbabwean Electoral Commission**

**5.16** Human Rights Watch (HRW) reported on 25 November 2004, that the provisions contained in the draft bill to establish an electoral commission was "a step forward", but that the proposed bill still fell short of SADC (Southern African Development Community) standards. HRW therefore considered that the draft electoral commission bill was flawed and should be withdrawn and appropriately revised, citing their main reasons as follows:

'Human Rights Watch detailed how the bill's provisions impede the creation of a fully independent and impartial electoral authority, as mandated in the SADC Principles, in at least four key ways. First, the method of appointing electoral commissioners does not provide for the sufficient inclusion of various political parties. Second, the bill does not adequately restrict high-ranking political party office holders from being appointed as Commissioners. Third, the bill provides numerous opportunities for ministerial intervention in the work of the Commission. Fourth, the establishment of the Commission solely through an ordinary statute makes it vulnerable to repeal.' **[69e]**

**5.17** In an article dated 8 February 2005, Kubatan.net noted that

'Currently, there are four bodies which are associated with elections. The Electoral Supervisory Commission; The Registrar General of Elections; The Electoral

Directorate; and The Delimitation Commission.'

'The Electoral Supervisory Commission and the Delimination Commission are constitutional bodies established under the Zimbabwe Constitution. 'The Registrar General of Elections and the Electoral Directorate are statutory bodies created under electoral law by parliament. Likewise, the Zimbabwe Electoral Commission is a statutory body created by parliament.'

'The Zimbabwe Electoral Commission is supposed to take over functions currently being performed by the Registrar General and Election Directorate. 'The Zimbabwe Electoral Commission has three main functions: It will prepare and conduct elections of the President and Parliament as well as elections to the governing bodies of local authorities; and referendums.'

'The Zimbabwe Electoral Commissions' role is to ensure that elections and referendums are conducted in a free and fair manner and in accordance with the law. The body's main responsibilities are: to compile voters' rolls and registers; ensure that proper custody and maintenance of voter rolls and registers; to design, print and distribute ballot papers, procure ballot boxes, and establish and operate polling centres; to conduct voter education and to set instructions for the Registrar General regarding his or her responsibilities under legislation.' **[55b] (p.1-2)**

**5.18** Kubatana.net noted that the Zimbabwe Electoral Commission is comprised of five Commissioners, the chairperson being appointed by the President who in theory is obliged to consult with the Judicial Service Commission before making an appointment. The remaining four members of the Commission are appointed by the President from a list of seven nominees submitted by the Parliamentary Committee on Standing Rules and Orders. The members of the Zimbabwe Electoral Commission were announced on 20 January 2005: they are, Justice George Mutandwa Chiweshe (Chair), Mrs Sarah Kachingwe (Deputy Chair), Mrs Vivian Stella Ncube, Professor George Kahari and Reverend Jonathan Siyachitema. **[55b] (p.2)**

**5.19** However, Kutbatan.net noted that the Zimbabwe Electoral Commission will be subservient to, and will be supervised by the Electoral Supervisory Commission, which as a body, is appointed entirely by the President. **[55b] (p.2)** A report by the Zimbabwean Election Support Network (ZESN), published in January 2005, also considered that the Electoral Commission's relationship to the Electoral Supervisory Commission was "worrying" pointing to a duplication of roles. The report found that the boundaries between the two bodies are unclear leading to confusion over who would have the greater authority. **[53b] (p.2)**

**5.20** Furthermore, ZESN also expressed concerns regarding the Electoral Commission's ability to second members of the Defence and Police Force, leading to fears that voters will be intimidated, and that elections would become "militarised". **[53b] (p.2**

**5.21** Regarding the observation of elections, ZESN noted that 'Under the SADC Principles and Guidelines, national and international observers and monitors must be accredited and given free access to everyone concerned in the electoral process. SADC must be invited to send a mission at least 90 days before polling. Representatives of parties and candidates must be allowed in polling stations and counting stations.' However, ZESN was concerned that, accreditation for official observer status can only be granted by a committee dominated by ministerial nominees. It was also concerned that election monitors will all be public servants. ZESN also noted that should the election be

called for March 2005, there would not be enough time for SADC to be given an invitation to send observers 90 days before polling. **[53b] (p.2-3)**

(For additional information see 4.108 - The run-up to parliamentary elections, March 2005)

**Judiciary**

**5.22** The US State Department Report on Human Rights Practices 2003 reported that "The Constitution provides for an independent judiciary; however, since 2001 the judiciary has been under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. In a July 2002 speech, President Mugabe said, 'if judges are not objective, don't blame us when we defy them".' **[2d] (Introduction & Section 1e)**

**5.23** The report continued, 'The law provides for a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court." The US Report also noted that "Magistrates, who are civil servants rather than members of the judiciary, hear the majority of cases and continued to come under intense political pressure after some of their decisions were interpreted as running counter to government interests". **[2d] (Section 1e)**

**5.24** The Report continued, 'The Constitution provides that [judges] may be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, since 2002 the Government has arrested and coerced judges into resigning. **[2d] (Section 1e)** Amnesty International echoed the views of the US State Department, noting in its 2004 annual report that, 'The authorities continued to harass, intimidate and force out of office magistrates and judges who handed down judgements perceived to be in support of the political opposition' For example, in February, Justice Benjamin Paradza was arrested after making an unfavourable ruling against the Government. **[14j] (p.2)**

**5.25** On 12 February 2003 The Daily News reported that Justice Moses Chinhengo had called on the police to stop harassing and torturing suspects and to only detain them when there is sufficient evidence to do so. Speaking during the opening of the legal year in February 2003, Justice Chinhengo's comments came soon after the detention and torture of MDC MP Job Sikhala. **[9br]**

**5.26** The Daily News reported on 18 February 2003 that, police arrested Justice Benjamin Paradza in his chambers at the High Court. The State alleged that Paradza interfered with the course of justice by asking another judge, Justice Cheda, about a passport of a French national which was being held as part of bail conditions. Paradza's arrest attracted criticism. Sternford Moyo, the President of the Law society believed that this was an abuse of power on behalf of the State. Moyo said that the charges could have been dealt with by a board of enquiry, under the terms of the Constitution. It was the first time in Zimbabwe's history that a sitting judge has been arrested. In January 2003, a month before his arrest, Judge Paradza ordered the police to bring Elias Mudzuri, the MDC Mayor of Harare, to court or release him. Mudzuri was subsequently released, a move criticised by the police' spokesman Wayne Bvudjizena. **[9bs]**

**5.27** Allafrica.com reported on 19 February 2003 that the UN Special Rapporteur on the independence of judges and lawyers, Dato Param Cumaraswarmy, described the manner of the arrest of Paradza as tantamount to intimidation of the gravest kind, leaving a chilling effect on the independence of the judiciary. **[57]** IRIN reported that, comparing the arrest with

that of Justice Blackie in the previous year, Cumaraswarmy believed that this incident would bring judge against judge, those seen as independents against those seen as complaints. He continued saying that this was the latest in a series of attacks on the judiciary over the past two years which had left the Rule of Law in Zimbabwe in tatters. **[10x]** However, according to the BBC, the police denied the charges were politically motivated. Paradza was released the following day on bail of Z$30,000 and was told to surrender his passport. **[3as]**

**5.28** On 11 April 2003 the Daily News reported that Zimbabwe Lawyers for Human Rights (ZLHR) called for an investigation into reports of assaults and harassment of lawyers, judges, magistrates and prosecutors, and the prosecution of those responsible. ZLHR believed the upsurge in these types of offences made it increasingly difficult for judicial officers to do their jobs. ZLHR cited the example of Gabriel Shumba, a human rights lawyer who was arrested and tortured with Job Sikhala in January 2003. Shumba subsequently fled the country. **[9bt]**

**5.29** The ZLHR reinforced their concerns about harassment of lawyers at a symposium in Johannesburg in late August 2003, according to ZWNews on 31 August 2003. The ZHHR cited intimidation by police officers, police not informing lawyers of the whereabouts of their clients, and police officers professing ignorance of arrests are all problems. Nokuthula Moyo, chairman of the ZLHR, said that the courts themselves could also hinder the filing of applications for relief. Sometimes the court registrar could not be located. Once a lawyer obtained the necessary papers it had been known for state agents to ignore court orders, and some police officers evaded lawyers to avoid being served with court orders in the first place. **[63]**

**5.30** The World Economic Forum, a Swiss based organisation, investigated corruption and rule of law in 21 African countries. On 11 June 2003 they published their finding that Zimbabwe was judged to have the least independent judiciary out of the 21, and came in at 16th place overall. **[62]**

**5.31** In mid-May 2003, according to a report in the Daily News, the African NGO, 'Human Rights Forum', raised their concerns about the attacks on the judiciary on Zimbabwe. They highlighted credible reports of attacks on the judiciary and the due process of law, including assaults, intimidation, harassment, obstruction and torture of lawyers, public prosecutors, magistrates and judges. The Forum also urged the government to repeal the Access to Information and Privacy Act, which is widely perceived to undermine fundamental freedoms. **[9ao]**

**5.32** On 25 June 2003 IRIN reported that 10 magistrates resigned from their posts over low pay. The Zimbabwe Lawyers for Human Rights (ZLHR) expressed concern about how low staffing levels and low morale had led to disturbing delays in remanding accused persons, and in the delivery of judgements in general. ZLHR also noted delays in the passing of judgements deemed to be political. **[10as]**

**5.33** The Zimbabwe Independent reported on 2 January 2004 that Zimbabwe Lawyers for Human Rights' (ZLHR) executive director criticised the Zimbabwe State executive for continuing to undermine the judiciary, stating that for democracy to function it is necessary for an effective separation of powers between the judiciary, the executive and the legislator. **[11v]** Later that month, the Zimbabwe Independent reported ZLHR as saying 'Defiance of court orders now has become endemic in Zimbabwe and it is an issue that the Chief Justice of the Supreme Court Godfrey Chidyausiku, Judge President of the High Court Paddington Gawre, and the Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa must do something about if the integrity of the courts and the justice system is to be protected.' **[11d]**

**5.34** However, on 6 August 2004 the BBC reported that 'A Zimbabwean judge has acquitted six opposition activists, saying police evidence was 'manifestly unreliable'. The six, including an MP from the Movement for Democratic Change (MDC), were accused of murdering an official from the ruling ZANU-PF party.' The six claimed to have been tortured by police resulting in the MP, Fletcher Dulini-Ncube, losing the sight in one eye. The judge described police evidence as 'works of fiction'. **[3f]**

**5.35** On 23 June 2004 IRIN reported that '[The MDC] on [23 June 2004] accused the country's judiciary of 'deliberately sidelining' electoral disputes.' According to the MDC, 14 out of 39 electoral challenges filed since 2000 had not been heard by the courts: 'It has been four years since the last poll, but to date there remain several disputed seats still unresolved. The delay is no coincidence, but a clear indication that the work of the judiciary continues to be politically influenced,' MDC information officer, Nkanyiso Maqueda, told IRIN.' IRIN went on to state, 'Judicial authorities have attributed the delays to a heavy backlog of both civil and criminal cases. The High Court is currently operating at half-strength because a number of judges have resigned in recent years.' **[10a]**

**5.36** On 18 October 2004, Daily-news.com published an article by the International Bar Association that noted that,

> 'ZANU (PF)'s campaign to transform the judiciary into a pliant and partisan body of decision-makers has not entirely succeeded. Pockets of resistance remain. Some judges bravely continue to give judgements based on law and not politics though they are subjected to intense pressure and intimidation. Even some judges known to be sympathetic to the ruling party are unprepared to rule in favour of Government when there is no basis for doing so on the evidence and the law.' **[9ck]**

Back to Contents

**Legal Rights/Detention**

**5.37** The US State Department Report 2004 noted,

> 'The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly…The law requires that police inform an arrested person of the charges before being taken into custody. Warrants of arrest issued by the courts were required except in cases of serious crimes or where there was the risk of evidence disappearing. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law was disregarded if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Fridays, which permitted them to be detained legally until Monday. In several cases, police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.' **[2f] (Section 1d)**

**5.38** The USSD 2004 also stated that,

> 'Detainees often were not allowed prompt or regular access to their lawyers. Authorities often informed lawyers who attempted to visit their clients that detainees were 'not available.' Family members generally were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, routinely were held incommunicado. Family members and attorneys often were not able to verify that a person had been detained until the

detainee appeared in court.' **[2f] (Section 1d)**

'The Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents; however, in practice a circular issued by the Attorney General giving a general authority to grant bail lessened the negative effect of the law. High Court judges granted bail independently.' **[2f] (Section 1d)**

**5.39** The USSD 2004 went on to report that the Constitution also provides for the right to a fair trial; however, this right was frequently not enforced due to political pressures. Every defendant has the right to a lawyer of his choosing; however, well over 90% of defendants in magistrates' courts did not have legal representation. The same source continues: 'Several attorneys were denied access to their clients during [2003]". Again, the US State Department report stated, "In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was rarely granted. However, in capital cases, the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. All litigants were represented in the High Court.' The report continues: 'The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials were open to the public except in certain security cases.' **[2f] (Section 1d)**

**5.40** On 21 July 2002 Learnmore Jongwe, the MDC spokesperson and Secretary for Information and Publicity was arrested and charged with the murder of his wife, Rutendo, according to a report in the Daily News on 22 July. The incident appeared to have been motivated by personal reasons and did not appear to have had any political connotations. **[9ad]** On 22 October 2002, the BBC reported that Mr Jongwe was found dead in his cell at Chikurubi Prison. **[3bf]** The police autopsy revealed Jongwe died of chloroquine poisoning, a drug used to treat malaria, according to the Zimbabwe Standard report on 14 December 2002. An independent pathologist, hired by the MDC to carry out a separate autopsy, concurred with the original reports findings. How such a large quantity of chloroquine got into Jongwe is not known. **[20j]**

**5.41** On 3 October 2003 the Zimbabwe Independent carried a report that a Zimbabwean police officer, who had served in Kosovo as part of the United Nations Interim Administration Mission in Kosovo (UNMIK), was alleged to have participated in torture whilst working in the Criminal Investigation Department (Law and Order Section) at Harare Central Police Station. Redress, a group that helps seek justice for torture victims, made the allegation against Chief Inspector Henry Dowa and raised their concerns with the United Nations. The UN subsequently asked the Zimbabwean government to withdraw Dowa from service in Kosovo, and to investigate the claims laid against him. **[11j]** It was reported that Dowa remained on active service in Zimbabwe, and was involved in the arrests of NCA activists in October 2003. **[11l]**

**5.42** On 25 June 2004 IRIN reported 'New anti-corruption legislation, effective from this week, which formalises regulations allowing Zimbabwean police to hold suspects accused of economic crimes for up to four weeks without bail is 'unconstitutional', human rights activists alleged on Friday.' **[10f]**

**5.43** The IRIN report also stated that,

'The amendment enables the police to detain people suspected of committing economic crimes, including corruption, money laundering and illegal dealing in

foreign exchange and gold, for up to a week. The police can also hold suspects for a further 21 days if prima facie evidence of their involvement is produced, without giving them the option of applying for bail or paying a fine.' **[10f]**

**5.44** The USSD 2004 noted that the Constitution prohibits arbitrary interference with privacy and the home, however, in practice, security forces searched homes and offices without warrants. 'There was no action taken, nor was any likely, in the reported 2003 or 2002 cases of arbitrary interference with citizens' homes.' The Government was believed to monitor some private correspondence and telephones, particularly international communications; and the Government forcibly dispersed persons from their homes. **[2f] (Section 1d)**

Back to Contents

**Death Penalty**

**5.45** Zimbabwe retains the death penalty and there have been approximately 90 executions since 1980 according to a Daily News article on 25 February 2002. **[9h]** Amnesty International reported that following an appeal by Pope John Paul II, during a visit to Zimbabwe in 1988, for the abolition of the death penalty no executions were carried out between 1988 and 1995. In October 2000 three men, convicted of five murders, were executed. **[9h][14d]** According to a 5 June 2002 report in the Gulf Today, in May 2002 three men were hanged. They had been convicted on separate murder charges and one of the men was also convicted of rape. **[40]** There are 26 prisoners on "death row" at Chikurubi Maximum Security Prison. Since 1993, the NGO Zimbabwe Association of Crime Prevention and Rehabilitation (ZACRO) have campaigned for the abolition of the death penalty. **[9h]** The USSD 2003 noted that there is an automatic right of appeal in cases where the death penalty is imposed. **[2d]** A report published by Richard.clark32.btinternet notes that "there were 4 verified executions carried out in Zimbabwe during 2003. The method of execution used in Zimbabwe is hanging". **[84]** [NB. Please note that this information is from an unverifiable source].

**Internal Security**

(For additional information see 6.164 – National Youth Service and 6.182 War Veterans)

**5.46** CVNI.com (updated 3 July 2003) noted that there were three main branches of the Zimbabwean military; Zimbabwean National Army, Air Force of Zimbabwe and the Zimbabwean Republic Police (includes Police Support Unit and Paramilitary police). Military and national security intelligence was provided by Police Internal Security and Intelligence (PISI), Zimbabwe Republic Police (ZRP), Central Intelligence Organisation (CIO) and the Zimbabwe National Army (ZNA) Intelligence Unit. **[88] (p.1)**

**5.47** The US State Department Report on Human Rights 2004, noted that the Zimbabwe Republic Police (ZRP) force is responsible for maintaining law and order. The ZRP is officially under the control of the Ministry of Home Affairs but in practice some missions and roles were controlled by the President's Office. **[2f] (Introduction)** The report continued,

> 'The police are centrally controlled, with the command center in Harare. The police are further divided with provincial headquarters overseeing two to three district headquarters, each of which supervise up to seven stations. Police effectiveness was reduced over the year because of an increase in crime and a decrease in resources, both human and material. It has also become more difficult for police to remain impartial due to increased politicization within the force's upper echelons. Corruption, particularly within the traffic branch, has increased due, in part, to low salaries…Members of the security forces and youth militias committed numerous,

serious human rights abuses.' **[2f] (Introduction)**

**5.48** The USSD 2003 notes that the Central Intelligence Organisation (CIO) is controlled by the Minister of State for National Security in the President's Office, and is responsible for internal and external security. The CIO has powers of arrest. **[2d] (Introduction)** CVNI.com noted that 'Over the last couple of years, the CIO has been widening its scope of operations. The agency now works actively with the Zanu–PF youth organisation; which is part of the state funded training programme of the Ministry of Youth Affairs. They are trained in a network of "youth camps" across the country and in a short time have become a paramilitary extension of the CIO.' **[88] (p.2)**

**5.49** A report entitled 'The role of militia groups in Maintaining Zanu PF's political power' dated March 2003, noted that the CIO had taken a direct hand in many instances of political violence, organising militias and providing transportation to operational areas. It was specifically noted that the highest authorities in government directed the operation of the CIO. The report cited as an example the 2000 parliamentary elections, and further noted the involvement of the Police Internal Security and Intelligence (PISI) involvement in acts of violence, torture and intimidation. **[87] (p.9)**

**5.50** The USSD 2003 noted that 'There were reports of political killings by security forces during the year. Security forces and pro-government militias committed several extrajudicial killings, and in numerous other cases, army and police units participated or provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities." **[2d] (Introduction)** 'The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses. The 2000 amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.' **[2d] (Section 1d)**

**5.51** The Zimbabwe Human Rights NGO Forum (ZHRF) noted in a report entitled 'Torture by State Agents in Zimbabwe: January 2001 to August 2002', dated March 2003, that 'In recent months, human rights organisations have seen a dramatic increase in cases in which state agencies are alleged to have committee human rights violations. This represents a change in the profile of human rights violations, which hitherto have been allegedly committed by Zanu PF supporters, youth militia and so called "war veterans".' **[35n] (p.4)** Alleged abuses have included unlawful arrest and detention, assault, abduction, torture and attempted murder. The ZHRF noted that on 18 August 2002 'Members of the army and police force assaulted the victim, allegedly for being an MDC chairman.' It reported that four army officers and one police officer used baton sticks and a gun belt to assault the victim. 'The assailants alleged that the victim and others were refusing to move away from a farm, which had been acquired for resettlement. After the assault they vowed to come back for more assaults. Victim suffered a right hand fracture and back injuries.' **[35n] (p.55)**

**5.52** The Daily News noted on 9 June 2003 that the ZRP, once noted for its professionalism, are increasingly seen as a partisan tool that fulfils the political will of the ZANU-PF government. **[9bv]** The Guardian on 4 July 2003 carried reports from former officers of how they were ordered to target suspected MDC supporters. This would include planting evidence on suspects and the use of violence. Police officers were also ordered to ignore crimes committed against MDC supporters. **[34c]** Additionally, low salaries for police officers coupled with the economic problems that Zimbabwe is experiencing has contributed, to a large extent, to rising levels of corruption according to IRIN on 23 July 2003. **[10ay]**

**5.53** ZimOnline reported on 22 July 2004 that,

> ‘Several officers from the country’s spy agency, the Central Intelligence Agency (CIO), have been arrested, suspended or dismissed from the organisation after extorting money from individuals, companies and institutions suspected of having externalised foreign currency. The officers, mostly in the junior and middle ranks, were moving around Harare and other cities in the country collecting ransom and promising their victims that they would not be touched under the government’s financial sector clean-up campaign.’ **[49b]**

**5.54** ZimOnline continued - According to an anonymous official at the ministry, cases of extortion and corruption in the CIO are ‘rampant’. Minister of State Security, Nicholas Goche, said those who were convicted would be dismissed automatically. The anonymous official said a number of officers had been dismissed and others were appearing in the courts. **[49b]**

**5.55** The USSD 2003, police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in police courts have the right of appeal to the Supreme Court. **[2d] (Section 1e)**

**5.56** The Crisis in Zimbabwe Coalition reported in March 2003 that increasingly there were reports concerning the deployment of the Zimbabwe National Army (ZNA) as a means of the state to undermine the MDC. **[52a]** Following the mass action of March 2003, in which the army was used to target people suspected of supporting the MDC, the army was used in the repression of the mass action of June 2003. **[52b]** According to the (South African) Mail and Guardian, Mugabe himself praised the role of the armed forces for their part in suppressing the anti-government protests. **[6b]**

**5.57** The ZHRF October 2004 Political Violence Report, published 17 December 2004 notes that police forcibly entered the flat of a female student at the University of Zimbabwe. On entering the flat, the police demanded that the victim hand over MDC T-shirts that they believed she had in her possession. On failing to find the MDC t-shirts, but discovering a NCA T-shirt, the victim was dragged out into the university quad and was reportedly beaten with baton sticks. She was later taken into a police defender vehicle where she was further assaulted until their Sergeant reportedly ordered them to stop and told her to run away. During the assault the victim claims that she was assaulted by about 15 police officers. **[35l] (p.13)**

(For additional information see 6.71 – 6.79 Political Activists)

**Prisons and Prison Conditions**

**5.58** According to the National Constitutional Assembly of Zimbabwe in April 2002, prisons are administered by the Zimbabwe Prison Service, under the command of the Commissioner of Prisons, who is appointed by the President. A Prison Service Commission of not less than two, and a maximum of seven members is appointed by the President. One member of the Commission must have held the rank of Superintendent or a more senior rank in the Prison Service for a period of at least five years. **[31]**

**5.59** The US State Department Report 2004 states that

> ‘The law provides that international human rights monitors have the right to visit prisons; however, government procedures and requirements made it very difficult to do so. Permission was required from the Commissioner of Prisons and the Minister of Justice, which sometimes was not granted or took 1 month or longer to obtain. A local NGO and church groups were granted access on a number of occasions

during the year, but at least one local NGO that deals with prisoners' issues was denied access.' **[2f] (Section 1c)**

Back to Contents

**5.60** The USSD 2004 noted

'Prison conditions remained harsh and life threatening. The Government's 47 prisons were designed for a capacity of 16,000 prisoners; however, they held approximately 25,000. Overcrowding continued to be a problem. Shortages of food and clothing and poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhoea, and HIV/AIDS related illnesses. Researchers reported that the HIV prevalence rate among prisoners was estimated to be as high as 60 percent and that AIDS was a major cause of deaths in detention.' **[2f] (Section 1c)**

**5.61** USSD 2003 also reported that,

'In January [2003], overcrowding was alleviated slightly when President Mugabe issued an amnesty and released about 5,000 prisoners. The amnesty covered females sentenced before 1985; prisoners with unweaned children; women convicted of infanticide, abortion, or concealment of birth; and prisoners aged 60 and above with 1 year or less left of their sentence. Prisoners medically certified to be terminally ill or have physical disabilities who have 1 year or less to serve also qualified. Habitual criminals serving extended sentences, those awaiting death sentences, those serving sentences imposed by a court martial and escapees were among those who did not qualify. Unlike in previous years, there were no reports that prisoners were denied medication, although some detainees were denied medical attention.' **[2d] (Section 1c)**

**5.62** However, IRIN reported on 5 February 2004 that overcrowding was once again a problem for Zimbabwe's prisons. This was exacerbated by magistrates leaving their poorly paid posts, causing a backlog of unheard cases, leaving inmates on remand for up to four years before their case came to court. In the IRIN report, the Justice Minister, Patrick Chinamasa, admitted that overcrowding was a problem, and stated that his Ministry intended to build seven more prisons. **[10e]**

**5.63** The Zimbabwe Association for Crime Prevention and Rehabilitation of Offenders (ZARCO) urged the government to expand the open prison system, thought only to be in operation at Connemara Prison in Gweru, according to a report by the Daily News on 29 May 2003. ZARCO also believe that incidences of sodomy, and thus the spread of HIV/AIDS in prisons, could be reduced if conjugal rights of prisoners were recognised. **[9bk]** The Daily News also reported on 4 October 2002 that overcrowding was thought to be the cause of the deaths of two prisons in Rusape Prison, Manicaland in early October 2002. Reports claim that 325 prisoners were being detained in the facility, which has a capacity of 100. Further reports claim at least 30 prisoners were immediately transferred to Mutare Prison and a Rusape Magistrate released a further 20 prisoners held for petty crimes. **[9ag]**

**5.64** The USSD 2004 noted that 'The estimated 2,000 female prisoners were held in separate cellblocks from male prisoners. Juveniles were not held separately from adults.' **[2f] (Section 1c)**

**5.65** On 27 December 2004 IRIN reported the warnings of a senior prison official who considered that continued insufficient funding for food and medicine would cause widespread malnutrition and disease within the prison system. The chief accountant for the Zimbabwean Prison Service, Rosemary Kanonge, reported that overcrowding had increased the pressures

on the prison service, with prisoners now numbering 22,000 (6,000 above capacity), and that overcrowding would worsen the current situation. Ms Kanonge reported that while statutory instruments stipulated basic requirements for all prisoners, this was difficult to fulfil owing to inadequate resources. As an example of a lack of funds, Ms Kanonge reported that the Prison Service only had enough resources to pay for drugs 3 months out of 12.
'Recent reports have warned that infectious diseases such as tuberculosis have become increasingly prevalent in Zimbabwe's prisons.' **[10bq]**

**5.66** A report by allAfrica.com on 3 February 2005 noted that,

> 'Zimbabwean Justice Minister Patrick Chinamasa has attributed most of the 127 deaths at one of the country's prisons last year to HIV and AIDS. However, the Law Society of Zimbabwe (LSZ), which is currently conducting a study of the nation's main prisons, says the fatalities at Khami prison in Zimbabwe's second largest city, Bulawayo, were a result of overcrowding and "abysmal conditions". The organisation told a local newspaper, the Daily Mirror, that Khami was housing 1,167 inmates against its set capacity of 650. LSZ president, Joseph James said: 'This overcrowding has a terrible effect on the prisoners and coupled with reduced ventilation, is the prime reason for the spread of diseases, notably tuberculosis.' **[50c]**

LSZ also noted that the prison was so over crowded that cells measuring 3 metres by 3 metres (nine square meters) take up to 14 prisoners, reported ZWNEWS.com on 2 February 2005. **[67f]**

Back to Contents

**Military Service**

**5.67** The Zimbabwe Independent reported on 23 January 2004 that the constitution does not mention conscription and leaves it to Parliament to fix the conditions of service in the armed forces. A government statement in 1997 stated that, Zimbabwe does not have compulsory military service. The 1979 National Service Act provides for the introduction of conscription, if considered necessary. **[21]**

**5.68** Reports by the BBC and the Financial Gazette Online, in the run-up to the presidential election in March 2002, stated that the commander of Zimbabwe's defence forces, General Vitalis Zvinavashe, along with other military and Intelligence officers of senior rank, stated that the military would only obey a political leader who had participated in the 1970s guerrilla war for independence. **[37c]** Zvinavashe's statement was seen as significant as MDC leader Morgan Tsvangirai did not participate in the liberation movement. His statement contradicted earlier statements by the army's public relations directorate rejecting charges that the army was partisan and vowing to serve any elected leader. **[3av]**

**5.69** The USSD 2003 noted that 'On January 6 and August 27 [2003], a military court charged four army officers with participating in politics. The officers were represented by local attorneys during the proceedings. Two of these officers, Colonel Peter Shoko and Private Biggie Chikanya, were discharged from the army reportedly because they were judged politically unsuitable.' **[2d] (Section 1e)**

**5.70** The USSD 2004 noted that 'The Government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.' **[2f] (Section 5)**

Back to Contents

## Medical Services

### General

**5.71** USAID noted in its strategy for Zimbabwe (accessed on 24 February 2005) that, **'**Zimbabwe's once robust social services are collapsing in the face of the economic crisis, the AIDS epidemic, and an alarmingly large exodus of the country's educated professionals. Zimbabwe has one of the highest HIV/AIDS prevalence rates in the world (24.6 percent of all adults). Life expectancy dropped from 61 years in 1990 to 34 years in 2002.' **[80]**

**5.72** The Economist Intelligence Unit Country Profile 2004 noted that,

> 'The provision of health services improved greatly after independence, although services remained skewed to urban areas. Zimbabwe was named the best health service provider by the World Health Organisation (WHO) in 1985 because of its efficient health delivery system. However, the country's healthcare system collapsed in the 1990s as the government starved the sector of funds. Although the government still provides free healthcare to low-income earners, patients are required to pay for medication, the costs of which have risen quickly in recent years. Much of the equipment in major hospitals is broken or not operating owing to a lack of spare parts, and many drugs are not available now that the Ministry of Health is required to make payments in advance for most products. The service is also seriously undermanned: many doctors and nurses have sought employment abroad as wages have tumbled and conditions deteriorated. In 2000 the WHO ranked the overall efficiency of Zimbabwe's healthcare system as 157th out of the 191 countries covered.' **[24a] (p. 27)**

**5.73** The World Bank also reported that while HIV/AIDS had had a major negative impact on health indicators, some indices, such as those associated with women's preventative practices, were still impressive. Since 1988, the percentage of women giving birth in a medical facility and the percentage of children fully immunised had remained consistent at 69 % and 68% respectively. Antenatal care coverage had remained constant at over 90%. **[22]**

**5.74** The Herald noted that heavy increases in the cost of some life-saving drugs were reported in early 2001. The increases were blamed on the falling value of the Zimbabwean dollar and general inflation in local costs. The price increases, coupled with recent increases in hospital fees, have further pushed the price of health care beyond the reach of many Zimbabweans. **[23a]**

**5. 75** Zimbabwe Human Rights NGO Forum, noted in May 2002 that 'Concerned Health Professionals' advertised that,

> 'There are increasing numbers of people being seen and cared for with injuries sustained in politically orchestrated violence. Victims of violence are being prevented from accessing health facilities in their localities… Sometimes the violence or threat of violence is directed at health professionals. This is intended to prevent them from caring for victims of political violence out of fear for their personal safety. Health workers who work at night feel especially fearful for their safety. The Ministry of health has failed to ensure the security of its staff and patients'. **[79] (chapter 9 p.4)**

In a further example of agents of Zanu-PF preventing opposition supporters from accessing medical treatment / facilities, the Solidarity Peace Trust reported on 5

September 2003, that Youth militia had also been implicated in denial of access to health care on politically partisan grounds. **[65] (p.11)**

**5.76** On 10 January 2005 BBC Monitoring reported that, 'Corpses pile up after Zimbabwe's last forensic pathologist quits.' The report noted that the government had confirmed that the country had not had a qualified forensic pathologist in Zimbabwe since Alex Mapunda resigned in May 2004. Around 30 corpses are stored in mortuaries awaiting forensic testing; this has resulted in delays in murder trials. Until tests are done, relatives are not able to bury their dead. **[71a]**

**5.77** On 2 October 2004, News24.com noted that, 'Doctors in Zimbabwe have doubled their consultation fees, the second such hike in recent months, putting medical care well out of the reach of most of the population, a newspaper reported on Sunday.' The report noted that a visit to a specialist doctor could cost up to four times the average monthly salary of a domestic worker, with a visit to a general practitioner costing around the equivalent of two months salary. **[38f]**

**5.78** The Independent reported on 3 February 2005 that, the collapsing health sector in Zimbabwe is forcing thousands of sick and elderly people to seek traditional healers or "witch doctors" for treatment.

> 'Zimbabwe's National Medical Association says 40 per cent of doctors in Harare, the capital, have left the country, and many medical graduates are heading abroad to better paid jobs and better conditions. There are said to be fewer than 900 doctors serving a population of 11.5 million. "Healers", usually with no formal training, have become an option of last resort for many sufferers. The cures are concocted from roots, barks, leaves, animal parts and, occasionally, human organs. Some witch doctors also claim an ability to diagnose illness through divine powers…Martin Mutero, a Harare resident who has resorted to healers, is sceptical, but he said that for many Zimbabweans there was little alternative to taking a gamble on unqualified advice. "What can you take when there are no drugs in state hospitals, no doctors to give advice, no equipment to even examine your blood pressure and basically nothing [no one] to do anything for you when you enter state hospitals and clinics' **[4h]**

Back to Contents

**5.79** News24.com reported on 24 January 2005, that Zimbabwe was suffering the effects of a "medical brain drain". The report noted that the situation had reached critical levels with bodies piling up in morgues because of a lack of qualified staff. A report presented last month at the Zanu-PF party congress showed that only about 9% of pharmacists required in hospitals are currently at work. 'At least 1,530 doctors are needed, but only 687 were working at state institutions in 2003, against 6,940 nurses out of a required 11,640, according to a health ministry report.' The report also noted that, 'The government has tried to bridge the gap by hiring doctors from Cuba and the Democratic Republic of Congo, but many argue that it would be cheaper to pay locals a bit more instead of hiring expatriates. Parliament last month passed a law which is expected to help stem the brain drain by improving the salaries and work conditions of those in healthcare.' **[38e]**

**5.80** IRIN reported on the 20 December 2004 that,

> 'Activists have welcomed the launch of the Zimbabwe's first national mental health policy, but warned that delays in implementation could make it irrelevant. Elizabeth

Matare, director of the Zimbabwe National Association for Mental Health (ZIMNAMH), told IRIN that her organisation welcomed the new policy, as well as the increased budgetary allocations for the mental health sector. "The inclusion of mental health issues in the national HIV/AIDS programme is highly commendable - we have always complained that mental health patients have been sidelined. But the policy is only a statement of intention on the part of the ministry of health. We would like to see the policy put into action - Zimbabwe has a long history of coming up with acts and working documents that are never implemented," she remarked. Under the new policy guidelines, mental health issues form part of the national HIV/AIDS mitigation and information strategy, thereby giving the mentally ill greater access to information, treatment and counselling.'

The government announced that it would be setting aside a total of Z$5 billion (US $877,346), up from Zim $120 million (about $22,000) in 2004, for programmes and improvements in the country's three psychiatric hospitals during 2005. **[10bp]**

**5.81** On 8 February 2005, IRIN news reported that a lack of money has left the Harare Central hospital, one of Zimbabwe's major referral centres on the verge of collapse.

'The superintendent of the 1,428-bed hospital, Chris Tapfumaneyi, told IRIN, "Most of our machines are obsolete and cannot be repaired - some of them have been like this for the past 10 years". When IRIN visited the hospital last week, five elevators were broken down; many toilets and sinks were blocked; part of the ceiling leaked badly; the laboratory equipment and anaesthetic machines were not functioning; incubators were operating at reduced capacity; and three out of the five dialysis machines were not in working order. Dirty linen - normally carried down in elevators from the upper floors - was being thrown haphazardly to the ground floor corridors below. Speaking on condition of anonymity, a nurse at the hospital said sick people had to be carried up the stairs to wards on upper floors, while bodies being removed from upstairs wards to the mortuary were placed in body bags and dragged down the stairs.' IRIN also noted that, 'Theatre equipment, including anaesthetic machines, barely function.' **[10bt]**

**People with Disabilities**

**5.82** The US State Department Report 2004 noted that the law specifically prohibited discrimination against persons with disabilities in employment, admission to public places, or provision of services; however, in practice the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulated that government buildings should be accessible to persons with disabilities; however, implementation of this policy had been slow. **[2f] (Section 5)**

**5.83** The USSD 2004 continued 'People with disabilities face particularly harsh customary discrimination. According to traditional belief, people with disabilities are considered bewitched. Children with disabilities are often hidden from sight when visitors arrive. NGOs continue to lobby for albinos to be defined as 'disabled' under the law.' **[2f] (Section 5)**

**5.84** The US State Department Report 2001 stated that the Sexual Offences Act, which came into law in August 2001, expanded the definition of sexual offences to include an immoral or indecent act with a person with mental difficulties. **[2b] (p. 22)**

**5.85** In March 2004 IRIN reported the chair of the National Disability Board (NDB), Joshua Malinga, as stating, 'We were allocated Zim $5 billion for disability programmes. Zim $300 million (US$71,000) will go to advocacy campaigns whose main thrust is to inject

a disability dimension in both government thinking and planning – this is to make sure we are included in all government plans and programmes.' **[10bc]**

Back to Contents

**HIV/AIDS**

**5.86** ZWNews.com on 25 June 2004 noted that,

> 'Aids is cutting a swathe through southern Africa, but the economic crisis in Zimbabwe is placing the country in a terrible position. Officially around a third of the adult population is HIV positive, but in reality that figure is probably a lot higher. 'The pandemic is really affecting so many people in our country – hundreds are dying in the hospitals on a weekly basis,' said one Zimbabwean aid worker who did not want to be named. 'There's no comparison to the other countries in southern Africa. I think we are way, way, way behind. In fact there are no drugs and there's nothing in place for Aids victims like there are in other African countries.' The anti-retroviral drugs are not available and you have to pay for testing. Where do people get money? There's very little education – and not enough being done for HIV/Aids.' **[67d]**

**5.87** The ZWNews.com report concluded,

> 'The economic crisis across Zimbabwe is compounding the problem. This country was once proud of its health system – but doctors and nurses are leaving to live and work abroad. There are anti-retroviral drugs, but they are still far too expensive for all but the elite to afford. Cost means there is no way Zimbabwe can contemplate the kind of drug treatment programme that South Africa is embarking upon. One woman I spoke to found out she was HIV positive a year ago, but still has not told her family. 'There is so much stigma about the virus here – when I tested positive it was a shock and I cannot tell people,' she said. Stigma is a problem throughout southern Africa, but in a country where state repression of independent media and any voices of opposition is endemic, it makes things even worse. The situation will improve in Zimbabwe, but this country's political and economic turmoil will leave a legacy for future generations – at the heart of that legacy will be the damage and the pain caused by the HIV/Aids epidemic.' **[67d]**

**5.88** An IRIN report on 25 August 2004 states that,

> 'Official figures indicate that AIDS-related illnesses claim more than 2,500 lives every week. Faced with empty coffers, a fast-crumbling health delivery system, isolation from the international community and shortages of foreign currency to buy drugs, Zimbabwe is grappling with the epidemic that has reduced life expectancy to 35 years. The population of children orphaned by AIDS is estimated to be hovering at above one million.' **[10g]**

**5.89** The IRIN reports estimates that while almost 25% of the population are HIV positive only 5,000 are on antiretrovirals, with many in rural areas relying on traditional herbal remedies. It also stated that:

> 'Because of the desperate situation unfolding in rural areas, some NGOs have stepped in with medical assistance: Medecins Sans Frontieres (MSF) intends rolling out ARVs to rural people in Matabeleland in the Southwest of the country.'
>
> 'At the moment we are setting up an HIV/AIDS project in rural Tsholotsho. Basically, our intention is to start running opportunistic infection clinics, together with the staff

from the Ministry of Health and Child Welfare. When that has been done, we will then provide ARVs just to those in need," said MSF spokesperson, Monique Van de Kar.

'ARVs would initially be available at the Tsholotsho hospital, with three other health centers in the Matabeleland North province – Sipepa, Mkhunzi and Pumula – following suit.' **[10g]**

**5.90** On 31 March 2003 the Foreign and Commonwealth Office noted that ARV drugs were not available through the public health care system. Access to ARVs depended entirely on ability to pay – some people sold their houses to pay for treatment but even then could only afford a few months supply. Drugs to treat opportunistic infections were generally available but there were sometimes shortages due to lack of foreign currency to pay for them. **[13b]** However, IRIN reported on 9 June 2004 that 'Acess to anti-AIDS drugs is improving in Zimbabwe, due to recent initiatives to roll-out antiretroviral (ARV) threapy and to manufacture the medicines locally. A Zimbabwean pharmaceutical company has started manufacturing generic antiretroviral (ARV) drugs in a bid to significantly reduce the cost of the medication for people living with HIV/AIDS. Tobias Dzangare, chief executive of the local drug manufacturing company Varichem, said his company would produce nine types of generic ARVs in its factory. The generic drugs will cut the cost of ARVs, which are currently mainly imported from India. A monthly cocktail of ARVs costs Zim $600,000 (US $155) currently. With the manufacture of local generics, the price is expected to drop to between Zim $140,000 (US $27) and Zim $160,000 (US $30) a month. But even at the reduced price, the drugs remain beyond the reach of most Zimbabweans. At the launch of the programme on Monday, Dzangare said his company hoped to ensure constant availability of the generic ARVs. He urged government to assist by reducing duties on imported ingredients needed for their manufacture.' **[78]**

**5.91** The IRIN article also noted that,

'Two months ago the Ministry of Health and Child Welfare launched an ARV therapy distribution programme at two of its major hospitals in the capital Harare, and second city Bulawayo. This week, Health Minister David Parirenyatwa announced that his department would expand the ARV roll-out to other health institutions in a bid to reach more people in need of ARV therapy. According to the ministry, about 100 patients at Mpilo Hospital, in Bulawayo, and 80 patients at Harare Hospital have been receiving free ARVs since the start of the pilot programme. Dr Tapiwa Takura, who is in charge of the ARV therapy distribution at Harare Hospital, said officials had so far "screened more than 500 patients for the scheme". "Those eligible pay a nominal fee of Zim $50,000 [US $9.34] for them to be taken on board," Takura explained. However, activists in Zimbabwe have called on the government to subsidise the cost of the drugs. Tendai Westerhof of Prominent People Against AIDS Trust (PPAAT) said: "Government should subsidise the cost of the drugs because the high cost has impoverished people living with AIDS who need a special diet. Many poor people are dying because they cannot even afford to by food for themselves."' **[78]**

**5.92** On 17 June 2004 IRIN reported that Zimbabwe's efforts to prevent the transmission of HIV from mothers to their children is being undermined by a limited response to the initiative, 'The government rolled out the first phase of its prevention of mother-to-child transmission (PMTCT) programme in 2002. Currently, out of the 53 district hospitals in the country, 43 have started administering free single doses of the drug Neveripane – which can reduce transmission of the virus by more than half – to HIV-positive expectant

mothers.' **[10h]**

**5.93** The IRIN report continued stating that take-up was disappointing – 35% in 2002, increasing to 56% in 2003, but the number of children coming forward for follow up treatment was only 29%. 'The limited response by HIV-positive expectant mothers appears to be rooted in the fear of stigma and discrimination.' **[10h]**

**5.94** Another IRIN report on 24 June 2004 noted that, 'The recently released 2003 Zimbabwean Human Development Report claimed that HIV prevalence in the armed forces far exceeded the general population infection rate of 24.6% in the general population, and three-quarters of soldiers died of AIDS within a year of leaving the army.' **[10i]**

**5.95** Nearly 80% of all HIV infections in the 15-24 age group were among young women according to an IRIN report on 6 August 2004. The report stated that too much attention was being paid to helping women cope with caring for others at the expense of strategies to prevent they themselves becoming HIV positive. **[10k]**

**5.96** A 12 August 2004 IRIN report found that little had been done to address the needs of disabled people with regard to HIV/AIDS: 'More than 1.2 million people in Zimbabwe are disabled, of which 300,000 are HIV positive. The instructions for the use of condoms have never been distributed in braille for people with visual impairments and no attempts have been made to advertise condoms in sign language for those with hearing difficulties, according to Farai Gasa Mukuta, president of the National Association of Societies for the Care of the Handicapped (NASCOH).' **[10o]**

**5.97** On 6 December 2004, Medecins Sans Frontieres (MSF) noted in an article that since 2000 it had been working in Zimbabwe to improve treatment for those suffering from HIV/AIDS. The article continued,

> 'In March 2004, MSF opened a clinic to treat people with opportunistic infections in Murambinda Hospital. This is the first stage of an HIV/AIDS project in Buhera district of Manicaland province, located 200 kilometers south of the capital city, Harare. In addition to improving treatment for opportunistic infections, MSF teams are providing training for local medical staff to support ongoing HIV/AIDS activities in the hospital, such as voluntary counselling and testing and prevention of mother to child transmission. As of June 2004, 900 patients were using the clinic. MSF staff plan to introduce treatment with life extending antiretroviral (ARV) medicines in the next few months and hope to have 50 patients using ARV treatment by the end of 2004.' **[45b]**

**5.98** MSF further noted a number of other projects ranging from therapeutic feeding activities through to providing emergency-preparedness planning for municipal districts and cholera workshops. During 2004, MSF began treating patients with ARVs in Bulawayo; MSF plans to have 700 patients receiving ARVs by the end of 2004. However, MSF reported that in Masvingo, where a clinic had been set up, they were asked to leave the province by local health officials. At the time of going to press, MSF had still not received an explanation for this request. **[45b]**

Back to Contents

**Educational System**

(For additional information see 6.150 – 6.163 Teachers)

**5.99** US State Department 2004 reported that

‘There was no compulsory education and schooling was not free; because of increased school fees in urban schools and rural secondary schools, enrolment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. According to the 2002 census data and age-specific population distributions, roughly 72% of school-age children attended school. The highest level achieved by most students was primary level education. The Government established a program of social welfare grants for needy children, including funds to assist them with their education; however, it was underfunded and corruption undermined the beneficiary selection process. The members of selection committees in some communities gave grants to their relatives and friends and denied them to the children of opposition supporters.’ **[2f] (Section 5)**

**5.100** The Economist Intelligence Unit Country Profile 2004/5, noted that,

‘The newly independent government invested heavily in education in Zimbabwe in the 1980s and, with the introduction of free primary school education, by 1990 it was broadly agreed that Zimbabwe had achieved universal primary education. However, even though the country’s education system is still widely regarded as among the best in southern Africa and the population is one of the most well-educated in the region, the quality of the education system has come under serious threat recently. This mainly reflects the government’s budgetary crisis, the erosion of real incomes and the departure of the best teaching staff to employment both within the region and in the US and Europe (teachers have also been subject to intimidation by the current regime, notably by spells of re-education). While most schools are run by the state, standards have remained best in the private schools, many of which are run by church organisations. In order to ease its financial problems, the government reintroduced fees in the early 1990s and, although these have not kept pace with inflation, the spiralling cost of schooling has hit the poor in that they have had to contribute to books and uniforms. According to the Ministry of Education, despite the introduction of fees the net enrolment rate at primary schools has risen from 82% in 1994 to 92.5% in 2000; according to World Bank data this figure had fallen to 80% in 2001. Up-to-date data on secondary school enrolment rates are much harder to obtain, but the UN Educational, Scientific and Cultural Organisation (UNESCO) estimates that the 1999 enrolment rate was 67% for males and 63% for females. However, with the rapid deterioration of the economy in the last three years, drop-out rates have soared.’ **[24a] (p. 26)**

**5.101** The USSD 2004 recorded that, ‘In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it most often was female children who left school. The literacy rate for women and girls over the age of 15 was estimated to be 80 percent, while the male rate was approximately 90 percent.’ **[2f] (Section 5)**

**5.102** In March 2004, the Zimbabwe Independent reported that; ‘In what is seen as a bid by government to advance its political agenda, the Ministry of Education has introduced “National and Strategic Studies” as a subject in institutions of higher learning.’ The course, an apparent spin off from the National Youth Service training, has been ordered to be compulsory in polytechnics, colleges and universities. Reportedly, a question in 2004’s examinations was ‘Which political party in Zimbabwe represents the interests of imperialists and how must it be viewed by Zimbabweans?’ **[11f]**

**5.103** Kubatana.net carried an article from the Herald on 4 May 2004, which claimed that

police officers were used to close 45 schools amid allegations that they had failed to obey an order not to increase fees. About 30,000 children were affected. **[55a]** The BBC reported on 6 May 2004 that, following the closure of the schools, several head teachers were detained in overnight raids across the country including Harare and Bulawayo. **[3j]** By 10 May 2004 IRIN was reporting that 43 of the 45 schools closed were cleared to reopen having reached an accommodation with the education ministry over fees; discussions about the other two were continuing. **[10p]**

**5.104** On 12 August 2004 IRIN reported that, 'President Robert Mugabe on Monday said the government wanted Zimbabwe's universities and tertiary colleges to produce 'graduates that are patriotic and loyal' rather than enemies of the state". The report later quoted Mugabe as saying: "We have noticed in the past that our institutions have produced graduates – should I say graduates? – who have become enemies of the state. We have to reshape and re-orientate these 'graduates' to cherish the African personality which Kwame Nkrumah talked about.' The MDC said Mugabe's intention to create loyal graduates would fail. **[10q]**

Back to Contents

# 6. Human Rights

## 6.A Human Rights Issues

### General

**6.1** The US State Department Report 2004 (USSD), published 28 February 2005, reported that,

> ‘The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. President Mugabe and his ZANU PF party used intimidation and violence to maintain political power. A systematic, government sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. Security forces committed at least one extrajudicial killing. Ruling party supporters, with material support from the Government, continued their occupation of commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. Security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention remained problems, and lengthy pre-trial detention emerged as a problem. Infringements on citizens' privacy continued. The Government continued its far reaching "fast track" resettlement program under which most large scale commercial farms were designated for seizure without fair compensation.
>
> The Government continued to restrict freedom of speech and of the press, academic freedom, freedom of assembly, and the right of association for political organizations. The Government at times restricted freedom of movement. Thousands of farm workers continued to be displaced internally due to the ongoing land resettlement policies, and the Government prevented international organizations and local nongovernmental organizations (NGOs) from assisting them on some occasions. Opposition supporters were displaced by threats of violence. During the first half of the year, there were reports that the Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters; there were no such reports during the second half of the year. The Government attacked and arrested members of civil society and human rights NGOs and accused the NGOs of sponsoring opposition political activity. Societal violence against women remained widespread, and discrimination against women and persons with disabilities, abuse of children, and child prostitution remained problems. There were occasional reports of trafficking in persons. The President and his Government promoted widespread resentment against the white minority. The Government violated worker rights. Child labor was a problem.’ **[2f] (introduction)**

**6.2** Amnesty International noted in its 2004 annual report (covering 2003) that,

> ‘There was escalation in state-sponsored attacks on critics of the government, particularly supporters of the opposition Movement for Democratic Change (MDC). Incidents of ill-treatment and torture were reported throughout the year. Hundreds of people were detained for holding political meetings or peaceful political protests.

Journalists were harassed and detained, and a leading private newspaper was shut down. Political manipulation of food aid by officials and supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) continued. The food situation remained critical.' **[14j] (p1)**

Back to Contents

**Freedom of Speech and the Media**

**6.3** The Committee to Protect Journalists in their report Attacks on the Press 2003 stated that:

> "Despite widespread international criticism of Zimbabwe's appalling human rights record, President Robert Mugabe and his ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) continued to silence voices of dissent in 2003. During the last four years, the government has pursued a relentless crackdown on the private press through harassment, censorship, and restrictive legislation. 2003 saw the most significant blow to press freedom yet, with authorities shuttering the Daily News, Zimbabwe's only independent daily and one of the most persistent critics of the Mugabe regime." **[30a]**

**6.4** Amnesty International noted in its 2004 annual report (covering 2003) that, during the reporting year, 'The 2002 Access to Information and Protection of Privacy Act (AIPPA) was used in an attempt to silence journalists.' Police subjected members of the private and foreign media to harassment, arbitrary detention and attacks. **[14j] (p.3)**

**6.5** The US State Department Report 2003 (USSD), published 25 February 2004, also went on to report that the Access to Information and Protection of Privacy Act (AIPPA) had been heavily criticised, "Section 81 of the Act also makes it an offense for journalists to submit a story that already was published by another mass media service without the permission of the owner of that service. Journalists also were prohibited from falsifying or fabricating information, publishing rumors or falsehoods, and collecting and disseminating information for another person without the permission of their employer. Under the AIPPA, mass media companies must pay prohibitively expensive application fees." **[2d] (Section 2a)**

**6.6** The US State Department Report 2004 (USSD), published 28 February 2005, echoed the views of the above reports, reporting that,

> 'The Constitution provides for freedom of expression; however, legislation limits this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. A semi-independent newspaper was closed during the year. Security forces arbitrarily detained and harassed journalists; however, unlike the previous year, there were no reports that security forces beat journalists. Journalists practiced self-censorship.
>
> The Government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. POSA [Public Order and Security Act] also makes it an offense to make statements that will engender feelings of hostility towards the President. In November and December, three individuals were arrested under POSA for criticizing Mugabe in public. They were fined and released.' **[2f] (Section 2a)**

**6.7** It was under AIPPA that, according to the Committee to Protect Journalists (CPJ) report Attacks on the Press 2003, "On September 11 [2003], Zimbabwe's Supreme Court

declared that the Daily News was violating provisions of the repressive Access to Information and Protection of Privacy Act (AIPPA)…." AIPPA requires all media companies to register with the Media and Information Commission (MIC) and individual journalists to be accredited by it. The Daily News's owners, Associated Newspapers of Zimbabwe did not do so and mounted a legal challenge against the constitutionality of the legislation. **[30a]**

**6.8** The CPJ report continued:

> "In a peculiar turn of legal reasoning, the court said that because ANZ [Associated Newspapers of Zimbabwe] had not registered with the commission, it was 'operating outside the law,' and that the court would only hear the company's constitutional challenge once it had registered.
>
> "On September 12 [2003], police raided the newspaper's offices and ordered all journalists to leave the building, using the Supreme Court's declaration as a pretext. On September 15, the Daily News filed an application to register with the MIC. The following day, security agents raided the newspaper's offices again, confiscating computers and equipment. The agents did not have a warrant, and the Daily News legal adviser said the police were acting illegally since the newspaper had not been convicted of any offense. The High Court ruled on September 18 that the newspaper could resume publishing, and staff began work on a new edition. Nevertheless, police closed the paper's offices the same day.
>
> The following months saw frenetic legal manoeuvring by both the government and the ANZ, but authorities demonstrated a singular determination to keep the paper off the market. Though Administrative Court judges twice ordered the MIC to register the Daily News and allow the paper to reopen, as soon as journalists went back to work, police closed the offices. Meanwhile, authorities arrested ANZ's directors in September and October and charged them with publishing a newspaper without a license. Police also began charging Daily News journalists for practicing journalism without accreditation. The journalists had applied for accreditation earlier in the year but were denied on the basis that they were working for an unregistered publication. Throughout 2003, Daily News reporters were denied access to Parliament and State House press briefings. At year's end, 16 journalists had been charged, and their cases were pending." **[30a]**

**6.9** The BBC reported on 9 January 2004 that following another court ruling on 24 October 2003 stating that the Daily News should be licensed, the paper was back on the streets the following day. However, it was immediately shut down and later, on the 19 December 2003, police occupied the Daily News' offices again. A further court order on 21 January 2004 forced the police out, and on 22 January 2004 the paper was back on sale. **[3k]** However, on 6 February 2004, the BBC reported that the Supreme Court upheld the government's right to stop journalists who are not accredited to MIC from working. This meant that the Daily News was once again unable to publish. **[3x]**

**6.10** On 9 June 2004, ZWNews.com reported that the publisher and three news directors of the Daily News had pleaded not guilty to charges of publishing without a license. The charges related to the decision to resume publication of the Daily News in October 2003 after it had been shut down. The four were Samuel Nkomo, Rachel Kupara, Michael Mattinson and Brian Mutsau. **[67e]**

**6.11** The Daily News reported on 19 July 2004 that an ex-judge had claimed that he had

been offered a farm by a businessman with strong links to the government if he upheld the decision to close down Associated Newspapers of Zimbabwe (ANZ), publishers of the Daily News and Daily News on Sunday. Michael Majuru claimed that he was pressurised by Justice Minister Patrick Chinamasa to delay the case and throw it out. The judge, now in self-imposed exile, ruled in favour of ANZ on 24 October 2003: Majuru had to withdraw from the case when he was accused by government controlled media of telling a member of the public he intended to find in favour of ANZ. **[58a]**

**6.12** The Tribune newspaper was suspended from publishing for one year in June 2004 for not reporting ownership changes as required by AIPPA, according to an IRIN report on 21 July 2004. An application to have the ban overturned was rejected by the courts on 21 July 2004. **[10r]**

**6.13** The USSD 2004 reported that

> 'Several major daily newspapers and one local language tabloid belonged to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU PF. The Government, through the MMT, controlled two daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, negatively portrayed opposition parties and other anti-government groups, and also downplayed events or information that reflected adversely on the Government. The government-controlled media generally portrayed President Mugabe and the Government favourably, although rivals of the Minister for Information and Publicity within ZANU-PF rarely received favourable coverage. The Daily Mirror, a daily semi-independent newspaper owned by ZANU-PF interests, offered increasingly critical coverage of government policy and ruling party interests and aired the views of the opposition and critics of the Government. The Ministry for Information and Publicity controlled the Zimbabwe Inter Africa News Agency wire service.'
>
> 'There were two independent major weeklies (the Independent and the Standard), a semi-independent weekly (the Financial Gazette) and three monthlies that continued to operate despite threats and pressure from the Government. The major independent newspapers continued to monitor government policies and publish opposition criticism; however, most of them also continued to exercise self censorship in reporting due to growing government intimidation and the continuing prospect of prosecution under criminal libel and security laws.' **[2f] (Section 2a]**

**6.14** The USSD 2004 reported that,

> 'Radio remained the most important medium of public communication, particularly for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Ministry for Information and Publicity. There were credible reports that the Minister of Information routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government. There were two independent short-wave radio broadcasts to the country during the year; however, they were not widely listened to because few citizens had access to short-wave radios. Voice of America (VOA) broadcast a 1 hour program daily on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the

United Kingdom, using local sources and reporters. Voice of the People, whose offices were bombed in 2002, broadcast daily from the Netherlands.' **[2f] (Section 2a)**

**6.15** USSD 2004 also noted that international television broadcasts are freely available through private cable and satellite firms, though few people had the foreign currency needed to pay for them. **[2f] (Section 2a)**

**6.16** The USSD 2004 stated that

'The Broadcasting Services Act, which Parliament's legal committee found to be unconstitutional but is still in force, gives the Minister of Information final authority in issuing and revoking broadcasting licenses. The Act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government controlled signal carrier. Legal rights groups criticized the Act for limiting free speech.' **[2f] (Section 2a)**

**6.17** The Daily News reported on 1 April 2003 that Radio Dialogue, a community based station, was denied a licence by the Information Minister, Jonathan Moyo, before it even applied for one. The station held a workshop in Bulawayo in late March 2003 to explore ways to successfully lobby for a licence. Zimbabwe is one of the few countries in Africa that does not have a community radio station. **[9ca]**

**6.18** The USSD 2004 noted that access to the Internet was not restricted, but noted that Government had the right in law to monitor all international e-mail messages entering and leaving the country. **[2f] (Section 2a)** The USSD 2003 noted that journalist Andrew Meldrum and human rights activist Frances Lovemore were arrested in 2002 because of articles published on the Internet. **[2d] (Section 2a)**

**6.19** The BBC reported on 21 November 2003, that the State owned Herald newspaper reported that 14 people were arrested in November 2003 for "circulating an e-mail calling for protests to oust President Robert Mugabe". The Herald reported that the e-mails allegedly urged people to participate in "violent demonstrations and strikes to push Robert Mugabe out of office". It is not known how the police learned of the e-mails. The BBC reported that "A senior official from a Zimbabwean Internet service provider told BBC News Online that he did not believe that the security services had obtained the cyber-monitoring equipment they have been seeking", and that "the e-mail had probably been forwarded to someone who sent it to the authorities". **[3bg]**

**6.20** However, in March 2004, the Zimbabwean paper, The Daily Mirror, reported that the Supreme Court had declared that powers to eavesdrop, intercept mail, phone calls and e-mail were unconstitutional. Lawyers for the Law Society of Zimbabwe argued that the Posts and Telecommunications (PTC) Act violated Section 20 of the constitution. Section 20 safeguards the freedom of speech and expression. **[69a]**

Back to Contents

**6.21** On 13 January 2005 BBC Monitoring reported that, 'Zimbabwe's newest newspaper, the Weekly Times, is threatened with closure barely a week after hitting the streets as it comes face to face with the draconian Access to Information and Protection of Privacy Act (AIPPA). On 5 January 2005, the Media and Information Commission (MIC) wrote to the newspaper giving notice of its intention to suspend or cancel the Weekly Times' registration certificate. The paper would cease to operate once the registration certificate is cancelled.' The threat to the newspaper followed accusations by the MIC that it had misled the

commission about the nature of the newspaper and the genre of journalism it sought to promote. In the newspaper's first issue, it published an editorial comment by Pius Ncube, Archbishop of Matabeleland **[71b]** who accused President Mugabe of remaining unrepentant for the army's alleged massacre of civilians in Matabeleland during the early 1980s insurgency. The Commission gave the newspaper seven days within which it should explain itself and provide reasons why its publishing licence should not be suspended or cancelled. **[50b]**

**6.22** BBC Monitoring reported on 7 January 2005 that

> 'Zimbabwean President Robert Mugabe has enacted changes to media laws that will see unlicensed journalists jailed for up to two years, the government gazette announced on Friday [7 January]. The amendment to the Access to Information and Protection of Privacy Act [AIPPA], which was passed by parliament early November [2004] after weeks of intense debate and resistance from opposition lawmakers, is now effective, according to a notice posted by Mugabe's chief secretary. In the government gazette notice, the [chief] secretary Misheck Sibanda said the law "which has been assented to by the president, is published". Under the new regulations, journalists who work without a government licence now face a two-year jail sentence or a fine or both. A state approved media commission has powers to accredit journalists. Zimbabwean Information Minister Jonathan Moyo last year defended the amendments as intended to "protect the commission from attacks by enemies of the country". The new provisions tighten a law originally passed in 2002, just days after Mugabe's victory in presidential polls...The media law also bars foreign journalists from working permanently in the southern African country.' **[71d]**

**6.23** On 13 January 2005 BBC Monitoring reported that the US based Committee to Protect Journalist (CPJ) condemned the signing into law of an amended provision of the draconian Access to Information and Protection of Privacy Act (AIPPA) which makes it a criminal offence for a journalist to work without accreditation. The CPJ urged the government to halt any legislation aimed at curtailing the freedom of the media. 'CPJ cited the proposed Criminal Law (Codification and Reform Act) as a cause for concern saying the move is meant to cow independent journalists ahead of the parliamentary elections this year.' Under the Criminal Law (Codification and Reform Act), which is awaiting the signature of President Mugabe, journalists can be jailed for up to 20 years for publishing or communication to any other person "false information deemed prejudicial to the state". **[71b]** The Institute for War and Peace Reporting stated on 31 January 2005 that 'These amendments to the original AIPPA 2002 legislation affirm the one immutable constant of Zimbabwean journalism – the Mugabe government will stop at nothing to silence criticism…AIPPA [has] effectively made the continued publication of newspapers and the practice of journalism contingent on government whim.' **[77c]**

**6.24** BBC News reported on 26 February 2005 that 'Zimbabwe has shut down an independent newspaper launched last month in Bulawayo, the second city.' The Weekly Times, the forth newspaper to be closed down in two years, claimed that the timing of its closure was politically motivated, timed to coincide with parliamentary elections due at the end of March. Officials for the government denied any such allegations and accused the newspaper of misrepresentations and also pointed to the fact that the newspaper had failed to focus on development issues as promised. **[3bp]**

**6.25** On 14 January 2005 BBC Monitoring reported the Zimbabwean government's relaxation of oppressive media laws allowing opposition media coverage but noted the opinion of analysts who felt that the relaxation was merely a Zanu-PF ruse. The report noted

that the Zimbabwean government was under immense pressure from Southern African Development Community (SADC) to level the playing field in the run up to the parliamentary elections in March. The report also noted that 'In what government critics say is an unprecedented shift, the state broadcaster, the Zimbabwe Broadcasting Holdings [ZBH], formerly Zimbabwe Broadcasting Corporation (ZBC), interviewed Welshman Ncube, the Movement for Democratic Change (MDC) secretary-general, last week to clarify his party's position regarding the parliamentary election, set for March.' During the same week, a spokesperson from ZANU Ndonga (an opposition political party with a single seat in parliament) was also interviewed on Radio Zimbabwe. 'Media activists said this week that they had also noted that opposition politicians, especially those from the main opposition MDC, were also being "positively" covered in the public print media.' **[71e]**

**6.26** However, in the same report the BBC also noted that 'Brian Kagoro, the chairman of Crisis in Zimbabwe Coalition, a grouping encompassing 350 civil society organisations, doubted the government's sincerity in granting access to the opposition and non-governmental organisations with an interest in the forthcoming polls. Kagoro said the cosmetic changes recently noted in the state media were meant to hoodwink people into believing that the opposition in Zimbabwe had access to ZBH and state newspapers…Recently, ZBH reportedly declined to air MDC advertisements, in a clear sign that opposition parties were still far from getting access to the public media, which continues to show blatant bias towards the ruling ZANU-PF party. Information minister Jonathan Moyo – who has presided over the entrenchment of a starkly pro ZANU-PF stance in the government owned press – and Justice Minister Patrick Chinamasa have recently stated that the public media would only be open to "loyal and patriotic opposition".' [NB. Jonathan Moyo is no longer Information Minister]. **[71e]**

**Journalists**

**6.27** The USSD 2004 noted that,

> 'The Constitution provides for freedom of expression; however, legislation limits this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. A semi-independent newspaper was closed during the year. Security forces arbitrarily detained and harassed journalists; however, unlike the previous year, there were no reports that security forces beat journalists. Journalists practiced self censorship.' **[2f] (Section 2a)**

**6.28** On 24 March 2003 the Daily News reported that Gugulethu Moyo, Corporate Affairs director of Associated Newspapers of Zimbabwe (ANZ), was detained on 18 March 2003 after going to the Glen View Police station with lawyer Alec Muchadehama to secure the release of Philemon Bulawayo, a Daily News photographer. According to Moyo, after witnessing acts of police brutality, she was verbally abused and physically assaulted by Joyce Chiwenga, wife of the Commander of the Zimbabwean Army. Despite being a civilian, Chiwenga ordered soldiers to assault Moyo. Chiwenga and at least one other soldier boasted about how they could kill Moyo with impunity. After searching Moyo's bag Chiwenga found a library card, for the British Council's facility. This appeared to be evidence enough for Chiwenga that Moyo wasn't a member of a library, but in fact a British spy. **[9bx]**

**6.29** The Daily News reported on 25 March 2003 that its reporter Lloyd Mudiwa and former editor Geoffrey Nyarota were arrested and charged under Section 80 of the AIPPA. **[9by]** According to the Financial Gazette on 7 May 2003, Section 80 criminalises the publication of any story deemed false. **[37n]** However, the Daily News on 25 March 2003 noted that in late

March 2003 Mudiwa was made a free man following Magistrate Sandra Nhau's conclusion that this piece of legislation is unlikely to survive a constitutional challenge in the Supreme Court. Nhau refused to place Mudiwa under further remand as the Information Minister, Jonathan Moyo had also said that Section 80 is in conflict with the constitution and is to be amended. **[9by]**

**6.30** Daily News on Sunday editor, Bill Saidi, was arrested on 24 June 2003 for a story that appeared in the Daily News last year, whilst he was an assistant editor. Saidi was charged under the POSA legislation for allegedly publishing a false story, a charge which he denies. Saidi stated that the police officers were reasonably friendly and did not harass him at all. **[9av]**

**6.31** According to the Daily News, Flata Kavinga was admitted to Kwekwe general hospital for two days in August 2003 after being attacked by suspected ZANU-PF youths. The youths accused the paper Kavinga worked for, the Midlands Observer, of being anti-ZANU-PF. Kavinga was attacked with logs and iron bars. **[9bq]**

**6.32** Whilst covering the NCA demonstrations in mid-October 2003, Blessing Zulu of the Zimbabwe Independent was arrested with three other newspaper employees. However, according to the Zimbabwe Independent on 24 October 2003, two of the three were from the state owned paper, The Herald, and police quickly arranged for their release. The paper also stated that Zulu was beaten with a baton by the police. **[11k]** Similarly, allafrica.com reported on 20 November 2003 that, whilst covering the ZCTU [Zimbabwe Congress of Trade Unions] demonstrations in Harare a month later, Shadreck Pongo – a photojournalist with The Standard, was apprehended, put into the back of a police vehicle and was severely assaulted. The police reportedly dumped Pongo at the city's outskirts, leaving him in need of medical treatment. Pongo also had his camera destroyed. **[17b]**

**6.33** According to the Media Institute of Southern Africa (MISA); 'On 30 November [2003] Bright Chibvuri, the news editor of The Worker newspaper, was kidnapped by alleged Zimbabwe African National Union Patriotic Front (ZANU-PF) youths and state security agents in Kadoma – approximately 292 kilometres from the capital Harare – while covering a parliamentary by-election.' Chibvuri claimed he was beaten by the youths in the presence of police officers, and was detained over night in a bakery, seemingly owned by one of the youth leaders. Although Chibvuri was told by the youth leader that the CIO [Central Intelligence Organisation] had his equipment, the CIO denied this. **[17c]**

**6.34** Reporters Sans Frontiers claimed in 2003 that the media crackdown in Zimbabwe was getting worse. On 10 June 2003, they released a statement condemning the arrest and subsequent assault by War Veterans and ZANU-PF youths of Shorai Katiwa and Martin Chimenya of the Voice of the People (VOP) radio station. The two were seized by the War Vets and youths on 2 June 2003, interrogated and robbed of their mobile phones and tape recorders before being handed over to the police. After further questioning and the confiscation of some VOP property, the journalists were released and the property returned. **[44a]**

**6.35** On 8 December 2003, Voice of the People (VOP) journalist Martin Chimenya, was detained by CIO agents at his home. Chimenya was later charged under Section 79 (1) of the AIPPA, and bailed the next day. According to the MISA report, Chimenya said that he "was not harassed or beaten". **[17d]**

**6.36** The Zimbabwe Human Rights NGO reported in its Monthly Political Violence Report for January 2004 that,

‘On 10 January 2004, the editor, Iden Wetherall, editor, Vincent Kahiya and chief reporter Dumisani Muleya of the Zimbabwe Independent, a weekly newspaper, were arrested and detained for two nights by the Zimbabwe Republic Police. The three subsequently appeared before a Harare magistrate charged with criminal defamation for reporting that the President had commandeered a plane from the national airline to travel to the Far East on personal business. The fact that the plane had carried the President to the Far East was not disputed, however, the trio were arrested for having used the word “commandeered” in their story. They were released on ZW$20 000 bail each. These arrests exemplify the limitations to freedom of expression that prevail in Zimbabwe today.’ **[35a]**

**6.37** IRIN reported on 12 July 2004, that former employees of the Daily News, the Daily News on Sunday and The Tribune, all of which were closed down under AIPPA, were living in near destitution. Many were suffering from stress related illnesses but because they were unemployed were unable to afford treatment. **[10v]**

**6.38** BBC News reported on 15 February 2005 that the Zimbabwean police raided the offices of three journalists under the pretence of looking for spying equipment. ‘The journalists – who report for the Associated Press, the London Times and South African newspapers – said they only had normal office equipment.’ A spokesperson for the journalist said that the raid, which lasted six hours, was a clear case of harassment and intimidation. ‘The police came to their office with three different sets of allegations, so it’s obvious they don’t know what to charge them with. They [police] are looking for a reason to lock them up.’ Among the allegations made by the police were that the journalists were engaged in spying, and that they were not officially accredited, an offence that can lead to a two year prison sentence. **[3bt]**

**6.39** On 23 February 2005 the Voice of America reported that the Committee to Protect Journalists (CPJ) sent a letter to President Robert Mugabe stating its outrage at the harassment and intimidation faced by the three Zimbabwean journalists. The CPJ says that freelance reporters Angus Shaw, Brian Latham and Jan Raath were forced to leave the country, while a forth journalist, Cornelius Nduna, has been forced into hiding. A spokesperson for the CPJ stated that ‘There seems to be again a clampdown, a systematic campaign, of harassment and intimidation of independent voices in Zimbabwe in the run up to the March 31st elections.’ **[83]**

Back to Contents

**Freedom of Religion**

**6.40** USSD Religious Freedom Report 2003 published in September 2004 stated that:

‘The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, some practitioners of indigenous religions reportedly viewed as restrictive a law that criminalizes purporting to practice witchcraft, or accusing persons of practicing witchcraft.’ **[2g] (p.1)**

**6.41** USSD Religious Freedom Report 2003, stated that,

‘There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. The Government and the religious communities historically have had good relations; however, as in previous years, the Government was critical of and harassed religious leaders who spoke out against the Government's ongoing

campaign of violent intimidation against opposition supporters. Church leaders and members who criticized the Government faced arrest and detention.' **[2g] (Introduction)**

**6.42** The US State Department International Religious Freedom report 2003, published in September 2004, gave a number of examples,

> 'In March [2004], Reverend Noel Scott, a Northern Ireland clergyman who has been a missionary in Bulawayo for more than thirty years, received a summons to stand trial for breaching the Public Order and Security Act (POSA) by disobeying a police officer. The charges stemmed from a 2002 incident during the run-up to presidential elections when Scott and three other church leaders were arrested for holding a street prayer meeting.
>
> 'In March [2004], the Government charged the Catholic diocese of Hwange and the Catholic Mater Dei Hospital in Bulawayo for allegedly exchanging foreign currency illegally. Observers suggested that the charges were intended to put pressure on the Church to desist from criticizing the Mugabe regime.
>
> 'On January 1 [2004], police arrested and detained Father Nigel Johnson, Station Manager for Radio Dialogue, while Johnson filmed footage of a local dance group in the Bulawayo high-density suburb of Nkulamane. The police detained Johnson overnight and charged him with violating the Miscellaneous Offenses Act and with homicide. On March 25 and 26, police raided and searched Radio Dialogue's offices and detained two other staff members for questioning. All detainees were released.
>
> Following Archbishop Pius Ncube's remarks during the 2002 presidential election campaign criticizing the Government's violent campaign tactics, the state-controlled daily newspaper in Bulawayo printed false accusations against Ncube, including that he distributed sexually explicit material to prisoners. At a campaign rally in February 2002, President Mugabe claimed Ncube had "political tentacles" and supported the opposition after the Archbishop resisted government attempts to take over the Catholic-run St. Luke's hospital. During the period covered by this report, Ncube reportedly received threats and intimidating visits by officers suspected to be from the Central Intelligence Organization (CIO).' **[2g] (Section 2)**

**6.43** The USSD 2004 noted that, the Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas. **[2f] (Section 2c)**

**6.44** USSD 2004 also reported that,

> 'There was some tension between the Government and some of the indigenous African churches, and between mainstream Christian churches and practitioners of traditional indigenous religions, because of the latter's' preference for prayer over medical practices that resulted in the reduction of avoidable childhood diseases and deaths. Some members of the indigenous churches believed in healing through prayer only and refused to have their children vaccinated or treated. Human rights activists also criticized these indigenous churches for their sanctioning of marriages for underage girls…Muslims complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.' **[2f] (Section 2c)**

**6.45** The US State Department Religious Freedom Report 2003 stated that, 'The government permits religious education in private schools. There are Islamic and Hebrew primary and secondary schools in the major urban areas, particularly Harare and Bulawayo.' **[2g] (Section 2]** However, in early August 2003 the Daily News reported that a local Muslim group, the Islamic Convent of the Strict Observance (ICSO) of Harare, sent an ultimatum to the government demanding the amendment of the current Christian biased curriculum. If this did not happen within 60 days, the organisation would lodge an application with the Supreme Court seeking a declaration that teaching Christian subjects and reciting the Lord's Prayer are unconstitutional. Non-Christian students are exempt from attending lessons concerning Christianity. However, at Grade 7, students are expected to sit examinations relating to Christianity. **[9o]**

Back to Contents

**Religious Groups**

**6.46** According to the US State Department Religious Freedom Report 2002, published September 2003, estimates of the percentage of the population that is Christian vary between 60% to 70%. Of these, 17% to 27% identify themselves as Roman Catholics. There is a small Muslim population, estimated at less than 1% of the population and comprising mainly Asian Zimbabweans. There are 18 mosques in Harare and 8 in Bulawayo. Most major urban areas have a mosque and there are some in the rural areas also. In recent years Muslims had begun proselytising among the black population with some success. **[2g] (Section 1)** The US State Department International Religious Freedom report 2002, noted that Mugabe had expressed scepticism about the increasing membership of evangelical and indigenous churches and had indicated that he believes that they could be subversive. According to press reports, Mugabe had refused to meet with bishops from indigenous churches since 1997. **[2a] (Section1)**

**6.47** The USSD Religious Freedom Report 2002 noted that there were continuing reports in 2004 of tensions between mainstream Christian churches and practitioners of traditional indigenous religions (according to the US State Department Religious Freedom Report). Gordon Chavanduka, chairman of ZINATHA (an organisation that represents traditional indigenous churches), was reported as stating that black-market demand for human body parts used in making potions had increased greatly in recent years. The Government actively enforces the law against ritual murders but there were no reports of murders of children for body parts during the year. **[2a] (Section 2)**

(For additional information on witchcraft and ritual murders see 6.139 - Children & 6.250 Witchcraft)

**Freedom of Association and Assembly**

**6.48** The US State Department Report (USSD) 2004, published on 28 February 2004, stated that,

> 'The Constitution provides for freedom of assembly; however, the Government restricted this right in practice through laws such as POSA [Public Order and Security Act], which many legal experts believed were unconstitutional. The police repeatedly used force to break up non-violent demonstrations by its critics and erect roadblocks in urban areas to prevent public gatherings from taking place. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although most groups that conducted meetings did not seek permits, some groups informed

the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings, and they disrupted many events whether or not permission was sought. Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. Reportedly, the CIO also routinely sent personnel undercover to monitor meetings perceived as being anti-government.' **[2f] (Section 2b)**

**6.49** afrol news reported on 8 February 2005 that the MDC claimed its candidates had been arrested when trying to organise local party meetings, even when permission had been given. The police were reported to have arrested Godrich Chimbaira, the MDC's candidate in Harare's Zengeza township. It is claimed that Mr Chimbaira was arrested for meeting members of his district structure at his house. **[73b]**

**6.50** In a further example, Canada Free Press noted on 26 January 2005 that, 'The MDC Member of Parliament for Makokoba constituency, Thokozani Khupe was this morning arrested together with 100 members of the three ward structures in her constituency. Among those arrested are two councillors Peter Nyathi, Ward 10 and Amen Mpofu Ward 2.' Khupe, who held a strategic meeting with members of her ward structures and councillors at her restaurant when the police arrested them was taken to Bulawayo Central police station and charged under the POSA for holding an illegal meeting. **[76]**

Back to Contents

**Public Order and Security Act**

**6.51** The Human Rights NGO Forum reported in May 2002 that on the 22 January 2002 the Public Order and Security Act (POSA) was to replace the Law and Order Maintenance Act (LOMA) which was introduced in 1960 by the colonial regime as a tool to thwart Black Nationalist movements. **[35i]** Despite this, according to a report in Africa News on 22 November 2001, POSA takes much of its content from the discredited LOMA. **[55]** According to the Human Rights NGO Forum and Africa News, POSA was seen as an attempt to prevent the MDC holding political gatherings ahead of the March 2002 Presidential election. **[55]** Human Rights NGO Forum also reported that it hindered the training and deployment of MDC election monitors. **[35i]**

**6.52** The Zimbabwe Human Rights NGO Forum report 'Human Rights and Zimbabwe's Presidential Election' outlined the major points of POSA:

"(i) Prohibited public statements or behaviour causing people to hate, ridicule, be hostile to or contemptuous of the person or Office of (acting) State President. Penalty – Z$20 000 and/or one year imprisonment.

(ii) Prohibited abusive, indecent, obscene and/or false public statements causing people to be hostile to or contemptuous or disrespectful of the police.
Penalty – Z$20 000 and/or two years imprisonment.

(iii) Prohibited untrue statements which the author realised might incite or encourage public disorder or violence, negatively affect Zimbabwe's defence or economy, undermine public confidence in the police, prisons or defence force, or interfere with specified essential services.
Penalty – Z$100 000 fine and/or five years imprisonment.

(iv) Prohibited planned or spontaneous public association likely to disturb the peace

by force, obscenity, abuse, threat or insult; together with public statements likely to make anyone hate or despise any section of Zimbabwean society because of their race, tribe, religion or gender.
Penalty – Z$50 000 and/or imprisonment for 10 years.

(v) Required four days advance notice to (not permission of) the police for any public gathering.
Penalty – Z$10 000 and/or six months imprisonment, plus personal liability to compensate for any personal injury and/or damage to private property.

(vi) Gave the police power to prohibit any public gathering they reasonably believe would result in public violence (even though police permission is not required to hold any gathering); to disperse such a gathering; and to cordon and search any area at any time.
Penalty for entering or leaving a cordoned area without written police permission– Z$10 000 and/or six months imprisonment.

(vii) Gave the police power to demand from anyone in public space their identity document.
Penalty – seven days to produce identity documents at the nearest police station, or detention by the police until identity is proved." **[35l] (p.2)**

**6.53** The USSD 2004 noted that the Official Secrets Act together with the Public Order and Security Act (POSA) give the Government wide ranging legal powers, and give extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not defined clearly. **[2f] (Section 2d)**

**6.54** The same source also noted that, by May 2002 the Act had been used to ban or disrupt 83 MDC rallies, in addition to Morgan Tsvangirai's briefing with Harare diplomats and foreign observers. Also some training sessions for polling agents were disrupted by the police who classified them as political rather than educational meetings. In what is described as a clear act of partisan policing, a National Constitutional Assembly (NCA) march in February 2002 was dispersed and a violent ZANU-PF march in the same month was given an escort by riot police. **[35i p. 2]**

**6.55** A Daily News report stated that on 14 February 2003 the High Court barred the MDC from holding a rally at the White City stadium in Bulawayo. Morgan Tsvangirai the MDC leader, Gibson Sibanda, the vice-president and Welshman Ncube the secretary-general were all billed to speak. The police blocked the move under the POSA legislation, saying that they did not have enough manpower to police the rally due to commitments for the Cricket World Cup. **[9cd]**

**6.56** A Daily News report of 20 February 2003 stated that on 17 February 2003, three student leaders from the Great Zimbabwe University, who were arrested under the POSA legislation on 22 November 2002 for causing disturbances, were acquitted. The state alleged that the three, Emmanuel Saurombe, Trevor Jakachira and Brian Gwinji organised a demonstration of about 150 students who subsequently caused Z$463,749 of damage to the campus. **[9cg]**

**6.57** By 13 March 2003, according to the Daily News on 14 March 2003, with the strike still unresolved and the University of Zimbabwe closed indefinitely, 700 lecturers remained on strike and no solution was in sight. Students were given until 6pm of 14 March to

vacate the University. **[9cf]**

**6.58** The Daily News reported on 29 May 2003, that during a meeting at the Workington power plant, 70 striking Zimbabwe Electricity Supply Authority (ZESA) workers were seriously assaulted by riot police. The incident, which occurred on 28 May 2003, was a response to the strike which had been declared illegal a week earlier by the Labour Court. However, the workers claimed that their grievances had still not been dealt with and were waiting to be addressed by management when the police attacked. **[9q]**

**6.59** A Daily News report on 6 June 2003 stated that police in Chinhoyi prevented the MDC from holding a rally scheduled for 7 June 2003 in Chinhoyi stadium, citing security concerns. The rally had initially been given the go-ahead by police, but the decision was reversed on 4 June. Morgan Tsvangirai the President of the MDC, Gibson Sibanda his deputy, and Welshman Ncube, the party's Secretary General, were due to address the rally. **[9bl]**

**6.60** The Daily News reported on 7 June 2003 that, numerous demonstrations were prevented from happening by state security forces and ZANU-PF youths on 6 June. The demonstrations were due to take place as a conclusion to the five day long mass action initiated in 2 June. **[9bu]**

**6.61** A Daily News report stated on 4 July 2003, that the National Constitutional Assembly (NCA) were barred from holding its regional convention on 5 July 20003 in Masvingo, as Robert Mugabe was holding a rally in Chivi, 70 kilometres away. The NCA said that they would press ahead with their convention irrespective of the police order. **[9ax]**

**6.62** IRIN reported on 16 February 2004, that police prevented a demonstration by the Women of Zimbabwe Arise (WOZA) group. No arrests or beatings occurred. **[10be]** The USSD 2004 noted that the same demonstration the previous year resulted in several arrests. 'Each time the women were released after a few days and usually had to pay a fine. In September [2004], police arrested several members of WOZA on a march from Bulawayo to Harare to protest the NGO Bill, then under consideration by Parliament. In August [2004], 48 women went on trial for participating in a demonstration against POSA in July 2003; the women were all acquitted. There were no developments in the May 2003 arrest of WOZA members.' **[2f] (Section 2b)**

(For additional information regarding WOZA see 6.86 & 6.89)

**6.63** USSD 2004 noted on May 19, 'The Standard editor Bornwell Chakaodza and reporter Valentine Maponga were arrested and charged under POSA with publishing false statements prejudicial to the state following an article that stated the family of a killed mining company executive blamed senior government officials for plotting his death. The journalists were charged then released. Police rearrested them 2 days later; they were released on bail, and no further action was taken by year's end.' **[2f] (Section 2a)**

**6.64** On 6 August 2004 the BBC reported a Morgan Tsvangirai spokesman as saying, "In the past 10 days, the Zimbabwe Republic Police have barred Morgan Tsvangirai from addressing 11 meetings convened for grassroots officials". The MDC claim that the police were interpreting new security laws to mean that their permission was needed if more than three people meet, even in the house of a party official. **[3f]**

**6.65** The USSD 2004 noted that in November and December 2004, three people were

arrested and fined under POSA for criticising President Mugabe in public. **[2f] (Section 2a)**

Back to Contents

**Criminal Law (Codification and Reform) Bill**

**6.66** On 5 December 2004 Kubatana (an NGO Network Alliance Project) reported the impending introduction of the Criminal Law (Codification and Reform) Bill. It noted that the Bill seeks to introduce a Criminal Code for the first time in Zimbabwe, moving away from current common law. Offences such as treason, murder, culpable homicide, theft, fraud, assault, arson, malicious injury to property and criminal defamation, formerly prosecuted under common law, will now become statutory crimes. In addition, many existing statutory crimes will be incorporated, including the Sexual Offences Act, the Witchcraft Suppression Act, sections of the Dangerous Drugs Act and sections of POSA. It was noted that certain sections from POSA are also being replaced in the Bill. **[55c] (p.1)**

**6.67** However, while Kubatana stated that there was a need for the codification of criminal law, it expressed major concerns about the proposed legislation. It noted that,

> 'The codification of Criminal Law is an extremely important and major piece of legislation. It could have provided the opportunity of informed public debate about a major section of the law governing the lives of the people. As the Bill was being fast tracked [contrary to Parliament's own adopted reforms] the Bill was not referred to Parliamentary Portfolio Committees. Parliament did not call for public hearings or for evidence and inputs from sectoral representatives of society. The House ignored the advice of its own legal committee on the Bill's constitutionality and MP's had little time to debate such a complex and lengthy piece of legislation.' **[55c] (p.2)**

**6.68** On 10 December 2004, Kubatana reported that,

> 'Despite the existence of several pieces of repressive legislation curtailing the citizenry's basic rights, *The Standard* (28/11) revealed the extent to which yet another Draconian Bill will erode freedom of expression. The paper reported that the Criminal Law (Codification and Reform) Bill proposes a fine of $5 million or a jail sentence of up to 20 years for *"anyone who publishes or communicates to another statements that are perceived to be prejudicial to the State"*. The proposed law, the paper noted, *"will make it extremely difficult for journalists to operate and will certainly be the most repressive piece of legislation in Zimbabwe's Statute books"*. *The Financial Gazette* (2/12) and *The Daily Mirror* (3/12) echoed similar views in their follow-up reports on the matter. What none of the media reported however, was that the relevant section of the Bill is intended to replace similar sections contained in the Public Order and Security Act but which do not contain the same terrifyingly punitive penalties. But while the private media at least informed the public of this unprecedented plan to silence all criticism of the presidency, the uniformed forces and State interests, the government media conveniently suffocated the whole issue.' **[55e]**

(For additional information see 6.3 – 6.26 Freedom of Speech and the Media)

**6.69** Kubatana noted on 5 December 2004 that 'Clauses 31 and 33 of this Bill *do not introduce new crimes*. They have replaced Sections 15 and 16 of the Public Order and Security Act [POSA]. Those sections of POSA replaced by clauses in this Bill will be repealed.'

‘Clause 31 of the Criminal Law [Codification and Reform] Bill - *Publishing or communicating false statements prejudicial to the State* is an almost word for word replacement of Section 15 of POSA. There are slight differences in paragraphing and there is a more severe level of punishment.’

‘Clause 33 of the Criminal Law [Codification and Reform] Bill - *Undermining authority of or insulting President* is an almost word for word replacement of Section 16 of POSA.’ **[55c] (p.1)**

**6.70** Kubatana noted (updated 3 March 2005) (NB. Originally accessed in February 2005) that the Bill had ‘Passed by Parliament, awaiting signature by the President and must be gazetted before it will come into force.’ **[55d] (p.2)**

**Political Activists**

**6.71** The US State Department Report (USSD) 2004, published 28 February 2005, stated that,

‘The Constitution provides for freedom of association; however, the Government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as their activities were viewed as non-political. ZANU PF supporters, sometimes with government support or acquiescence, intimidated and abused persons perceived to be associated with the opposition. The Government harassed some NGOs it believed were opposed to government policies with raids on their offices, inquiries into their activities, and obstacles to renewing work permits of foreign employees. The formation of political parties and unions was not restricted; however, the Government interfered with activities of political parties and unions during the year.’ **[2f] (Section 2b)**

**6.72** The US State Department Report (USSD) 2003, published 25 February 2004, stated that human rights groups reported systematic mass physical and psychological torture by government supporters throughout the country and that pro-ZANU-PF supporters set up torture chambers in government-funded buildings. USSD 2003 also stated that: “Many persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, were singled out for assault or intimidation by ruling party supporters.” **[2d] (Section 1)** However, “Unlike in the previous year, there were no reports that war veterans and other ZANU-PF supporters conducted “pungwes” (forced nightly political gatherings) in rural areas.” **[2d] (Section 1d)**

**6.73** The USSD 2004 noted that,

‘According to the human rights NGOs, more than 115 MDC supporters were displaced internally during the year; however, the number of unreported cases likely was higher. The Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (see Section 1.f.). In most cases, police did not intervene.’ **[2f] (Section 2d)**

**6.74** A BBC report on 20 February 2003 stated that the MDC claimed that 227 of their activists had been abducted and beaten during 2002. **[3m]** During 2003, the Zimbabwe Human Rights Forum recorded 52 abduction/kidnappings, 388 assaults, 10 attempted murders, 80 death threats, 10 murders, 4 disappearances, 208 displacements, 809 infringements of freedoms of expression/association/movement, 6 rapes, 497 counts of

torture, 579 unlawful arrests and 168 unlawful detentions. All of these crimes were believed to be politically motivated. **[35d]**

**6.75** On 17 May 2004 the Independent reported that two opposition activists, who had subsequently been released, had claimed to have been detained by police when trying to file a complaint that they had been abducted by ZANU-PF militants in the Lupane constituency in the run-up to the Lupane by-election. Morgan Tsvangirai claimed the two had been held and tortured by self-styled war of independence guerrillas. **[3c]**

**6.76** A report by Zimbabwe Online on 31 July 2004, stated that "A parliamentarian of the Zimbabwe opposition Movement for Democratic change (MDC), Roy Bennett, is facing a one year jail sentence, following a recommendation by the parliamentary privileges committee." The sentence results from a scuffle in parliament in which Bennett retaliated against insults by Justice, Legal and Parliamentary Affairs Minister, Patrick Chinamasa. The views of the committee's four ZANU-PF members prevailed against those of the two MDC members. Bennett faces losing his seat if he is sentenced to more than six months. **[49c]**

(For additional information also see paragraph 6.78)

**6.77** A BBC report on 10 August 2004 stated that, "A British-based lobby group has accused Zimbabwe's government of carrying out a systematic campaign of violence and torture against its opponents." The report refers to documented examples compiled by local human rights groups of nearly 9,000 violations in Zimbabwe from the year 2001 to 2003. "It covers incidents such as torture, abduction and murder." **[3p]**

**6.78** Amnesty International reported on 24 December 2004 that the Zimbabwean parliament had voted on 28 October 2004 to accept the recommendation of a special committee set up to try MDC MP Roy Bennett. The committee recommended that Mr Bennett receive 15 months imprisonment with hard labour. The sentence follows an incident on 18 May 2004 when Mr Bennett pushed the Minister of Justice, Legal and Parliamentary Affairs to the floor during a heated debate in parliament. **[14h]** In a further report from Amnesty dated 28 January 2005, it expressed its "very great concern" at the continued detention of Roy Bennett and labelled his imprisonment as a "gross injustice".

> 'Legal experts in Zimbabwe have pointed out that common assault, the offence with which Roy Bennett would most likely have been charged had the matter been brought before a criminal court, would attract a far less severe sentence. In many such cases only a fine is imposed. Even if a more serious assault charge were brought against Roy Bennett it would not have attracted such a severe penalty.'
>
> 'Amnesty International today repeated its call for Roy Bennett's immediate release on bail pending either a review of his conviction and sentence by an independent and impartial court, or a trial before an independent and impartial court.' **[14i]**

**6.79** The Zimbabwe Human Rights NGO Forum recorded in its 'Political Violence Report - October 2004' that in the period January – October 2004 there were 61 abduction/kidnappings, 378 assaults, 8 attempted murders, 33 death treats, 3 murders, 2 rapes, 184 displacements, 726 infringements of freedoms of expression/association/movement, 167 counts of torture and 203 unlawful arrests and 151 counts of unlawful detention. All of these crimes were believed to be politically motivated. **[35l] (p.3)**

Back to Contents

**Human rights abuses (Zimbabwe Human Rights NGO Forum)**

**6.80** The following reports are extracts from the Monthly Political Violence reports of the Zimbabwe Human Rights NGO Forum. The Forum has been monitoring political violence in Zimbabwe since the June 2000 parliamentary elections and full details of reported incidents can be found at:

http://www.hrforumzim.com/frames/inside_frame_monthly.htm

**6.81 January 2004**

'Victimisation and intimidation on the basis of one's political affiliation continue to be commonplace in Zimbabwe. Leaders of political parties and high level Government officials have failed to encourage tolerance amongst their supporters. Instead, statements have been made that overtly foster prejudices and violate the right to freedom of association. In Gutu North (MASVINGO PROVINCE), Vice President, Joseph Msika was reported as having labelled MDC supporters as "sell-outs, sponsored stooges and anti-revolutionaries" at a meeting of villagers at the Zvavahera Business Centre.'

'Violence broke out in Shamva constituency (MASHONALAND CENTRAL PROVINCE) where several MDC supporters were reportedly beaten by ZANU PF youths for being supporters of the MDC. Some were seriously injured while Alexander Chigega reportedly died of the injuries he sustained in an assault on 4 January 2004...Two of the perpetrators, Never Chigega and Mrs Mishamiviri, were also named as perpetrators in incidents of political violence in the run up to the Presidential Elections of March 2002. They appear to continue to be involved in incidents of political violence without consequence.'

'In Gutu North, Crispa Musoni, the MDC candidate for the constituency, alleged that he was unable to conduct a campaign without hindrance. Musoni was reportedly denied police clearance to hold rallies and alleged that those who were associated with his campaign were subsequently tracked down for purposes of retribution. The Human Rights Forum notes with concern the failure by the responsible authorities to ensure an environment in which the opposition would be able to campaign meaningfully. In contrast the ruling party, ZANU PF, candidate was reportedly able to campaign without interference throughout Gutu North.' **[35a] (p.2-3)**

Back to Contents

**6.82 February 2004**

'National Constitutional Assembly (NCA) held a demonstration to call for a new constitution outside Parliament on 4 February 2004. The police stopped the demonstration and the demonstrators were arrested and subjected to varying forms of torture…The police continue to prevent members of the NCA from exercising their rights to freedom of association, assembly and expression by routinely arresting them and assaulting them whenever they attempt to hold a peaceful demonstration.'

'Violence continues to be commonplace on Charleswood Estate, which belongs to Roy Bennett (MDC MP for Chimanimani – MANICALAND PROVINCE). Farm workers at Charleswood have been consistently victimised on the basis that they work for an MDC MP. Shemi Chimbarara, a farm worker at Charleswood Estate, reportedly died when he was shot by a soldier settled at the farm. JK, also a farm

worker at Charleswood, was reportedly shot in the knee as he was running away from the soldier... Chamunorwa Muusha, a war veteran settled at Charleswood reportedly raped a farm worker from the farm on 6 February 2004.' **[35b] (p.2)**

(For additional information see also 6.48 – Freedom of Association)

**6.83 March 2004**

'Inter-party violence prevailed throughout the campaign period or the Zengeza by-election held from 27–28 March 2004. Seventy-five percent of the politically motivated assaults that were perpetrated in March 2004 occurred in Zengeza constituency during the campaign period. There are allegations that Christopher Chigumba (ZANU PF candidate, Zengeza by-election) was involved in intimidation of MDC supporters.'

'Widely reported incidents of violence in Zengeza eliminated prospects for a peaceful electoral environment in the constituency prior to the election. The murder of Francis Chonozvina on the morning of the second day of polling also undoubtedly had an effect on the voting process and most likely induced a climate of fear amongst the electorate. The events that transpired in Zengeza in March raise serious doubts regarding the possibility of free, fair and violence-free elections in the Parliamentary Elections planned for March 2005.' **[35c] (p.2)**

Back to Contents

**6.84 April 2004**

'Inter-party violence continued to prevail throughout April 2004 and in addition disturbing incidents of intra-party political violence were also recorded in St Mary's. Incidents of political violence also continue to be reported in areas and at times when there are no elections or by-elections being held or immediately pending. In Shurugwi (MIDLANDS PROVINCE) IM, a MDC supporter, reported that Daniel Nyevera and other ZANU PF supporters closed down her shop because she previously contested for the position of Councillor on a MDC ticket. They are said to be visiting her home, threatening her and her children with death. MM claims that ZANU PF supporters displaced him from Shurugwi on allegations of being a MDC activist. He alleges that he was also ordered to join the National Youth Service Training program and was threatened with death when he refused to do so. An environment prevails in Zimbabwe in which political violence has seemingly become a 'normal' way of life.'

'In a display of unwarranted excessive use of force, LTC, a former General Secretary of the Zimbabwe National Students Union (ZINASU) and a human rights activist was reportedly arrested and severely assaulted by police officers at Mt Pleasant Hall in Harare Central (HARARE PROVINCE), where he had gone to give a speech at the Education Rights Forum.'

'Post-election retribution, a well-established phenomenon associated with elections in Zimbabwe and documented by the Human Rights Forum since the June 2000 Parliamentary elections, was recorded following the holding of the Zengeza by-election on 27 and 28 March 2004. EG and AK, MDC supporters, purport that they were assaulted by Muzambi and other ZNA officers because they participated in the Parliamentary by-election campaign in Zengeza.' **[35e] (p.1-2)**

Back to Contents

**6.85 May 2004**

'The group of ZANU PF youths from Mbare (HARARE Province) who are known as Chipangano have been consistently reported as perpetrating organised violence and torture since April 2003. However no arrests or prosecution of the members of this group are on record as having taking place. The Zimbabwe Human Rights NGO Forum regards the climate of impunity that has been created for this notorious grouping with great concern. Chipangano is alleged to have been involved in several incidents of political violence, including intimidation, assault, forced displacement and property damage, in May 2004.'

'Zimbabwean citizens continue to have their rights to political participation violated, including the 'right to assemble freely and associate with other persons and in particular to form or belong to political parties' and the 'right not to be compelled to belong to an association.' Victimisation of persons for attending rallies held by the opposition is a worrying development ahead of the March 2005 Parliamentary Elections as this inevitably affects the ability of opposition political parties to campaign freely.' **[35f] (p.2-3)**

**6.86 June 2004**

'Members of Women of Zimbabwe Arise (WOZA), who have frequently been arrested in the past for holding peaceful demonstrations in support of various causes, were again arrested while engaging in a peaceful demonstration in Zimbabwe. On 16 June 2004, 43 WOZA women were detained at Matshobana Hall by CIO agents and ZRP officers in Mpopoma constituency (BULAWAYO Province) where they were scheduled to have a community meeting. Jenni Williams, leader of WOZA, claims that two plain-clothes policemen interrupted the opening session of the meeting wherein the facilitators were discussing project formulation. The officers stopped the meeting and informed the women that they would be charged under POSA...Four of the arrested women were detained for the night whilst the rest of them and the 7 babies were released. The four were taken to court the following day but the prosecutor allegedly declined to prosecute and the women were subsequently released.

On 19 June 2004 WOZA women's freedom of association and assembly was further curtailed. 73 WOZA women who had gathered at the Bulawayo Main Post Office to commemorate the United Nations World Refugee Day were arrested by uniformed police officers. By noon, the WOZA leadership who had remained out of the reach of the police gathered more women together and marched to Bulawayo Central Police Station in solidarity with their colleagues who had been arrested. Whilst marching along Fife Street, the road on which the police station is located, a police Defender truck arrived and uniformed officers alighted from their vehicle and descended upon the women…Eleven women were reportedly arrested by the police and detained in custody for 3 days and nights at Donnington Police Station. These 11 women were eventually taken to Court on the 4th day and were initially to be charged under POSA, however, they were eventually charged under Section 7 of the Miscellaneous Offences Act. The WOZA women were remanded to 13 August 2004 on free bail. The 73 women that had been arrested on the morning of 19 June were released later that same day having paid $25 000 Admission of Guilt fines.'

(For additional information regarding WOZA see 6.62 - POSA)

'Attacks on MDC supporters attending a rally at Mukandabhutsu in Msasa Park,

Hatfield constituency, (HARARE Province) on 6 June 2004 makes evident the climate of intolerance by ZANU PF supporters to those people who want to associate with other political parties.' **[35g] (p.2)**

Back to Contents

**6.87 July 2004**

'Zimbabwean citizens' rights to assemble and associate freely with other persons and in particular to form or belong to political parties of their choice continues to be violated. Throughout July, victimisation of leaders and members of the opposition party persisted with politically motivated human rights violations during the month mainly related to campaigns being undertaken in preparation for the 2005 General Election. Events that occurred in Mvurwi (MAZOWE WEST constituency) and incidents reported in other parts of the country demonstrated the absence of a level electoral playing-field within the country eight months ahead of the March 2005 election.'

'Movement for Democratic Change President, Morgan Tsvangirai; MDC National Chairperson, Isaac Matongo; MDC Deputy Secretary General, Gift Chimanikire; MDC National Women's Organising Secretary, Emma Chimanikire; MP for Chitungwiza, Fidelis Mhashu; MP Mhashu's driver, Samuel Mapingure and MDC Vice Chairperson for Mashonaland Central, Henry Chimbiri claim that about 200 ZANU PF youths wielding sticks, iron bars, stones, bricks, knobkerries and guns attacked and indiscriminately assaulted them and other party members at an MDC Mashonaland Central Provincial Assembly Meeting.'

'AGM, a teacher at Nyambiri School, Seke Constituency (MASHONALAND EAST province) was reportedly assaulted by ZANU PF supporters led by the ZANU PF District Chairman. He was also allegedly threatened with death and accused of supporting the MDC. The ZANU PF District Chairman reportedly assaulted AGM in the stomach and told him that he was no longer welcome in the area. The beatings allegedly lasted for approximately 30 minutes during which time the victim lost consciousness. AGM has since fled the area out of fear.'

'The Human Rights Forum condemns violence perpetrated against teachers in rural communities, particularly ahead of the March 2005 Parliamentary Election. Such incidents have been documented in isolation and with increasingly frequency in association with election campaigns. Teachers have subsequently fled from their schools seeking refuge in urban centres.' **[35h] (p.2-3)**

**6.88 August 2004**

'Incidents that occurred in Zimbabwe in August show a lack of commitment by the Government of Zimbabwe to the implementation of the SADC (Southern African Development Community) Principles and Guidelines Governing Democratic Elections. Intra-party violence between members of ZANU PF which resulted in high levels of politically motivated violence taking place in Makoni North (Manicaland Province) between 21 and 22 August 2004 evidenced the continuing absence of *"freedom of association and political tolerance"*. This equally applies to events in Epworth (Hatfield constituency, Harare Province) where MDC members were victimized for distributing flyers with a clash between MDC and ZANU PF youths ensuing.'

'In Makoni North constituency (Manicaland Province) Didymus Mutasa, ZANU PF MP for Makoni North and Minister of Special Affairs in the President's Office

Responsible for the Anti-corruption and Anti Monopolies Programme, was allegedly involved in or the instigator of several incidents of assault and destruction of property. Youths who support Minister Mutasa were reportedly responsible for victimising several other ZANU PF supporters and war veterans who are perceived to be in opposition to the Minister, including James Kaunye, who reportedly intends to contest against the Minister in the ZANU PF primary elections for the constituency…Minister Mutasa was reported to have been actively involved in the violence at this point and was also reportedly seen *"shooting at the dogs and windowpanes and with catapults".*'

'Eventually 42 people were reportedly arrested for their involvement in the violence. Minister Mutasa reportedly acknowledged that the youths were his supporters and allegedly paid bail for 31 of them. He was quoted as having stated:*"Of, course I have to pay for my supporters. I have paid for 31, and it was $300 000 each."* No action has yet been recorded as having been taken against Minister Mutasa.'

'The Human Rights Forum commends the Commissioner of Police, Augustine Chihuri, for the recent stance that he adopted with respect to incidents of political violence. According to the Commissioner the ZRP will "*have zero tolerance of any situation or activities which they perceive as contributing to violence."* The Commissioner also stated that *"towards the 2005 Parliamentary Elections… barbaric type of political activism in which youths are used as cannon fodder should cease."* The Human Rights Forum noted these sentiments with appreciation as instigators of political violence have indeed often in the past used youths as foot soldiers who are later prosecuted for perpetrating violence while the instigators themselves have not been held accountable for their involvement in the violence as well. We call upon the Commissioner to take action against holders of political office who believe that they enjoy impunity in so far as they make statements such as *"Ndino disciplinwa nani?"* (*who will discipline me)*. Scrupulous prosecution of the instigators of violence is just as vital as prosecution of perpetrators.'

'Violence continues to be perpetrated against teachers in rural schools. Teachers are victimized and assaulted for real or perceived ties to the MDC. The Human Rights Forum calls on the relevant authorities to ensure that teachers operate in a violence and fear-free environment in the campaign period for the March 2005 Parliamentary Elections. Nesbert Chinheya, Headmaster of Musani Primary School (Chipinge North constituency – Manicaland Province), was reportedly attacked by 10 ZANU PF youths for supporting the MDC. Chinheya was reportedly assaulted in the presence of teachers at the school. He was then reportedly ordered by war veterans to write a report to them explaining why he supports the MDC. The attack on the headmaster reportedly followed well-attended meetings in Chipinge and Chimanimani districts addressed by Morgan Tsvangirai.'

'The Human Rights Forum urges the Government of Zimbabwe to "take necessary measures to ensure the scrupulous implementation" of SADC Principles and Guidelines Governing Democratic Elections. Of particular concern to the Human Rights Forum is the safeguarding of "human and civil liberties of all citizens including the freedom of movement, assembly, association and expression" which the Government of Zimbabwe does not appear to be respecting at the present time. While the Human Rights Forum welcomes assurances by the President of Zimbabwe to the effect that Zimbabwean "security organs will show no mercy towards any aberration that detracts from our peace, stability and tranquillity," these

assurances are yet to be translated into action.' **[35j] (p.2-5)**

(For additional information see 6.48 - Freedom of Association)

**6.89 September 2004**

'Incidents occurring in Zimbabwe in the month of September continue to reflect lack of political tolerance. The Human Rights Forum commends the Vice President for his stance against violence and hopes that his words will be put into action. The Human Rights Forum condemns any form of political violence against any Zimbabwean no matter what their political affiliation may be.'

'Political victimization was relatively high around the opposition MDC's 5th year anniversary celebrations on 11 and 12 September 2004. In Kwekwe, it is alleged that around 8:00am on Saturday, ZANU PF supporters at Globe and Phoenix ground attacked Blessing Chebundo MDC MP for Kwekwe and other MDC supporters. The MDC supporters were reportedly preparing for the beginning of the party's 5th year anniversary celebrations at the ground. It is reported that more than 200 ZANU PF supporters attacked the MDC supporters. Four of the MDC supporters were reportedly seriously injured during the attack. They were taken to hospital. Police in Harare reportedly confirmed their knowledge of the incident. The Forum urges the police to bring to book all those responsible for incidents of this nature.

The month of September also saw a rise in the number of displacements. The cases of displacements recorded in September are the highest since the beginning of the year. This can be attributed to the current farm evictions and also the MDC 5th anniversary celebrations mentioned above.

The Non-Governmental Organizations Bill (NGO Bill), which was gazetted on 20 August 2004, was the centre of numerous demonstrations in the month of September leading to many arrests. The NGO Bill, among other repressive measures, seeks to ban any form of foreign funding for local NGOs involved in issues of governance. The Bill states, "*No local Non-Governmental Organization shall receive any foreign funding or donation to carry out activities involving or including issues of governance"*[1]*.* Issues of governance are defined in the Bill as including, "*the promotion and protection of human rights and political governance issues".* It is not surprising, therefore, that this Bill was the subject of many demonstrations by civil society in the month of September.

It is reported that 52 WOZA women were arrested between Chegutu and Selous at the 65KM peg Bulawayo-Harare highway for organising a demonstration without police notification. The women had announced they were marching from Bulawayo to Harare to demonstrate against the NGO Bill. It appears that when the police approached the women, they allegedly misled the police saying they were church members. They were however reportedly searched and found in possession of demonstration materials, which included banners and pamphlets. The women were taken into custody at Kadoma and Chegutu police stations and detained for 3 days. It is claimed that they appeared in Court but the magistrate refused to press charges due to lack of evidence.

The Forum deplores the heavy-handed manner with which the police in Zimbabwe are quashing demonstrations. The Forum further urges the police to adhere to the

United Nations (UN) Code of Conduct for Law Enforcement Officials, which states, "*Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".* The use of force must be proportional "*to the legitimate objective to be achieved.'"* **[35k] (p.2-4)**

**6.90 October 2004**

'The treason trial of MDC leader Morgan Tsvangirai on 15 October, in which he was acquitted of charges of plotting to assassinate Zimbabwe President Robert Mugabe was the focus of politically motivated violence in the month of October. Shortly before, during and after the court hearing for the acquittal of the MDC President, acts of intimidation and violence against MDC and NCA activists, as well as university students, increased sharply. Intimidation by state agents and ZANU PF youths caused several men and women to flee from their homes for fear of further assaults.

A large number of MDC supporters gathering outside the High Court to hear the Tsvangirai trial verdict were tear-gassed and assaulted by riot police. Of those who sought medical assistance, several had to be treated or admitted to hospital. In a related incident, a truck full of Riot Police reportedly dispersed an all-night meeting of NCA members interceding on Tsvangirai's behalf. A victim claims that they were assaulted with plastic whips, booted feet and open palms…

The Human Rights Forum urges the Government of Zimbabwe to take the necessary preventive steps to forestall political violence, intimidation, discrimination and victimization by state agents and individuals who appear to be acting with impunity, especially as the Parliamentary elections draw nearer.' **[35l] (p.2)**

Back to Contents

**Employment Rights**

**6.91** The US State Department Report 2004 states that,

'The Labor Relations Amendment Act (LRAA) provides private sector workers with freedom of association and the right to form or join unions without prior authorization, and workers exercised these rights; however, some pro-Zanu-PF employers declared their shops off-limits to the Zimbabwe Congress of Trade Unions (ZCTU), the national umbrella labor confederation. The LRAA allows members of the Public Service, as well as other government employees (with the exception of members of the Disciplined Services) to form and join unions; however, the Act also retains a prohibition of strikes by disciplined and "essential services". Employees in positions designated as managerial were excluded from general union membership. At the end of 2003, approximately 25 percent of the formal sector work force belonged to the 31 unions that form the ZCTU. During the year, approximately 65 percent of industries were unionized.

The Government and the ZCTU regularly clashed sharply over economic policy. The Government often did not consult with either the ZCTU or employers before implementing policy decisions that affected the workplace, which disrupted labor relations, but the Tripartite Negotiating Forum (TFN) resumed. During the year, the Government openly targeted the ZCTU, declaring it aligned with the opposition MDC. The Government arrested and detained ZCTU leaders at various labor rallies during the year.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to work closely with ZANU PF. ZFTU created splinter unions in each sector of the economy, with some sectors containing up to five splinter unions. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education. ZANU PF/ZFTU again sponsored May Day commemorations during the year and attendance at the ZFTU's event was much higher than the previous year. However, ruling party supporters assaulted organizers of ZCTU May Day festivities, beating one person severely.' **[2f] (Section 6a)**

'There is no right to strike in the Constitution. Although the LRAA explicitly recognizes this right, it has been circumscribed with procedural hurdles including advance notice of 14 days, attempt for conciliation for 30 days, and possible mandatory referral to binding arbitration. The Act prohibits "essential services" employees from striking on the grounds that it "endangers immediately the life, personal safety or health of the whole or any part of the public." The law defines essential services broadly and includes: Fire personnel, employees engaged in the supply and distribution of water, employees providing some veterinary services, revenue agents at ports of entry, persons in the health care field, transport and communications employees, railway engineers, licensed electricians, and broadcast personnel during a state of emergency. The law also allows that "any nonessential service may be declared an essential service by the Minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety or health of the whole or part of the population is endangered," and labor groups were concerned this could negatively impact them. In practice, the Government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes.' **[2f] (Section 6 b)**

**6.92** The USSD 2002 noted that 'Many persons who were perceived as opposition supporters by the Government, were removed from the civil service and the military.' **[2e] (Section 3)** An abstract of an article written by Dr JoAnn McGregor (published 2002) entitled 'The Politics of Disruption: War Veterans and the Local State In Zimbabwe', noted that 'Officials were suspended from their jobs and subjected to a procedure of 'vetting' by war veterans in which they were accused of a wide range of offences from dancing on the photograph of the President, to campaigning for the opposition party, to maladministration and corruption.' **[86]**

**6.93** As reported by the US State Department Report 2002, published 31 March 2003, approximately 400,000 workers, around 25% of the formal sector workforce, belong to the 31 unions that form the Zimbabwe Congress of Trade Unions (ZCTU). Although the Government originally established the ZCTU, anticipating that it would form a labour arm of ZANU-PF, the ruling party no longer controls the organisation. MDC leader Morgan Tsvangirai was the former leader of the ZCTU and many senior MDC figures come from the ZCTU. Although civil servants constitutionally are barred from forming unions, the Public Service Association and its affiliated associations had become members of the ZCTU. The ZCTU is affiliated with the ICFTU. The ZCTU's Secretary General, Wellington Chibebe, was arrested in July 2001 and questioned about a strike that the ZCTU had sponsored earlier that month and the ZCTU's association with foreign labour organisations. He was released later the same day. **[2e] (Section 6 a&b)**

**6.94** In June 2001 a second umbrella labour organisation, the Zimbabwe Federation of Trade Unions (ZFTU) began to function after a long period of inactivity. The USSD 2002

noted that

> ‘There were credible reports that ZFTU activists threatened to physically attack workers or publicly mark them as opposition supporters. In order to "persuade" them to change their labor union allegiance, the ZFTU at times sent armed gangs to force workers out of bed during the night to chant ZANU-PF slogans and prove their allegiance to the party…ZANU-PF/ZFTU sponsored a second set of May Day commemorations intended to overshadow the traditional ZCTU workers' day celebrations. In many cities throughout the country, including Harare, the public venues normally rented by the ZCTU were co-opted by the ZFTU. The politically charged alternative ZFTU gatherings decreased attendance at ZCTU celebrations; however, attendance at most ZFTU events, was low as well. **[2e] (Section 6a)**

The USSD 2003, published 25 February 2004, followed this up by reporting that,

> ‘The Zimbabwe Federation of Trade Unions (ZFTU) continued to disrupt relations between workers and their union leadership. However, unlike in the previous year, its leader and vice president, Joseph Chinotimba, kept a much lower profile after his defeat in the parliamentary elections. Overall ZFTU greatly toned down its pro-ZANU-PF and anti-ZCTU tactics during the year and used less coercive measures to enforce membership. The ZFTU continued to work closely with ZANU-PF.’ **[2d] (Section 6a)**

**6.95** IRIN reported in June 2003 that the ZCTU criticised the government for the sections of the Labour Relations Amendment Act (LRAA) which allowed the government to ban strikes in areas of industry which they considered essential. The LRAA allowed the Minister for Labour to decide at short notice what could constitute an essential service. Lovemore Maduku of the National Constitutional Assembly feared that once a particular sector that was not on the list wanted to strike, the Minister could issue a declaration including it on the banned from striking list. However, Maduku, a constitutional lawyer, stated that the Labour laws do not cover stayaways as these are a political act, rather than a strike, which is a dispute between employer and employee. Current sectors on the banned from striking list are Zimbabwe Broadcasting Corporation, Zimbabwe National Railways and Zimbabwe Electricity Supply Company. However, the list no longer automatically includes all civil servants. Teachers, for example, are absent from the list. **[10al]**

**6.96** On 18 June 2003, according to a Daily News report on 19 June 2003, armed riot police dispersed striking members of the Zimbabwe Electricity Supply Authority (ZESA) at the Workington offices in Harare. None of the striking workers were injured. It is reported that management refused to address workers grievances as under the LRAA; ZESA provides an essential service and therefore strikes are illegal. **[9aw]**

Return to Contents

**People Trafficking**

**6.97** The US State Department Report 2004 notes that,

> ‘No laws specifically address trafficking in persons, and there continued to be infrequent reports that persons were trafficked, particularly women and children, from and through the country to South Africa for prostitution and forced labor. Common law prohibits abduction and forced labor, and the SOA [Sexual Offenses Act] makes it a crime to transport persons across the border for sex. Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws. The primary government authority to combat trafficking is the ZRP, which relied on NGOs to alert them to any cases.

The SOA provides for a maximum fine of $5.60 (Z$35,000) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of $8.06 (Z$50,000) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside Zimbabwe." However, the Act had little impact on the status of children.

A few NGOs, including South Africa based Molo Songololo, Harare based Save the Children Norway-Zimbabwe, and Connect had some reports of both trafficking and child prostitution. Trafficking in children occurred only in isolated instances. Prostitution was on the increase with more female pimps and male prostitutes. There were reports that women and children were internally trafficked to southern border towns for commercial sexual exploitation, as well as to South Africa. Save the Children Norway-Zimbabwe conducted a study at border areas and found children were sometimes sexually abused by police or immigration officials when they were being deported back to the country from Botswana or South Africa. There were unconfirmed reports that girls trafficked from Malawi to South Africa sometimes transited the country.

The Government funds no protection activities for victims, and no NGOs have programs specifically designed to work with trafficking victims. No specific victims of trafficking were identified during the year. A trafficked person had the option to take his or her case before the victim friendly courts; however, no cases were filed during the year.' **[2f] (Section 5)**

Back to Contents

**Freedom of Movement**

**6.98** The US State Department Report 2004 stated that, although the Constitution provides for the freedom of movement and travel within and outside Zimbabwe, the Government restricts these rights in practice, it continued,

'During the year, police continued to routinely erect armed roadblocks in and around cities and rural districts, especially during election periods, before demonstrations, and before opposition meetings. Police claimed that they were looking for criminals, smuggled goods, or illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition organizing. Roadblocks established by the Zimbabwe Revenue Authority (ZIMRA) along the main highways from South Africa and Botswana to search for foreign currency remained in place. Police also searched for and confiscated smuggled maize at roadblocks on major roads. Under the law, the quasi-governmental GMB was the only purchaser of grain in the country; however, prompted by the increasing price of maize meal in stores, some city-dwellers began purchasing grain privately in the rural areas.'

'Unlike in the previous year, there were no reports that opposition supporters had difficulty obtaining passports or were questioned by immigration officials.' **[2f] (section 2d)**

## 6.B Human Rights – Specific Groups

**Ethnic Groups**

**6.99** The US State Department Report 2004, published 28 February 2005, stated that 'According to government statistics, the Shona ethnic group makes up 82 percent of the

population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There were low level tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups' **[2f] (Section 5)**

**Shona**

**6.100** The US State Department Report 2003, published February 2004, noted that 'Most members of the Government and the Parliament, as well as most ZANU-PF officials, belong to the Shona ethnic group, which composed 82% of the population.' **[2d] (Section 2)**

**Ndebele**

**6.101** The 1997 World Directory of Minorities reports that the Ndebele made up 14% of Zimbabwe's population and were concentrated largely in the Matabeleland province of south-western Zimbabwe. **[16]** When taking into account the related Kalanga group the estimated Ndebele population rose to 18%. **[27]** The US State Department Report 2001 noted that during the 1980s Robert Mugabe's Shona-dominated Government suppressed 'A brief Ndebele insurgency in Matabeleland with a 5-year pacification campaign.' This was led by the mainly Shona North Korean-trained Fifth Brigade, that killed an estimated 10,000 to 20,000 Ndebele civilians. One legacy is the 'Disproportionate number of Shona-speaking teachers in Matabeleland schools.' This remains "a sensitive issue", and the Ndebele continue to criticise the Government for "unequal distribution of natural resources and its failure to compensate victims" of the Matabeleland killings in the 1980s. **[2b] (p.25)** A BBC report of 2 July 2000 just after the Parliamentary elections which saw ZANU-PF win only 2 out of 23 seats in Matabeleland and Bulawayo made reference to President Mugabe describing the atrocities in Matabeleland as an "act of madness", saying that both sides were to blame. **[3t]**

**6.102** In 1999 two NGOs, the Legal Resources Foundation and the Catholic Commission for Justice and Peace, issued a summary of their 1997 report 'Breaking The Silence, Building True Peace', about atrocities committed in Matabeleland during the Government's *Gukuruhundi* campaign in the 1980s. USSD 2001 reported that it was the first major report to document human rights violations committed during the insurgency. **[2b]** A 2000 Amnesty International report stated that vice-president Nkomo's death in 1999 re-opened the public debate on the atrocities. **[14a]** A news item by the South African Mail and Guardian newspaper of 2 May 1997 entitled "The untold story of Mugabe's death squads", stated that the report detailed atrocities committed by the Fifth Brigade in two districts of Matabeleland. Moreover, it was based on the testimony of over 1,000 people over a five-year period. **[6a]**

**6.103** On 10 June 2004 newzimbabwe.com reported that, 'Paul Siwela, the leader of the fringe opposition Zimbabwe African People's Union (ZAPU) appeared in court Wednesday facing charges of inciting the minority Ndebele tribe to arise against Robert Mugabe, SW Radio Africa reported.' **[41b]**

**6.104** Siwela was jointly charged with George Mkwananzi. He was alleged also to have incited Ndebele in Matabeleland to drive members of the Shona tribe out of the region. He was remanded in custody. A spokesman for Imbovane Yamahlabezulu, of which George Mkwananzi was leader, claimed that the charges were intended to thwart Ndebele nationalism. **[41b]**

Back to Contents

**Whites**

**6.105** The US State Department Report (USSD) 2004, published 28 February 2005, stated that,

> 'Racial tensions have subsided since independence and remained relatively low despite the Government's ongoing attempts to blame whites for the country's

economic and political problems. On many occasions, President Mugabe, members of his Government, and the state controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries. The Government's far reaching fast track resettlement program since 2000 has designated most large scale, white owned commercial farms for seizure with no clear means for providing compensation, and government supporters assaulted commercial farmers in their homes and forced hundreds from their property. Ruling party supporters seldom were arrested or charged for infringing upon minority rights.' **[2f] (Section 5)**

**6.106** USSD 2004 states that

> 'The Constitution provides that "every person in Zimbabwe" cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, the Constitution allows for discrimination, primarily against women, on the grounds of "customary law." Domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities remained problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.' **[2f] (Section 5)**

In addition, 'The President and his Government promoted widespread resentment against the white minority.' **[2f] (Introduction)**

**6.107** The USSD 2001 noted that revisions to the Citizenship Act in 2001, requiring dual nationals to renounce their foreign nationality in order to retain their Zimbabwean citizenship, were criticised by legal groups for targeting the approximately 30,000 mostly white dual nationals. **[2b] (Section 3)**

### Asians

**6.108** WorldTribune.com reported on 9 May 2002, there were some 12,000 people of Asian origin in Zimbabwe. **[48]** Although they were a smaller group than Zimbabwean whites, the UK Independent newspaper of 10 April 2000 concluded that, in many towns, they were more visible than whites because they ran shops and factories rather than farms. During the violence of the campaign for the June 2000 elections, there were reports that racial intimidation was spreading beyond the white-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians. **[4a]**

**6.109** In April 2002, Andrew Ndlovu, leader of the Liberation War Veterans' Association, warned Zimbabwean Asians that their businesses and lands could be seized. In a report in the State-owned Herald newspaper, it was claimed that Asians had exploited black Zimbabweans. The Herald reported that Ndlovu had told Asian traders and small business owners to reduce rents, stop trading in currency on the black market, bank their money in Zimbabwe and raise wages. **[5a]** In May 2002, Ndlovu was arrested and charged with extortion and breaching the Public Order and Security Act. The local newspaper, Daily News, claimed that he allegedly printed a document entitled "Operation Liberation – Indians Watch Out", accusing the Indian community of sabotaging the economy through illegal currency dealing and ordering Indians to surrender parts of their properties to the Government. He was released on bail of Z$100,000. **[9z]** Incarcerated as a result of the corruption charge, Ndlouv went on trial in May 2003 for threatening the Asian community in Mutare. **[9ci]**

Back to Contents

**Farm Workers of Malawian, Zambian and Mozambican Origin**

**6.110** The Zimbabwe Independent noted on 31 August 2001 that there were between 350,000 and 400,000 farm workers in Zimbabwe, who numbered up to two million with their families. Most of these people were third generation Zimbabweans whose grandparents came to Zimbabwe from Mozambique, Malawi and Zambia during the colonial era. Many had "lost contact with their countries of origin" and had "lived on white-owned farms throughout their lives". 'War Veterans' targeted these farm workers in their campaign against white ownership of commercial farms. Hundreds of thousands of farm workers were reportedly displaced along with the white owners of commercial farms when squatters occupied the farms. **[11c]** IRIN News reported in February 2003 that the numbers of commercial farm workers who had been affected by the government's ressettlement programme had increased to around 1 million. **[10ae]** Commentators like the BBC and The Zimbabwe Independent newspaper called it "ethnic cleansing". **[3af] [11c]**

**6.111** The US State Department Report 2003 noted that, revisions to the Citizenship Act in 2001 which required dual nationals to renounce their foreign nationality in order to retain their Zimbabwean citizenship were criticised by legal rights groups for targeting, among others, the many farm workers with origins outside Zimbabwe. **[2d] (Section 3)** On 4 April 2003 IRIN reported that the Government had decided to extend citizenship to all Southern African Development Community (SADC) citizens who were resident at the time of Zimbabwe's independence, in April 1980. A communiqué stated that the Government would "promulgate the Citizenship Amendment Act for the farm workers mainly of Malawian, Mozambican and Zambian origin". The Farm Community Trust of Zimbabwe (FCTZ) welcomed the move, saying that it would help up to two million farm workers and their families gain access to social services and, as citizenship is tied to land, be in a better position to benefit from "land distribution programmes". It also allowed farm workers to gain birth certificates for their children, which affected their right to progress beyond primary school. **[10y]** The USSD report 2004 noted that, 'The Citizenship of Zimbabwe Amendment Act of 2003, which went into effect early in the year, removes the renunciation requirement for persons born in the country with parents from SADC countries or who were born in SADC countries with parents from Zimbabwe.' **[2f] (Section 3)**

**6.112** The international NGO Refugees International was reported by IRIN on 10 October 2003 to have highlighted their concerns about the vulnerability of displaced farm workers. Reported to make up over half of the estimate 100,000 displaced persons in Zimbabwe, farm workers faced continual harassment. According to RI, "Many of them have been expelled from communities in which they have attempted to resettle. They are often, according to relief workers, excluded from lists of beneficiaries for food and other international assistance. Others have been re-employed by new owners of commercial farms, but farm wages have fallen". **[10bj]**

Back to Contents

**6.113** The USSD 2003 reported that there were no reports that farm workers were killed in political violence during 2003, unlike in previous years. **[2d] (section 1a)** However, on 10 February 2004 ZWNews reported an MDC claim that Shemi Chimbarara, a farm worker on MDC MP Roy Bennett's farm, was shot and killed by soldiers on 8 February 2004. A group of ZANU-PF supporters, lead by Chamunorwa Muusha and Charles Chigamba, a former police officer known as Nasho, burned the house and car of another farm worker. This incident comes days after one woman was reportedly raped by Muusha and another woman and a girl were sexually abused by Chigamba. **[67b]** The USSD 2004 reported that, 'There were no further developments in the case [Chimbarara] by year's end.' **[2f] (Section 1a)**

USSD 2003 did report that government supporters continued to beat and torture farm labourers during 2003 and some people died from torture during the year. **[2d] (section 1a)** The USSD 2004 also reported that, 'According to reports from multiple organizations, including Amnesty International (AI), as many as 10 persons died in September after riot police tear gassed their homes during an eviction of farmers.' **[2f] (section 1a)**

(For additional information see 6.221 & 6.222 – Land Reform)

**Mixed Race**

**6.114** On 18 March 2001 according to a Daily News report on 28 September 2002, in Arcadia, a group of mixed race people, or "coloureds" as they refer to themselves, formed an organisation to campaign for the empowerment of mixed race people and to protect their interests. The result was the National Association for the Advancement of Coloureds (NAAC). **[9ce]** On 8 August 2001 the Dispatch reported that it was first chaired by Danny Bismarck. Bismarck did not believe that mixed race people were benefiting from the Government, particularly when it came to the Government land reform programme. Mixed raced people did not believe that they were accepted by either the black or white community. There has not been a mixed race cabinet minister since 1985. **[59]**

**6.115** In a feature which appeared in the local Daily News on 28 September 2002, it was noted that former High Court Judges James Devittie, Terrence Hussein and Joseph James were examples of mixed race individuals who succeeded in progressing in the legal fraternity. NAAC now has chapters in Harare, Bulawayo, Mutare, Kwekwe and Gweru. **[9ce]**

**Albinos**

**6.116** A BBC report entitled "Albinos hit by Zimbabwe's race divide", claimed in January 2003 that there are 15,000 black albinos in Zimbabwe, all of who face increasing levels of discrimination. Felicity Mwamuka, the welfare officer of the Zimbabwe Albino Association said albinos are "shunned" by the wider community, have difficulty in finding jobs and albino women have problems finding husbands as people believe that albino women will have albino children. Because of this many albinos have difficulties affording sun creams and sunglasses needed to protect their sensitive skins, rendering them more prone to skin cancers. Another worrying development is the increase in the numbers of rapes against albino women by HIV/AIDS positive men, who believe that sex with an albino will cure them of the disease. **[3ce]** The USSD 2004 noted that 'NGOs continued to lobby to include albinos in the definition of "disabled" under the law.' **[2f] (Section 5)**

**Other Ethnic Minorities**

**6.117** The World Directory of Minorities notes that, the Shangaan, Venda and Tonga peoples make up about 2% of the population. The Shangaan and Venda live mainly in the far south of Zimbabwe. In 1985–86 the Government introduced teaching in primary schools in these groups' own languages. In 1995 the national radio station began broadcasting programmes in the three minority languages. **[16] [27] (Tribal map)**

**6.118** The World Directory of Minorities also note that the Tonga live in north-western Zimbabwe, In the 1950s about two-thirds of their population, some 57,000 people (in both Zimbabwe and Zambia) were moved from their ancestral lands to make way for the Kariba Dam. Tonga leaders claimed that central government investment and relief, including "cultural support such as primary school instruction in the Tonga language", was "inadequate". **[16][27] (Tribal map)**

Back to Contents

**Women**

**6.119** The US State Department Report (USSD) 2004, published 28 February 2005, noted that,

> ‘Domestic violence against women, especially wife beating, continued to be a serious problem and crossed all racial, ethnic, and economic lines. The Musasa Project, which sought to empower abused women through support groups and counseling, saw a steep rise in its counseling service from 3,259 in 2001 to 4,338 in 2002, and the trend continued during 2003 and during the year. There is no legislation that specifically addresses domestic abuse. Authorities often condoned wife beating. Musasa Project and the Women's Coalition reported that wife killings remained a problem during the year.’ **[2f] (Section 5)**

**6.120** The USSD 2004 continued,

> ‘The Sexual Offenses Act (SOA) makes non-consensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also defines sexual offenses as rape, sodomy, incest, indecent assault, or an immoral or indecent act with a child or person with mental disabilities.
>
> There continued to be reports of rape, incest, and sexual abuse of women. Many cases were not reported because of the social stigma attached to the crimes and wives' fear that husbands would disown them. Approximately 1,100 rapes were reported in Harare in 2002. Although the Government refused to supply figures for 2003 and 2004, the rates were reportedly higher than in 2002. Human Rights NGO Forum reported two cases of politically motivated rape during the year; human rights groups estimated that the actual number of politically motivated rapes may be much higher (see Section 1.c.). Growing evidence suggested that authorities took little action to address rapes at National Youth Service Camps. Musasa Project ran a shelter and a support group for abused women.
>
> Police had little training in investigating domestic abuse, and it was usually treated like any other case of common assault or not investigated to respect the "privacy of the home." If police became involved, perpetrators were often leveled a minimal fine. When cases went to court, lengthy sentences for rape and wife beating generally were imposed; however, women faced many obstacles in filing reports of rape due to the lack of police training. A "binding over" order (an order to appear in court to respond to an accusation of violent behaviour) was issued based only on actual physical abuse and not on threats of violence. Courts also did not have the power to oust an abusive spouse from a couple's home. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance.Unlike previous years, there were no reports of sexual abuse of female refugees.’ **[2f] (Section 5)**

(For additional information on rape see paragraphs, 6.116 – Albinos, 6.179 – Youth Militia, 6.187 – War Veterans & 6.139 - Children)

**6.121** The USSD 2004 also noted that,

> ‘Prostitution is illegal; during the year, there were numerous media reports regarding concerted efforts by police to halt prostitution in the city center. Police arrested both prostitutes and their clients, and the government-sponsored Herald

newspaper published the names of arrestees.

There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

The law recognizes women's right to own property independently of their husbands or fathers. Although unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, the Constitution allows discrimination against women under customary law and provides that a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. For example, in the event of a man's death, the brother's claim to the inheritance takes precedence over the deceased's wife. In March, the Supreme Court ruled that, according to customary law, women's rights to inheritance, ownership of property, and custody of children were inferior to men's. "The woman's status is… basically the same as that of any junior male in the family, or a teenager," the Court stated in its judgment, which disinherited Vania Magaya, 52, of her father's estate in favor of her younger half-brother. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights under the law.' **[2f] (Section 5)**

**6.122** The USSD 2004 finally reported that,

'According to a government land audit, approximately 17.2 percent of resettled land was allocated to women by 2003, although they comprised nearly 80 percent of the rural population. Authorities sometimes asked married women who were allocated land to register the land in their husband's names.'

'Although labor legislation prohibits sexual harassment and discrimination in employment on the basis of gender, women were concentrated in the lower echelons of the workforce and commonly faced sexual harassment in the workplace. The Ministry of Youth Development, Gender, and Employment did little to advance the cause of women. The Government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.'

'Several active women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.' **[2f] (Section 5)**

**6.123** An article in the Guardian Unlimited 18 March 2003, reported that there were reports of women being held in militia camps, and being raped or even forced to be concubines for the militiamen. These women are also at increased risk of HIV and AIDS.

[34b] The Zimbabwe Women Lawyers Association estimated that some 1,000 women were held in militia camps in 2002, according to a UNOCHA statement in April 2003. [10aa]

**6.124** UNOCHA revealed (8 April 2003) that during 2000 and 2001, human rights groups documented widespread torture of opposition supporters, and approximately 40% of these were women. Although assaults, being stripped naked and humiliated were common forms of abuse, few were raped or sexually abused. After June 2001 however, rape and sexual abuse became more commonplace. Rapes often occured in front of neighbours or family members as a form of punishment, leaving an impact on a wider group of people than just the individual concerned. Tony Reeler, a human rights activist, described this as one individual's physical torture becoming a psychological torture for the wider community. He continues, stating that there are three types of rape in Zimbabwe. Firstly political rape to punish individuals, families or communities for holding different political views. Secondly, opportunistic rape when state agents act with impunity when they can take advantage of the population. Thirdly, forced concubinage: the kidnapping of girls and women to cook, clean, porter and have sex with soldiers/militiamen. [10aa]

**6.125** IRIN reported on 15 August 2003, that ahead of the 30–31 August 2003 council elections, women called for an increase in the number of female candidates. Whilst constituting 54% of the population, women only comprised just over 10% of urban councillors prior to the polls. In 1997, all SADC countries pledged that women would make up 30% of their political bodies. Little has been done in Zimbabwe to achieve this. [10ax]

**6.126** USSD 2004 stated that,

> 'There were 16 women in the 150 seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one female governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU PF congress allotted women 1 out of every 3 party positions and reserved 50 positions for women on the party's 180 member Central Committee, which was one of the party's most powerful organs.' [2f] (Section 3)

**6.127** In March 2004 the National Gender Policy was launched, IRIN news reported. Women's Coalition Chairperson, Janah Ncube, welcomed the government's efforts to improve equality, but cited the complete absence of funds for implementation as an undermining factor for the policy. [10bf]

**6.128** On 21 June 2004 IRIN reported that "Police in Bulawayo arrested 78 women activists at the weekend as they attempted to stage a demonstration to mark World Refugee Day and draw attention to the plight of Zimbabweans 'living like refugees', an official of the NGO, Women of Zimbabwe (WOZA) told IRIN on Monday." A police spokesman confirmed women had been arrested, but not numbers, and said all had been released after admitting staging an illegal demonstration but that two women were still to appear in court. [10z]

Back to Contents

### Children

**6.129** The US State Department Report 2004 stated that,

> 'The Government's commitment to children's rights and welfare remained weak during the year. The Government completed a National Plan of Action for Orphans

and Vulnerable Children (NPA for OVC), which is designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and are protected from abuse and exploitation through co-ordinated efforts by government and civil society; however, the NPA for OVC had not been instituted by year's end because it did not have a budget. Children, especially those in the rural areas but also an increasing number of urban dwellers, suffered greatly. Although legislation was in place to protect children's rights, it was difficult to administer and enforce.' **[2f] (Section 5)**

**6.130** The USSD did not report any incidents of FGM (Female Genital Mutilation) in its 2004 report. **[2f]** However, USSD 2002 reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. **[2e] (Section 5)**

**6.131** The US State Department Religious Freedom Report 2003 noted that indigenous churches that combine elements of established Christian belief with some beliefs based on traditional culture and religion generally accept polygyny and the marriage of girls at young ages. **[2g] (Section 3)** The Summary Record of the 9th meeting of the United Nations, Economic and Social Council held on 2 May 1997 confirmed that from a wider societal aspect, where adolescent girls are forced into marriage, laws on the age of majority and rape can be invoked. **[15]**

**6.132** The USSD 2003 reported that,

'There was a large volume of rape cases in the Harare victim-friendly courts, which consisted of individual magistrates, designated to try family cases. These courts were understaffed because many magistrates sought more lucrative employment outside the country. The large volume led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.' **[2d] (Section 5)**

**6.133** A UNOCHA statement reported on 24 April 2003 by IRIN confirmed that as the economic situation deteriorated, there had been a rise in the number of reported cases of child abuse. In an attempt to counter this, UNICEF supported a national campaign on "Zero Tolerance Against Child Abuse". Participants in this campaign included the police, teachers, NGO's and government officials. Victim Friendly Courts in which victims could give evidence via a video link were operational in each province. However, lack of funds meant that equipment could break down, leading to cases being held-up, sometimes for years. **[10ai]**

**6.134** USSD 2004 reported that,

'Child abuse, including incest (long a taboo), infanticide, child abandonment, and rape continued to be problems during the year. The Parents and Family Support Network, a local NGO, reported that one in three children in the country was at risk of physical or emotional abuse. Another local NGO said that reports of child sexual abuse had increased to nearly 4,000 between January and August [2004], up from 1,500 for all of 2003.' **[2f] (Section 5)**

**6.135** The USSD 2004 noted that, the traditional practice of offering a young girl as compensatory payment in inter-family disputes continues. **[2f] (Section 5)**

**6.136** According to the Daily News on 2 May 2003, following a landmark court ruling, a

mother whose child is born out of wedlock can now obtain a birth certificate or passport for her child, without the father's consent. **[9k]**

**6.137** USSD 2004 reported that,

> 'Under the LRAA [Labour Relations Amendment Act], child labor is punishable by a maximum fine of $5 (Z$30,000), 2 years' imprisonment, or both and forced labor is punishable by an undefined fine, 2 years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education. According to the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. The unemployment rate continued to grow, with some estimates as high as 80 percent, decreasing the number of children employed in the formal sector; however, the incidence of children working in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives.' **[2f] (Section 6d)**

**6.138** Earlier in the report the USSD 2004 noted that,

> 'According to an international NGO working with AIDS orphans, deaths from HIV/AIDS left 980,000 orphans by year's end, and the number was on the rise… Many of these children are unable to obtain birth certificates, which then prohibits them from accessing social services…Some children were forced to turn to prostitution as a means of income.' **[2f] (Section 5)**

**6.139** The USSD 2004 also noted that,

> 'Incidents of witchcraft-related child deaths and mutilations were on the rise during the year. Newspapers reported several instances of missing children being found murdered with body parts missing, which led police to suspect the murders were related to witchcraft. The perpetrators believed that the body parts of young children would bring good luck. Newspapers reported that persons starting new businesses in particular would pay for ritual murders to bring luck to their ventures.
>
> Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations of rape at the Government's National Youth Service training camps. Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many girls came to the camps because of the economic suffering in the country. In addition, members of government-sanctioned militias gang raped adolescent girls as young as 12.' **[2f] (Section 5)**

**6.140** IRIN reported on 18 June 2004 that in June 2004 the government announced that it is to launch a national plan of action for orphans and vulnerable children. The plan aims to ensure that laws for the protection of children are enforced. The main areas of focus are to be education, support to child-headed households and issues around foster care. **[10ab]**

Back to Contents

**Childcare Arrangements**

**6.141** allAfrica.com reported on 6 February 2001, orphanages do exist in Zimbabwe, but are struggling to cope with the number of children that require their care. The AIDS virus claims thousands of lives a week and this, compounded by the economic crisis, had resulted in an increase in the number of orphans. **[29a]** According to the Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections 2002 approximately 780,000 orphans under 15 at the end of 2001 had lost their mother or both parents to AIDS. **[25]** Allafrica.com reported that the state runs eight orphanages and a further 38 are operated by children's charities. **[29a]** Another orphanage opened in Mhondoro, in January 2003. The Kwari AIDS orphan care centre houses 20 children, according to a report by the Daily News on 27 February 2003. **[9ch]** According to the Standard 13 July 2003 while demand for orphanages and their services had increased, their resources remained limited. The Department for Social Welfare routinely referred children to private orphanages. Each orphan received approximately Z$500 a month from the state, far short of the funds required for that time. Orphanages were so full that they referred children back to the Department for Social Welfare, which itself appeared to be "heavily under funded". Private businesses, which used to contribute to children's homes, had recently cut back their assistance in light of the declining economic condition. **[20f]**

**6.142** The Standard reported on 13 July 2003, new projects had been started by NGOs who continued to work with orphans. Schemes to assist with housing, feeding and training were on going but organisations were well aware that the number of orphans continues to rise in the face of the HIV/AIDS pandemic. **[9ch]** A report published in June 2004 by a working party of Zimbabwean officials, chaired by the Ministry of Public Service, Labour and Social Welfare and the Ministry of Health and Child Welfare, noted that by 2005, there would be 1.1 million children under the age of 15 orphaned by AIDS. The report noted that, 'Although efforts by government and civil society are underway to address the growing orphan crisis, responses have not been easy due to Zimbabwe's difficult socio-economic enviroment. Parents, who are usually the breadwinners, continue to lose their regular income as they fall ill with HIV/AIDS and eventually die. In addition, the extended family, once the safety net for vulnerable children, is fast disintegrating because of poverty, high rates of unemployment, hyperinflation, urbanisation, and the HIV/AIDS epidemic.' **[91] (p.5-7)**The report went on to note that national policies and laws were often inadequate and were not fully implemented because of a lack of financial, material, and human resources. Coupled to this was a problem with children accessing basic services because of a lack of birth certificates. **[91] (p.10)**

Return to Contents

**Homosexuals**

**6.143** Gay Zim noted in 'The Sexual Offences Bill 2000: Some Comments by GALZ', (accessed 7 May 2003) that, Sex between men is regarded as illegal in Zimbabwe, although the law makes no mention of sexual acts between women. Zimbabwean law recognises three classes of 'unnatural offence': sodomy, bestiality, and a group of proscribed acts referred to generally as an 'unnatural offence'. The International Lesbian and Gay Association reported that, according to a 1999 World Legal Survey, High Court cases in Zimbabwe suggested that sexual behaviour between men should no longer be punished by custodial sentences, however, magistrate's courts continued to serve "harsh custodial sentences". **[18a]** According to Gay Zimbabwe there have been no reports of the authorities bringing cases on the grounds of sexual acts between females. **[28a]**

**6.144** allAfrica.com noted on 15 September 2003 that societal discrimination against homosexuality is rife in Zimbabwe. Gays and lesbians often hide their sexuality from their families, leading some to be forced into marriages. According to one gay man, he was

evicted from his lodgings by his landlord. The same report questioned a lesbian, who stated that her partner had had stones thrown at her. Some have suffered "verbal abuse and assault". **[20l]**

**6.145** The BBC noted on 12 August 1998 President Mugabe's inflammatory language on the subject of homosexuality, when he referred to homosexuals as "a scourge planted by the white man on a pure continent". **[3v]** The USSD 2004 noted that 'President Mugabe publicly denounced homosexuals, blaming them for "Africa's ills."' **[2f] (Section 5)**

**6.146** More recently, in September 2003, GALZ stated in the Zimbabwe Standard that homosexuality issues slid down the government's agenda as they faced serious economic and political problems. Keith Goddard, the director of GALZ, believed that the government's stance on homosexuals was just political rhetoric and that it was using the gay and lesbian community as scapegoats. **[20l]** In 2003, GALZ applied to have its own stand at the Zimbabwe International Book Fair. According to GALZ, the application was "accepted without hesitation". This was the first time GALZ had a stand of its own since 1996. From 1997 to 2002, GALZ displayed its literature on the general Human Rights stand at the fair. **[66]** One gay man, interviewed by the Zimbabwe Standard, agreed that conditions for gays and lesbians in Zimbabwe has improved over the last few years. He stated that it wasn't the authorities that posed the real threat, but traditional culture, particularly in the townships and rural areas. **[20l]**

**6.147** However, on 10 August 2004 'Behind the Mask' reported various Zimbabwean newspapers' claims that GALZ members were beaten and chased from the GALZ stand at the Zimbabwe International Book Fair the previous week. This led to the resignation of Midlands provincial governor Cephas Msipa from his post as honorary trustee of the Fair. Book Fair officials said they had received no complaint from GALZ, nor had they heard of the incident being reported to the police. **[60a]**

### Conscientious Objectors and Deserters

**6.148** The World Survey of Conscription and Conscientious Objection to Military Service conducted by War Resisters International in 1998, noted that, "conscientious objection is legally recognised" in Zimbabwe. Section 24 of the 1979 National Service Act provides for exemption from military service on conscientious grounds, such as religious beliefs, if conscription were to be introduced. It is not clear whether this exemption "applies to professional serving members of the armed forces". **[21]**

**6.149** According to USSD 2004, military courts dealt with courts-martial disciplinary proceedings for military personnel and defendants have the right to appeal to the Supreme Court. **[2f] (Section 1e)** However, the USSD 2004 did not record whether or not such trials met internationally accepted standards.

Back to Contents

### Teachers

(For additional information see 5.99 – 5.104 Education System)

**6.150** On 25 April 2002 it was reported in the Zimbabwe Daily News that at least 50 school teachers in the Makoni North and Chimanimani districts, suspected by local ZANU-PF and War Veteran officials of being MDC members, had been advised "not to report for duty". ZANU-PF officials had written to school headmasters instructing them to expel certain teachers. **[9i]** It was also reported in April 2002 by the same newspaper, that more than 500 teachers and MDC polling agents had been forced to flee the Zaka and Gutu districts of Masvingo province as ZANU-PF youth activists had embarked on a witch-hunt against suspected MDC supporters. Some teachers in schools in Zaka had been told "not to return to

their schools next term". [9w] A Daily News report of 10 May 2002 claimed that approximately 30 teachers were assaulted and forced from their workplace in Buhera. [9ai]

**6.151** On this same date, 10 May 2002, AfricaOnline reported the Progressive Teachers Union of Zimbabwe (PTUZ) as saying that it had recorded over "107,000 cases of extortion, 20 incidents of murder and 190 cases of rape" between February 2001 and April 2002. The number of cases of extortion was high as the same teachers were targeted several times". This, they claimed, was because teachers were perceived to be supporters of the MDC. [47]

**6.152** On 18 October 2002 the BBC reported that the secretary-general of the PTUZ, Raymond Majongwe, gave himself up to police on 9 October 2002, after hearing that they were looking for him. His union had been on strike since 8 October 2002, demanding a 100% pay rise. Mr Majongwe was prosecuted under the new controversial Public Order and Security Act (POSA), making it an offence for "any person who, acting in concert with one or more other persons, forcibly invades the rights of other people". [3bv] A BBC report of 10 October 2002 claimed that Mr Majongwe's lawyer, Tererayi Gunje, had levelled the accusation that on the night of 9 October, Mr Majongwe had been "seriously injured", after being beaten. Mr Gunje also said Majongwe could not sit on his own. He was released on Z$15,000 bail on 11 October 2002. [3bo]

**6.153** On 15 October 2002 IRIN reported, that on 14 October 2002 the Government dismissed 627 teachers belonging to the PTUZ from their posts. [10n] According to an IRIN news report, another 230 teachers were suspended on 29 October 2002 as the impasse between the Government and the PTUZ remained. The suspension lasted three months during which time the teachers were not paid and were "not allowed to leave the country without the permission of the department for education and could not seek other employment while under suspension". [10ac] However, the State owned Herald newspaper reported that on 20 December 2002 the High Court ordered the Public Service Commission to pay all teachers that were suspended for participating in the October strike "a third of their gross monthly salaries". [42c]

**6.154** The comments of the Commonwealth Observer Group that observed the March 2002 presidential election and which were reported in the Zimbabwe Daily News, noted incidents in which teachers had been attacked, including one in Mashonaland East in which a school principal was dragged from his school and clubbed to death because of his association with the MDC. [9n]

**6.155** The Zimbabwean Human Rights Forum noted that by October 2002, violence against teachers occurred in eight out of ten provinces, the exceptions being Bulawayo and Harare. The Forum also documented 238 individual cases of abuses against teachers by ZANU-PF militias and since January 2001 such violence, combined with other forms of abuses such as "abduction, unlawful arrest and detention" resulted in "the closure of 30 schools" according to a report in Zimbabwe's Independent newspaper. [11e]

**6.156** In December 2002, the local Standard newspaper stated that 120 head teachers and teachers from Masvingo Province had entered Mushagashe Training Centre to begin National Service Training. The training was the same as that of Youth Service, but the leader of the Zimbabwe Federation of Trade Unions (ZFTU) Joseph Chinotimba said that the older teachers would not have to "toyi-toyi like the youths", although they still required drilling in the theories of National Service. (Chinotimba later ran for ZANU-PF in the Highfield by-election on 29–30 March 2003). [20i]

**6.157** The Daily News reported that in early February 2003, Harare teachers who had been

suspended since the previous year were ordered to report for duty immediately. The Government appeared to have bowed to pressure from parents, the children of whom have gone as long as four months without lessons. **[9cc]**

**6.158** The local Daily News reported on 28 February 2003, that student teachers in rural areas were forced to register with ZANU-PF wards and partake in their activities in order to access food. The teachers claimed that they feared Green Bombers (members of the National Youth Service) and so-called War Vets if they did not comply. The PTUZ had reports of similar incidents in Hedza, Mtoko, Buhera, Rushinga, Mudzi, Murehwa and Mberengwa. **[9cb]**

**6.159** On 29 April 2003 the same newspaper claimed that 32 teachers were dismissed the previous day from the Zimbabwe Distance Education College. The teachers demanded an immediate pay rise of 500% and issued an ultimatum to the college. After the deadline passed, the teachers went on strike. Subsequently the teachers were fired. The managing-director of the college was Dr Sikhanyiso Ndlouv, a member of the ZANU-PF politburo. **[9aq]**

**6.160** On 8 May 2003, the Zimbabwe Teachers Association (ZIMTA) initiated a strike to demand better salaries, as outlined in the "government initiated job evaluation exercise". The strike initially took hold in Harare before slowly spreading to other parts of the country. **[9ar]** By the time talks were underway on 14 May, Bulawayo, Mutare, Chegutu, Chinhoyi, Glendale and Mount Darwin were all affected by the strike. The Daily News confirmed on 15 May 2003, that the talks became deadlocked after ZIMTA demanded Z$268,000 starting wage for teachers, "four times what teachers earn on average at the moment". **[9as]**

**6.161** On 19 May 2003 the Labour Court ruled that the strike was illegal, and ordered all the strikers to report back to work within 48 hours. According to a report in the Daily News entitled "Teachers ordered to go back to work" which appeared the next day, the Court ruled that the matter should be referred to the National Joint Negotiating Council for determination within 21 days. The ZIMTA national executive urged their members to comply with the courts ruling. **[9au]** Daily News reported that the Progressive Teachers Union of Zimbabwe stated that they would maintain a "go-slow" during the 21 days. **[9r]**

**6.162** In the 2003 report the USSD noted that: "Unlike in the previous year, there were no reports that schools were shut down as a result of the torture of teachers who supported the MDC. Unlike in the previous year, there were no reports that schools were used as torture centers." **[2d] (Section 5)** However, the USSD 2004 noted that 'Persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, were singled out for assault or intimidation by ruling party supporters.' **[2f] (Section 1c)** The report went on to note that 'There continued to be reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.' **[2f] (Section 2a)**

**6.163** On 22 September 2004 the Zimbabwe Human Rights NGO Forum (ZHR NGO Forum) reported that, ZANU PF supporters led by the ZANU PF District Chairman reportedly assaulted a teacher at Nyambiri School, Seke Constituency. The teacher was allegedly threatened with death and accused of supporting the MDC. The ZANU PF District Chairman reportedly assaulted the teacher and told him that he was no longer welcome in the area. 'The beatings allegedly lasted for approximately 30 minutes during which time the victim lost consciousness.' The ZHR NGO Forum concluded that,

> 'The Human Rights Forum condemns violence perpetrated against teachers in rural communities, particularly ahead of the March 2005 Parliamentary Election. Such

incidents have been documented in isolation and with increasing frequency in association with election campaigns. Teachers have subsequently fled from their schools seeking refuge in urban centres.' **[35h] (p.3)**

Back to Contents

**National Youth Service – ZANU-PF Youth Militia**
(For additional information see 5.46 – Internal Security)

**6.164** According to a report in the Financial Gazette on 24 November 2001, in 2001 the Government established the Border Gezi National Youth Training Centre in Mount Darwin, Mashonland. Named after the former Minister for Youth, the training centre was the first in the country. National Youth Service (NYS) was reported to last for three months and entail self-defence, patriotism and entrepreneurial skills, amongst others. **[43]** However, reports in the Financial Gazette of 6 June 2002 claimed that youths had been used to terrorise the political opposition. These same youths had since admitted that they only received military training. In this respect, claims have been made that the NYS scheme was only a ploy, its real purpose was as a front to mobilise ZANU-PF youths to campaign for the party. **[37h]**

**Compulsory Service**
**6.165** The Financial gazette reported on 6 June 2002, that the Government had stated that NYS would be compulsory for those who sought to enter tertiary training and, as of February 2002, enter college or university. **[37h]** In July 2002, the government announced that National Youth Service would be compulsory for all school leavers. In an IRIN News press release of 19 December 2002, Samuel Mumbengegwi, the Minister for Higher Education and Technology, further announced that no student would be given their 'O' or 'A' level certificates until they had completed six months of NYS. Tertiary education centres were told in November 2002 not to send letters of admission to ordinary applicants until the institution had received a list of militia, who would be given priority. The Minister admitted that this would result in many tertiary places remaining unfilled as students went through the militia training before going to tertiary institutions. NYS was already a prerequisite for entry into the civil service, including teaching, nursing, police and the army. **[9bz][65]** However the USSD 2004 appears to indicate that a diploma from a National Youth Service training camp was not always needed to access higher education/government employment. 'The Government sometimes ordered that students entering college, teacher training schools, or the civil service must present a diploma from one of the National Youth Service training camps. **[2f] (Section 5)**

**6.166** The Solidarity Peace Trust, comprising of church leaders from Zimbabwe and South Africa, released a report entitled "National Youth Service training – shaping youths in a truly Zimbabwean manner" on 5 September 2003. It claimed that during the last months of 2001 the NYS training was intensified and, by January 2002, had spread to all provinces. At the end of 2002, there were an estimated 9,000 youths who had "passed through formal militia training" with an estimated 10–20,000 more trained in "informal, often very primitive camps" at district level. By the end of 2003 it was anticipated that there would be 20,000 formal graduates. Before the Presidential election in March 2002, there were 146 militia camps throughout the country, in close proximity to, or sometimes actually at, polling stations. **[65]**

**6.167** However, the report found that claims about compulsory service were not accurate. The number of NYS places was estimated at 20,000 per year and therefore not all of the 300,000 school leavers could be allocated a place. The Solidarity Peace Trust asserted that the scheme was designed to favour those prepared to go through the indoctrination, and excluded non-ZANU-PF children and families from all chances of progressing to tertiary education. **[65]**

Back to Contents

**Recruitment**

**6.168** The Solidarity Peace Trust report also stated that many of the youths joined the militia voluntarily. Some came from families who were "staunch ZANU-PF supporters". The Trust maintained that others joined because of the skills that were supposedly taught during training. With limited prospects and the economy in decline many may have joined, as it was the only avenue for progression in the fields of employment and education. But it appeared that a sizeable number were coerced into joining the militia. Of those who were coerced, some were kidnapped into the service, whilst others were threatened that their families would suffer consequences if they did not. **[65]**

**Treatment of Recruits in the NYS Scheme**

**6.169** The Solidarity Peace Trust also noted that the camps at district and village level appeared to have suffered from a lack of resources. Defecting militia stated that they were sent home to eat, then ordered to return after one hour. Examples of gross cruelty were reported at these smaller camps. **[65]**

**6.170** The Solidarity Peace Trust noted that, female militia have been raped on a systematic scale in some camps, with reports that male militias would come into the female dormitories and take turns in raping various women. Often the women were told not to report this to the camp leaders, as to do so would indicate their support for the opposition MDC, and could result in their punishment. Camp instructors have been implicated in these rapes. As a result, militias may be infected with HIV/AIDS and other sexually transmitted infections. Although the Government has not explicitly acknowledged this problem, in June 2003 the first all girls training camp was established in Manicaland. It is not known if all the staff are female too. **[65]** The USSD 2004 reported that youths participating in the National Youth Service camps were often subject to abuse, including the rape of female trainees. The report noted that 'There continued to be reports of rape at national youth service training camps.' **[2f] (Section 1b)** The report continued 'Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations of rape at the Government's National Youth Service training camps. Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many girls came to the camps because of the economic suffering in the country. In addition, members of government-sanctioned militias gang raped adolescent girls as young as 12.' **[2f] (Section 5)**

**6.171** The Solidarity Peace Trust also noted that whilst certain militia are satisfied with the training they received, others fled the camps, and some left Zimbabwe, in order to escape. Some were reported to suffer from psychological conditions as a result of what they had seen and what they had done. **[65]**

**6.172** On 21 September 2002, The Herald, a pro-government paper, reported that 1,870 graduates of the programme had secured employment, mainly with state bodies, such as the armed forces, the Prison Service and the state Grain Marketing Board. **[23b]**

**6.173** The BBC News report noted on 27 February 2004 that youths are beaten until they succumb to orders. "They [the youths] are taught that it is their job to keep President Mugabe in power. Panorama has also learned that some of the recruits are taught to torture their opponents". **[3bh]**

Back to Contents

**Actions of the Youth Militia**

**6.174** The Daily News on 18 December 2002 that ZANU-PF's youth militia, known as "Green Bombers" have earned a reputation for robbery and violence. Under the guise of enforcing Government price control policies, the green uniformed youths confiscated goods including food, and sold it on for an inflated price, or kept it themselves. It was

reported by that the police did not interfere with the activities of the youth militia. **[9bz]** However, according to the Solidarity Peace Trust, there were a few cases on record of youth militias having attacked police and the army, and being attacked or arrested in return. The courts on occasion, had criticised and passed judgement against the militia. **[65]** The Daily News stated that the Green Bombers had become an increasingly common sight, "particularly in Harare, Chitungwiza and Bulawayo" – all opposition strongholds. The youth militias were used to intimidate and attack those who the Government perceived as opposition members or supporters. **[9bz]**

**6.175** In a Daily News report dated 23 January 2003, the Zimbabwe Human Rights organisation (ZimRights) accused the Green Bombers of stealing maize meal for themselves in Gwanda. Youths accompanied trucks of maize from the millers to the shops and set aside a quota for themselves. **[9cm]** Former farmer and author Cathy Buckle watched as 30 Green Bombers intimidated a crowd of 3,000 people in a bread queue in Marondera. Ms Buckle described, in a BBC write up of 20 February 2003, how they used fear to control the crowd, pushed to the front of the queue to steal bread, then hide it away only to later return. "Thirty youths controlling 3,000 people."**[3m]**

**6.176** An IRIN report noted on 21 January 2003 that the Zimbabwe National Liberation War Veteran Association (ZNLWA) has been in decline since the death of its former leader, Chenjerai Hunzvi. This decline, came at a time when the youth militias were expanding, generated reports that the War Veterans were being replaced by the Green Bombers as ZANU-PF's tool to terrorise opposition party supporters. **[10ad]**

**6.177** The BBC confirmed on 24 April 2004, in an article entitled "Zimbabwe militia occupy town" that the militias had replaced the police as the law in Kamativi, beating up police officers who had arrested ZANU-PF supporters. In Kamativi, the Green Bombers numbered over 1,000. They were drawn from one of the four militia camps in Tsholotsho district and had already ousted MDC officials, including councillors from the town. Residents of the former mining town had to have passes to move in and out of the compound. **[3y]**

**6.178** The Solidarity Peace Trust report stated that since January 2002 the Youth Militia had become one of the most commonly reported "perpetrators of human rights violations". It added that the militia were a tool used by the ruling ZANU-PF and had been given impunity and implicit powers to mount roadblocks, disrupt rallies and intimidate voters. There have also been documented reports of youth militia being involved in influencing the distribution of food aid through the GMB, of restricting access to health care and of destroying independent newspapers. **[65]**

**6.179** The USSD 2004 noted that 'Members of the security forces and youth militias committed numerous, serious human rights abuses.' During 2004, youth militias tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries. **[2f] (Introduction)** Behind the Mask reported a statement by the Amani Trust that noted that,

> 'Forced rape by men, witnessed both by the perpetrators of the violence and others, is being imposed on the victims, with the victims being forced to have sexual intercourse with other victims, either heterosexual or homosexual, with the perpetrators ìsupervisingî the act. The result of this in each case documented has been a victim with a severe genital infection, with marked psychological trauma. The long-term consequence will be men and women unable to function within their

marriage, or within their communities. The long-term consequences to each of these victims, both partners in the forced sexual act, is life threatening, to both them, their spouse and their future children with the very real risk of the victims contracting HIV.'

Although the report noted that most victims of rape are women, particularly from rural areas, the statement concludes 'In Zimbabwe, it is disturbing in the extreme that sexual torture is now not used merely against women, but targets men equally.' **[92]**

**6.180** The Institute for War and Peace Reporting (IWPR) noted on 25 February 2005 that 'Violence and massive intimidation are wreaking havoc in Zimbabwe's rural areas as the ruling party's and opposition's campaigns gather momentum ahead of Zimbabwe's fifth parliamentary election on March 31.' IWPR noted that the Green Bombers have taken part in a number of attacks and reported incidents of intimidation during the campaign. In Makoni West, a marginal constituency held by Zanu PF, many villagers are reported to have fled following menacing behaviour from the Green Bombers. Some villagers allege that they have been threatened with eviction from their farms if they fail to vote for the ruling party. Others reported that they had been denied food aid, fertiliser and maize seed. **[77b]**

**Impunity**

**6.181** It was widely reported, including by the Solidarity Peace Trust, that the youth militia operated with impunity. However, there were occasions when the militias were checked. In February 2002, a group of militia attacked a number of off-duty soldiers in Nyaki district, mistaking them for MDC supporters. Some of the soldiers required hospital treatment. The following weekend the soldiers retaliated and "beat up scores of green-uniformed ZANU-PF youth". Additionally, there were occasions when police arrested members of the militia and the courts pursued these cases. In January 2003, 20 youth militia appeared in court accused of looting and attacking shop vendors in Epworth, Harare. The magistrate warned the 20, who were remanded on bail, that if they were found guilty they faced no less than three years' imprisonment. However, attackers of ordinary citizens were given de facto impunity by the authorities in the vast majority of cases. **[65]**

Back to Contents

**War Veterans**

(For additional information see 5.46 – Internal security)

**6.182** CNN.com noted on 17 August 2001 that the self-styled war veterans are individuals who claim to have fought in the war of liberation from colonial rule. However, many are too young to have fought in the war, but some may be the children of war veterans. **[8b]**

**6.183** A report published by A P Reeler entitled 'The role of militia groups in Maintaining Zanu PF's political power' dated March 2003, notes that the use of the militia has been a cornerstone of the capaign by Robert Mugabe and Zanu PF to maintain political power. **[87] (p.3)** However, the report goes on to note that by 1997 the War Veterans had become deeply discredited following evidence of massive corruption uncovered by the Chidyasiku Commission. The findings of the commission led to growing dissatisfaction and resentment within the ranks of the war veterans towards Zanu PF. Mugabe, aware of the importance of the war veterans to his and Zanu PF's hold on power, decided to bind them more closely to his side by awarding them substantial pensions. Consequently, by the time that the next parliamentary election was called in 2000, there was little surprise when the Zimbabwe National Liberation War Veterans Association declared that its members would be campaigning for Zanu PF. **[87] (p.5)**

**6.184** A P Reeler's report notes that the main theme of the 2000 parliamentary elections was 'land reform' - the third 'Chimurenga' or the struggle to achieve economic justice for the black majority. During the run up to the parliamentary election, 'The land issue was marketed as a liberation war, or rather the unfinished business of the Liberation War. The enemies were those who held the land, and coincidentally these were the "same people" against whom the original war had been fought...Thus, a liberation war campaign could be used internally against these enemies, and logically the "war veterans" were exceptionally well-equipped ideologically to drive this.' **[87] (p.6)**

**6.185** The report continues,

> **'**The first phase of the militia programme involved the use of the "war veterans". This first phase may have only been intended to last as long as the Parliamentary Election which ZanuPF considered they could win overwhelmingly, but the results of the election clearly indicated that the Presidential Election would be exceedingly difficult for Mugabe. Furthermore, the very large number of election petitions (39), with the possibility of a losing a large number of bye-elections if the MDC petitions were successful, meant that the hold on political power was still threatened seriously. In 2000, this group operated militias comprising Zanu (PF) youths and other Zanu (PF) supporters, most of whom were not veterans. The group leaders repeatedly stated that they would use violence to ensure the MDC never assumed power in Zimbabwe, as they regarded it as a front for the protection of white minority interests. They also vowed to take whatever measures are necessary to ensure that Mugabe won the Presidential Election in 2002. The ruling party financed their operations and the security agencies supplied them with training and tactics.' **[87] (p.6-7)**

**6.186** A P Reeler's report notes that, 'The rise of the 'War veterans' to their current position of power can be simply chronicled:

- In early 2000, Zanu (PF) allocated the "war veterans" Z$20 million to use in their campaign for the ruling party in the General Election. They formed militias composed of Zanu (PF) supporters, mostly unemployed youths, and paid the recruits for their violent activities. Zanu (PF) provided transport and other necessary support, and personnel from the CIO, the army and the police participated or assisted in the operations undertaken by the "war veterans";

- After the General Election, ZANU (PF) provided the "war veterans" with two floors of a Government building in Harare, from which to conduct their operations;

- In September 2000, ZANU (PF) announced that the "war veterans" would be brought into the army as a reserve force;

- In October 2000, Mugabe granted an amnesty to all perpetrators of violence in the period leading up to the General Election, except those who had killed or raped. The main beneficiaries of this amnesty were the "war veterans". This fortified their belief that they were above the law and they became almost untouchable by the police unless ZANU (PF) authorised the police to take action against them, which happened rarely;

- In early 2001 the late Minister Gezi installed "war veterans" in key positions in the reconstituted ZANU (PF) provincial executives;

- April, May and June 2001 saw an intensification of the campaign of terror against the MDC in both the rural areas and the towns, with the involvement of Government officials, as described earlier;

- At the end of May 2001 the Secretary-General of the ZNLWVA, Andy Mhlanga, said his association would be meeting to plan an aggressive strategy for the Presidential Election. The association would draw up a comprehensive budget and would be looking for at least Z$1.5 million per province, a total of Z$15 million; it would also lobby for a fleet of heavy-duty vehicles to use during the campaign.' **[87] (p.7-8)**

**6.187** The US State Department report on Human Rights Practices 2004, reported that 'The Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators. In most cases, police did not intervene.' **[2f] (Section 2d)** The report also states that during the year, war veterans were involved along with other agents of the ruling party of repeatedly entered the Chimanimani farm of MDC M.P. Roy Bennett in violation of several High Court orders prohibiting them from doing so. The report noted that 'The ruling party supporters beat and abducted farm workers, in one instance raped a worker, killed cattle and wildlife, and threatened and harassed and prevented Bennett from returning.' **[2f] (Section 1f)**

**6.188** ZWNEWS.com noted on 13 January 2005 that on 17 January 2005 the Norwegian Council for Africa reported that war veteran's leader, Jabulani Sibanda, had been suspended as chairman of the association. **[20m]** His suspension follows his participation with other senior Zanu PF officials at the Tsholotsho meeting on 18 November 2004. **[67i]** The Zimbabwe Situation reported an article published in the Daily Mirror Reporter (25 February 2005) that noted that 'New war vets' leadership to be announced soon.' The report went on to state that senior members of the armed forces had convened a meeting to select a new war veterans leadership, although Jabulani Sibanda continued to maintain that he was still chairman of the war veterans association. **[89]** On the 7 December 2004, allAfrica.com reported that 'ZNLWVA national secretary general retired Major Alex Mudavanhu told journalists at a press conference last week that only the association's congress had the mandate to remove an officer bearer from his or her post. He said the suspension of Cde Sibanda from the ruling Zanu-PF does not result in his suspension from their association.' **[50j]**

## 6.C Human Rights – Other Issues

### Treatment of Human Rights Organisations

**6.189** The US State Department Report 2004 (USSD), published 28 February 2005, noted that 'A number of domestic and international human rights groups operated in the country with government restrictions, investigating and publishing their findings on human rights cases. The Government monitored their activities closely and was generally unresponsive to their concerns.' **[2f] (Section 4)** The US State Department Report 2002 noted that the Zimbabwe Human Rights NGO Forum had taken the lead in co-ordinating reports on human rights violations and abuses in the period prior to and following the 2000 parliamentary elections. **[2e] (p. 24)** However, the Zimbabwe Human Rights NGO Forum noted on 21 January 2005 that 'The Non-Governmental Organizations (NGO) Bill, which is now awaiting Presidential assent, left most NGOs in a state of uncertainty as to whether and how they would continue with their activities. Some NGOs had actually suspended operations pending the outcome of the Bill.' **[35m](p.2)**

**6.190** USSD 2004 reported that

> 'The Government harassed some NGOs it believed were opposed to government policies with raids on their offices, inquiries into their activities, and obstacles to renewing work permits of foreign employees. For example, police raided the NCA and WOZA offices multiple times during the year and removed records and pamphlets and posters. Police usually kept the confiscated material, and no charges were brought against the organizations.'
>
> 'The Government continued to obstruct the activities of organizations involved in humanitarian activities. In September, the U.N. Resident Representative and Humanitarian Co-ordinator announced that the Government had requested that the U.N. close its relief and recovery unit, which focused on co-ordinating humanitarian activities. Several international NGOs reported that they were having difficulties renewing Temporary Employment Permits for their international staff.'
>
> 'In July, the African Union (AU) suppressed a report by the African Commission on Human and People's Rights (ACHPR), which reports to the AU, based on a human rights fact-finding mission the ACHPR performed in the country in June 2002. The report, which contained allegations of government complicity in or acquiescence to a wide range of rights abuses, including torture and arbitrary arrest of opposition MPs and human rights lawyers, was due to be presented to an Executive Council meeting in July, but the Executive Council chose not to release it when Foreign Minister Stan Mudenge objected that the Government had not been given the opportunity to review the report.' **[2f] (Section 4)**

**6.191** The US State Department report (USSD) 2003, published 25 February 2004, reported that, "During the year, suspected CIO officers targeted employees of ZimRights, a local NGO that investigates human rights abuses. In March, armed men searched and ransacked the home of one employee. In March and April, suspected CIO officers followed, threatened, and attempted to break into the home of another employee in Mutare. Fearing for his safety, he camped out for a few months without electricity or running water outside of town." **[2d] (Section 3)**

**6.192** The US State Department report (USSD) 2002, published March 2003, noted that "On September 13 [2002], the Government signaled its intention to step-up its oversight of NGOs, many of which they accused of supporting opposition political activity. It published a notice saying it would begin enforcing the 1995 Private Voluntary Organizations (PVO) Act requiring all PVOs to apply for registration with the Ministry of Social Welfare. Most PVOs had ignored the 1995 Act and expressed concern that enforcement of it would give the Government excessive control over their activities. Government ordered all non-registered PVOs to cease operations until they registered, a process that generally takes approximately eight months". **[2e] (Section 5)**

**Non-Governmental Organisations Bill**

**6.193** IRIN reported on 24 July 2003 that at the State opening of Parliament in July 2003, Robert Mugabe announced a Non-Governmental Organisations Bill. Civil rights groups fear that this is an attempt by the government to curtail their activities. In 2002, many NGO's avoided registering under the Private Voluntary Organisations Act by stating that they were trusts. The proposed bill will widen the definition of NGO's to include trusts. **[10am]**

**6.194** The USSD 2004 noted that following President Mugabe's announcement of the

NGO bill, some NGOs reported difficulties in carrying out their programs in rural areas. 'Rural district councils began implementing "the NGO policy", although the NGO bill was still in draft. The councils were requiring that NGOs working in their districts register with the council, seek a council resolution authorizing their operations, seek clearance from the provincial governor, and establish a memorandum of understanding with the relevant ministry.' **[2f] (Section 4)**

Back to Contents

**6.195** Commenting on the proposed NGO bill, Human Rights Watch (HRW) noted on 3 December 2004, that the bill was inconsistent with the Principles and Guidelines Governing Democratic Elections, as agreed by the Southern African Development Community (SADC), of which Zimbabwe is a member state. HRW noted that,

> 'Agreed at the SADC summit in August, the Principles and Guidelines commit member states to protect "the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression...during electoral processes."'
>
> 'Compared with similar laws in five of the 14 SADC member states, the Zimbabwean bill provides for substantially greater government surveillance and control of non-governmental organizations. The law would give the Minister of Public Service, Labor and Social Welfare and the Non-Governmental Organization Council new intrusive powers.' **[69f]**

**6.196** Human Rights Watch in a report entitled 'Zimbabwe's Non-Governmental Organizations Bill (dated December 2004)' noted that,

> 'The government of Zimbabwe drafted the 2004 Non-Governmental Organizations (NGO) Bill after a four-year period of deteriorating relations with oppositional civil society organizations, including NGOs, churches, trade unions, and the independent media. The Bill will adversely affect, and effectively eliminate, all organizations involved in promoting and defending human rights. These organizations see themselves as non-partisan. The government claims, without producing evidence, that many of them have abused Western donor funds to support the opposition party, the Movement for Democratic Change (MDC). Judging from the suspension of parliamentary standing orders to permit the passage of the Bill to be fast-tracked, the ruling party, ZANU PF, appears to be in a hurry to pass the Bill ahead of the March 2005 general election.'
>
> 'The NGO Bill is retrogressive. It violates the right to freedom of association. It significantly extends government control over organizations provided for in the current Private Voluntary Organizations (PVO) Act, which it seeks to repeal. The PVO Act was deemed to limit civil liberties by the African Commission for Human and People's Rights. The Bill denies local NGOs that are involved in "issues of governance" access to foreign funding (clause 17) and prohibits the registration of foreign NGOs engaged in "issues of governance"(clause 9). "Issues of governance" are defined by the Bill to include "the promotion and protection of human rights and political governance issues". Like the PVO Act, the Bill gives the Minister of Public Service, Labour and Social Welfare absolute control over the appointment of the NGO Council, which decides on registration and de-registration. The Minister and the NGO Council, however, acquire new powers that they did not have under the PVO Act. New burdens are placed on non-governmental organizations, including

that they must register annually and pay annual registration fees. The NGO Bill provides for an appeal process in some areas, making this the singular improvement compared with the PVO Act. However, as in the PVO Act, there is no right of appeal, other than to the Minister, for organizations that seek to challenge NGO Council decisions on registration and de-registration.'

'Clauses 9 and 17 of the NGO Bill violate the freedom of association enshrined in the Constitution of Zimbabwe and numerous regional and international agreements that the Government of Zimbabwe has signed, including the International Covenant on Civil and Political Rights. Clauses 9 and 17 also do not comply with international and regional guidelines such as the 2004 SADC Principles and Guidelines Governing Democratic Elections or the U.N. Declaration on Human Rights Defenders that the African Commission on Human and People's Rights reaffirmed in 2004.'

'Human Rights Watch urges the Government and Parliament of Zimbabwe to immediately withdraw the Bill and amend it to bring it in line with Zimbabwe's obligations under the SADC Guidelines, the U.N. Declaration on Human Rights Defenders, and international conventions that the Government has signed. Human Rights Watch also calls on the SADC members states - together and individually - to urge the Zimbabwe government to reconcile its proposed NGO law with SADC standards, including the SADC Guidelines for Democratic Elections, and in particular, the freedoms of association and expression.' **[69g] (p.1-2)**

**6.197** Reuters reported on 9 December 2004 that,

'Zimbabwe's parliament voted on Thursday to pass a law banning foreign funded rights groups in the country. President Robert Mugambe's ruling Zanu-PF used its majority in parliament to vote 48 to the opposition's 28 to approve the law, which critics say is part of a government battle against its political opponents. Mugabe's government - which accuses Britain and other Western powers of using non-governmental organisations (NGOs) in a campaign against it - says the bill would ban foreign funding of rights activists and require organisations operating in the country to register with state a appointed body.' **[75h]**

**6.198** Amnesty International expressed its outrage at the enactment of a new law, which bans foreign human rights organizations from working in Zimbabwe and could be used to close down local human rights groups, it said in a press release on 10 December 2004. Kolawole Olaniyan, Director of Amnesty International's Africa Program, said that the law is a "direct attack on human rights in Zimbabwe and should be immediately repealed".

Mr Olaniyan explained that,

'The Non-governmental Organizations Act (NGO Act) specifically targets organizations that "promote and protect human rights". The Act also gives the government sweeping powers to interfere with the operations of any NGO in Zimbabwe through a government-appointed NGO Council. Under the Act, Zimbabwean NGOs are prohibited from receiving any foreign funding to engage in human rights work.'

'"Preventing local NGOs from receiving foreign funding for human rights work would effectively mean the end of many vital human rights programs, as there is so little

local funding available," Kolawole Olaniyan said. "This Act is a disaster for victims of human rights violations and human rights defenders. It is wholly inconsistent with Zimbabwe's obligations under international human rights laws to which it is party. We have grave fears that those organizations that have done most to raise awareness of the human rights situation in Zimbabwe will now be targeted for closure," he added.'

'Amnesty International believes that the legislation will be applied selectively, as has been the case with other repressive legislation introduced over the last four years. The Media Information Commission established by the 2002 Access to Information and Protection of Privacy Act (AIPPA) has already overseen severe repression of independent media in Zimbabwe.'

'If the NGO Act is enforced across the board, tens of thousands of people being assisted by NGO programs could suffer. Reputable and dedicated human rights organizations in Zimbabwe provide vital medical and psychological care and legal advice to victims of human rights violations. Most victims have nowhere else to turn in a country where unemployment is above 70 per cent and the health service has been severely eroded," Kolawole Olaniyan said.' **[14f]**

**Land Reform**

(For additional information see 6.105 – 6.107 Whites & 6.110 – 6.113 Farm Workers)

**6.199** According to information sourced from a BBC report of 26 April 2000 and a UNHCR report from July of the same year, during the colonial era, white settlers forced many black Zimbabweans off their ancestral lands. Although independence and majority rule were the major cause of the guerrilla war, the issue of land ownership was also a significant contributing factor. Government figures indicated that "some 4,400 white Zimbabweans owned 32% of agricultural land, around 10 million hectares". One million black Zimbabwean "peasant families farmed around 16 million hectares". **[3ab]** Many of the farms owned by whites were purchased after 1980 with certificates of no interest from the Government; these farms were therefore not seized from the original African occupants. **[32]**

**6.200** The BBC report states that whites own much of the highly productive land in "fertile areas with better rainfall" whereas black-owned land is "often in drought-prone regions". While it is the case that whites own a disproportionate share of the better agricultural land, there are concerns that redistributing land from the efficient, mainly white-owned, commercial farming sector to people without adequate planning and management will be disastrous for Zimbabwe's economy. **[3ab]**

**6.201** The Telegraph noted on 28 April 2000 that following independence in 1980 a programme of land reform was begun, based on the 'willing seller, willing buyer' principle. The United Kingdom has provided £44 million since 1980 for land reform. **[5i]** However, the BBC report pointed out, and the Daily Telegraph concurred, that in the 1990's "much of the redistributed land ended up in the hands of cabinet ministers and other government officials" rather than the landless peasants who were supposed to benefit from the reform programme. The British Government and other international donors have therefore refused to support further land reform unless the process becomes more transparent. **[3ab]**

**6.202** The Telegraph noted on 28 April 2000 that in 1997 President Mugabe promised to seize nearly 1,500 mainly white-owned farms without compensation. The International Monetary Fund forced him to withdraw his threats in 1998 and abide by the constitutional

requirement to pay compensation for acquired land. [5i] In 1999 the Government bought only 50 farms. [3ab]

**6.203** The Daily Telegraph of 28 April 2000 stated that a "land conference" was held in 1998 and "a 10-year programme of land redistribution" was agreed between farmers, the Zimbabwean and British governments and other donor countries. [5i] However, according to the UNHCR report entitled "Zimbabwe – A Strategy of Tension", the Zimbabwean Government broke the agreement later in 1998 when it published a list of 800 farms for compulsory acquisition. Farmers were able to appeal against the proposed seizures and the programme was halted. Frustrated by this, President Mugabe pushed through a constitutional amendment in February 2000 that removed farmers' rights to compensation. [32]

**6.204** The BBC reported on 1 June 2000 that Mugabe tried to exploit the unresolved land issue in an attempt to restore his falling popularity. In a pattern of electoral violence, a campaign of farm occupations began in February 2000. Squatters, claiming to be War Veterans, occupied hundreds of white-owned farms. Five white farmers were murdered in the violent run-up to the parliamentary elections. [3f] Europa - Africa South of the Sahara 2004, noted that the War Veterans also attacked many black farm workers; the police did little to apprehend the perpetrators of the violence. [1b] (p.1227)

(For additional information see 6.182 – War Veterans)

**6.205** In February 2003, two separate NGOs issued reports highlighting the difficulties that the farm workers experienced in light of the land reform process. Famine Early Warning Systems Network (FEWS NET) warned that the number of farm workers affected had increased to 1 million. An IRIN news report of 13 February 2003 highlighted their plight. It stated that according to the UN Relief and Recovery Unit (RRU) farm workers had not been included in the "main assistance programming" of "vulnerability assessments". Most farm workers were from foreign ethnic backgrounds. Once they lost their jobs, they lost their homes. They could not return to their country of origin and were far from their families. [10ae] In a subsequent IRIN report of 4 April 2003 it was learnt that following the amendments to the Citizenship Act announced in April 2003, many farm workers in this position could claim Zimbabwean citizenship meaning that they could profit from land reform and gain access to social welfare. [10y]

**6.206** The Daily News reported on 28 March 2003 that on 26 and 27 March 2003 approximately 1000 farm workers, including women and children were forced off Roy Bennett's Charleswood Estate farm. Mr Bennett is an MDC MP. [9bf] However, a Daily News report released on 9 April 2003 noted that on the 8 April, the High Court directed that the workers should be allowed back on to Charleswood immediately. The report stated that those who the Court ordered to stop intervening in the affairs of Charleswood were the Minister of Defence Sydney Sekeramayi, the Minister of Lands, Joseph Made, Augustine Chihuri the Police Commissioner, and Constantine Chiwenga the Commander of the Army. [9bg]

**6.207** Reports emerged in IRIN and the BBC on 7 November 2002 that the redistribution process was not fulfilling the goals set by the Zimbabwean Government. People were not being moved from the "densely populated communal areas to newly acquired farmland", despite only 400 commercial farmers remaining out of a total of 4000 in 2000. [10af] In Mashonaland Central, known for its fertile soils, out of a population of 1 million, only 15,000 had been resettled by November 2002. [3z] The Zimbabwe Standard voiced its concern on 14 July 2003. It claimed that other documents from the 10 provincial governors, leaked to the MDC, revealed that only 129,000 farmers had been resettled under the A1 land reform (for

villagers and small scale farmers) since 2000, not 300,000 as the Zimbabwean government claimed. **[20k]**

**6.208** The BBC reported on 21 February 2003 reported that a leaked audit carried out by Vice President Msika's office. In it, it accused Ministers and senior officials of "grabbing land" meant for landless Zimbabweans. Those named in the report included the Information Minister, Jonathan Moyo, Mugabe's sister Sabina, and the head of the air force, Perence Shiri. Shiri is reported to own three farms, one of which is three times larger than the maximum allotted size. He was also allegedly trying to evict 96 landless families from his farms. Some officials have responded by claiming that that their "reputations were being deliberately tarnished by rival factions" within ZANU-PF. **[3aq]** This allegation seems to be substantiated by a document that the Daily News claims was leaked to it in April 2003. The Daily News claimed that it was an "addendum to the land audit" conducted by Flora Buka, the Minister of Land Reform in the Vice President's office. **[9eq]**

**6.209** An IRIN press release of 15 May 2003 reported that, in order to verify the findings of the land reform audit submitted to the cabinet in May, Mugabe established the Land Review Committee (LRC). The establishment of the LRC came after allegations that senior ZANU-PF officials had flouted the "one man one farm policy". **[10au]** An interim report released by the LRC on 17 August 2003 supported the evidence of the original audit. As a result, Mugabe ordered ZANU-PF officials to relinquish all bar one of their farms within two weeks. **[10av]** However, this order appears to have been largely ignored. **[64]**

**6.210** In their Country Profile, updated in July 2003, Global IDP Database stated that since the start of the government's "fast track" land reform programme, approximately 240,000 farm workers have lost their jobs and 500,000 have been forced to leave their homes. Coping mechanisms for the displaced range from diversifying into gold panning, selling firewood, or family assets and, in some cases, commercial sex. Those who are particularly vulnerable are the elderly, female headed households, orphans, and those of ill health, for example, HIV/AIDS sufferers. However, whilst in the past the ZANU-PF youth militia and the War Veterans concentrated much of their attention on rural areas, since 2002 Harare and the major cities have become the focus for the ruling parties campaign to suppress the opposition. **[68]**

**6.211** The Zimbabwe Independent noted on 26 March 2004 that although the land acquisition process was officially declared completed in August 2002, the Government continued serving Section 8 notices (compulsory acquisition orders) in late February 2003. The report estimated that 98% of all commercial farm land had been acquired by March 2003. **[11f]**

**6.212** "Farmers dissatisfied with compensation offers" was the headline of an IRIN report released on 9 April 2003. It noted that some 290 white farmers had been "offered compensation for improvements to their land, but not for the seized land itself". However, Colin Cloete of the Commercial Farmers Union (CFU) stated that the sums offered by the government were insufficient. Cloete gave the example where one farm had been independently valued at Zim $250 million, but the government offered a "mere Zim $20 million". **[10at]**

**6.213** The Daily News reported on 27 May 2003 that a farmer was held hostage inside his home by ZANU-PF militia in Mashonaland West, near Kadoma. The farmer, Piet Rorke, was prevented from "harvesting his maize and wheat crops and was ordered to vacate his property". The ZANU-PF militia subsequently harvested the crops themselves. The police

reportedly ignored distress calls from the farm and the Mashonaland West provincial governor, who visited the farm, failed to break the impasse after the militia turned violent. Mr Rorke's farm was one of the 56 in Mashonaland West not listed for acquisition by the government. **[9c]** The CFU warned, in an IRIN report of 25 June 2003 that the courts were hopelessly clogged with a backlog of contested cases concerning the governments land reform programme. **[10az]** The USSD 2002 noted that the state owned Zimbabwe Broadcasting Corporation reported that the ownership of only 245 out of 6,001 gazetted farms had been legally transferred by the end of May 2003. **[2e]**

**6.214** The Daily News reported on 26 July 2003 that those resettled on land acquired under the government land reform programme were also subject to eviction themselves. More than 180 farmers resettled under the A1 scheme on six farms in Goromonzi district of Mashonaland East faced eviction because the government wanted to reallocate the land under the A2 model. The A2 model is designed for larger, black, commercial farmers. **[9d]** On 26 August 2003, the Daily News claimed that police torched 1,000 homes belonging to resettled farmers at Windcrest Farm near Masvingo city the previous day. The settlers were officially allocated the land in August 2001. The land was bought by a Mr Mukumba, a Foreign Affairs employee based at Zimbabwe's High Commission in London. **[9e]**

**6.215** allAfrica.com noted on 3 September 2003 that settlers who illegally invaded the Little England Farm near Zvimba, Mashonaland West, in 2000, encouraged by ZANU-PF officials at the time, were ordered off the farm to make way for Winnie Mugabe, the wife of Robert Mugabe's nephew, and 68 others. The settlers were angered by this order, and, according to the Daily News of 3 September 2003, severely assaulted Winnie Mugabe and her two sons. Subsequently, a ZANU-PF official, Phillip Chiyangwa, branded the settlers as "lawless people" and "savages". **[9f]**

**6.216** IRIN posted an article on 4 September 2003 that further suggested that, as a result of a lack of infrastructure, some families who settled on land acquired under the government's reform programme, returned to their original communal areas. The report stated that the lack of health and educational services along with poor transportation links effectively created push factors for the settlers to leave the new lands, which were not always suitable for the types of agriculture the settlers were used to. **[10aw]**

**6.217** In early September 2003 the Daily News expressed the view that the pressures the CFU was under had become apparent when the Matabeleland Chapter of the Union separated from the main body. The move was in protest against the leadership of the CFU, which changed hands since Colin Cloete stepped down as leader in August. The new leadership, under Doug Taylor-Freeme, is seen as moderate, preferring to negotiate with the government over the land issue. Taylor-Freeme claimed that there are those in the Matabeleland chapter who wish to see the CFU "adopt a political position", which he said "would not happen". **[9g]**

**6.218** The BBC reported on 17 October 2003, that during that month a report published by Charles Utete, a close ally of Robert Mugabe, noted that less than half of the supposed beneficiaries had been resettled under the land reform programme. According to the BBC, the Utete report stated that 127,192 people had been resettled, contrasting with the 300,000 the government previously claimed to have resettled. Utete noted that 8.6 million hectares of land had been seized and 1,323 white farmers remained. **[3be]** The Zimbabwean Independent noted on 5 March 2004 that Clifford Mpande, the provincial manager of the Mashonaland East Farm Community Trust claimed that 2% of the acquired 11 million hectares had been allocated to former commercial farm workers, according to a

report in the Zimbabwe Independent. **[11l]**

**6.219** On 28 January 2004, IRIN reported that the Zimbabwean Parliament had passed amendments to the Land Acquisition Bill. According to state media, the amendments allow the government to compulsory acquisition land, after publishing its intention in a government gazette. This replaces the former requirement of serving notice to the landowner in person. **[10bk]** Additionally, the Daily News reported (the same day) that this legislation removes the option of the landowner to offer other parts of his/her land as substitute for that which has been designated for redistribution. **[9at]**

**6.220** On 6 February 2004, IRIN reported that over 300,000 workers formerly employed on commercial farms had been displaced by the land redistribution programme. The problems were most pronounced in Mashonaland West, Mashonaland East and Mashonaland Central. Many ex-farm workers had set up squatter camps on the outskirts of the farms they used to work on. Conditions and sanitation were poor with occupants living in pole and mud huts and using improvised pit latrines or going into the bush. Very few had land to cultivate and lacked basic health and education facilities. **[10bl]**

**6.221** On 31 July 2004 Zim Online reported that "The Zimbabwean government is blocking humanitarian aid to farm workers evicted from farms during its controversial land reform process, Refugees International (RI) said in a report. Washington-based RI said investigations by the organisation had revealed that the government had barred several Non-Governmental Organisations (NGOs) from providing health and food aid to these displaced people resulting in the worsening of a hidden but severe humanitarian crisis. Most of the former farm labourers, some of Malawian and Mozambiquan origin, were leading destitute lives after being displaced from their former working places, the report noted." **[49d]**

(For additional information see 6.224 - Food Shortages)

**6.222** IRIN News reported on 6 October 2004 that the Zimbabwean government had offered to assist hundreds of families evicted by the police from a farm they had occupied under the land reform programme. The police and army ordered 600 families to leave the Little England farm and to set fire to some of their homes, because the land had been earmarked for a large-scale commercial farm. Many of the evicted families claimed that they had been granted six-hectare plots on the farm by the government in 2000, were still camped by the roadside.

> 'Political commentator and sociologist, Gordon Chavhunduka alleged the incident at Little England farm was symptomatic of wider problems associated with the government's controversial land reform programme. "People are still hungry for land. The issue of land causes tension, whether between blacks and whites or among blacks. It looks like land reform was never meant to benefit the ordinary person, and that is why the ordinary people are having their houses set on fire. The land reform was only meant to benefit a few special individuals, and that may lay the ground for future conflicts," Chavhunduka told IRIN.' **[10bu]**

**6.223** allafrica.com noted on 11 February 2005, that a farmer from Banket, northern Zimbabwe, was strangled to death by suspected war veterans and ruling party militia as the effect of land redistribution crises lingers on. 'Commercial Farmers Union officials said Ole Sunde, a white commercial farmer, was abducted from his occupied Musonzowa farm near Banket, 95 kilometres north west of Harare, and driven into the bush where he was severely assaulted before he was strangled to death with a wire…The murder of Sunde, of Norwegian

descent, has forced more than 20 white farming families in the area to seek safety in Harare, a representative of the farmers' union said.' [50d]

Back to Contents

**Food Shortages**

**6.224** A BBC report dated October 2002 noted that as a result of a drought combined with the Government's attempts at land reform, 6.7 million people, over half of Zimbabwe's population, were at risk of starvation and required food aid by December 2002. International organisations responded to this crisis by providing grain to Zimbabwe. However, Government interference in the distribution of food aid forced the World Food Programme (WFP) to suspend distribution in the Insiza district. WFP stated that activists from the ruling ZANU-PF party had been distributing food in an unauthorised manner and would not tolerate the handing out of aid on a partisan basis. [3ay]

**6.225** The Daily News reported on 3 October 2002 that in Chimanimani, eastern Zimbabwe, at the polling stations during the local council elections, ZANU-PF were seen to be handing out maize to people who had just voted for them. The MP for Chimanimani, the MDC's Roy Bennett, came to the polling station and photographed the scene. It was then, claimed as a result of his actions Mr Bennett was arrested. [9af]

**6.226** A Guardian news report of 17 October 2002 drew attention to the fact that the Zimbabwean Government had ordered Save the Children and Oxfam to stop distributing food provided by WFP and, in Save the Children's case, their own food. [34d] The latter group was told to stop distributing aid in Binga, the only rural area that was won by the MDC in the September 2002 local elections, and in Chimanimani. [10m] By late November, after a five-week suspension, IRIN announced that the Zimbabwean authorities had allowed Save the Children to resume their activities, including those in Binga. [10an]

**6.227** The Daily News reported on 28 October 2002 that, in addition to Insiza, there were numerous accounts of food being distributed only to those who supported the ruling party. [9bi] In October and November of 2002, in Harare and Chitungwiza there were reports in the Daily News (5 November 2002) of hundreds of card holding ZANU-PF members being able to buy maize-meal. "Perceived MDC supporters and fence-sitters were turned away". [9bh]

**6.228** In early November 2002 the BBC commented that this selective distribution of food aid was condemned by the European Union (EU). Prior to the EU's statement, the United States warned Zimbabwe that it was prepared to take what it called "intrusive" action to ensure that food aid was distributed properly. [3ap] UK charities, according to a BBC news report in February 2003, were said to have deliberately maintained a low profile in Zimbabwe to avoid antagonising the Zimbabwean Government, which is known to politicise food aid. [3ah] The BBC noted in January 2003 that there were reports of food riots in Chitungwiza near Harare in early January. Four police officers who were controlling food queues were injured in the fray. In Bulawayo, Zimbabwe's second city, 39 people appeared in court on 6 January 2003 following food riots three days earlier. [3ag]

**6.229** In February 2003, an IRIN report advised that there were indications that the March/April harvest would fall short of required levels, meaning that the aid effort would have to continue for at least several more months after the harvest. The Famine Early Warning Systems Network (FEWS NET) put the deficit at 1.093 million tonnes for the 2003/2004 consumption year. FEWS NET also warned that "NGOs needed to start planning for continued food aid, non-food aid and food imports" for the 2003/2004 consumption year. [10ag]

**6.230** According to a BBC report, in late February 2003 the United Nations World Food Programme (WFP) blamed the Zimbabwean Government for the current humanitarian crisis there. James Morris, the head of the WFP said that the situation was "almost beyond comprehension" and could easily have been avoided. Morris said that thousands of farms, which were usually productive, were largely idle. He continued, saying that along with the monopoly on food imports, and restrictions on private sector food marketing, the land reform scheme had turned a manageable drought into a humanitarian nightmare. **[3ae]**

**6.231** In late April 2003 IRIN clarified that the Grain Marketing Board (GMB) had relaxed the rules governing trade in grain, to allow individuals to sell grain. Previously, the GMB had sole rights to buy and sell grain in Zimbabwe. Now, up to 150 kg of grain could be sold throughout the country, without the need for a permit. Grain supplies from between 150kg and 10 metric tonnes could be sold with a permit from the GMB. The Commercial Farmers Union said the change in the rules would benefit small-scale farmers, but did not help larger commercial growers. **[10ao]**

**6.232** On 30 June 2003 the World Food Programme (WFP) stated that it was scaling down its operations in Zimbabwe. The cereal and maize crop in 2003 was significantly up on 2002, though still below the 2001 output. The WFP stated that 4.4 million rural, and 1.1 million urban dwellers would require food aid. **[9am]** This figure is down from 6.7 million people requiring food aid last year. **[3ay]**

**6.233** Despite this, a Daily News story of 3 July 2003 included the Bulawayo city council's announcement that 43 people had died of malnutrition in April 2003. The city's Director of Health Services reported that most of the deaths occurred in the younger (5–14 age bracket) and in the old (50+ age bracket). **[9an]** "Malnutrition also accelerates the rate at which HIV becomes full-blown AIDS". In July, a World Food Programme report indicated that the WFP were operating in 14 clinics throughout Bulawayo. **[54b]**

**6.234** Reliefweb noted (in report 28 of 2003) that following the statement by the GMB that the price that it sold maize and wheat to millers was to rise, the Zimbabwe Bakers Association defied government price controls and "doubled the price of a loaf of bread to Z$1,000". **[54b]** BBC news noted on 18 July 2003 that the government took action against those who broke its price control, fining four leading bakers a total of Z$20,000,000. **[3u]**

**6.235** An IRIN news release of 25 August 2003 noted that on 14 August 2003, the government announced a new policy guideline confirming that it had altered its memorandum of understanding with the WFP, which would allow the WFP to send food to distribution points, but the government would oversee the distribution of food aid to the population through local structures and village leaders. This change in operations attracted criticism, with concerns being raised about the "politicisation of WFP-delivered food". **[10ap]** However, an IRIN report the following month stated that the WFP had subsequently gained assurances from the government that they, the WFP, would remain in control of the distribution of aid, and that there would be no operational changes on the ground. **[10ar]** The UN Humanitarian Co-ordinator in Harare, J Victor Angelo, stated that relief would be distributed solely on the basis of the needs of "the most vulnerable". **[10ar]**

**6.236** IRIN noted on 3 September 2003 that the government requested the United Nations Relief and Recovery Unit (UN RRU) to close all of its provincial offices. The government claimed that not all of "the procedures for the establishment of this field presence had been properly followed". IRIN reported that all RRU staff were subsequently recalled to Harare. Staff were still able to deploy into the field from Harare. **[10aq]** However, Reliefweb

noted on 12 September 2003 that these offices were not involved in the food aid programme and WFP food aid operations, with offices in Bulawayo, Harare, Masvingo and Mutare, were unaffected. **[54c]**

**6.237** In their October 2003 report "Not Eligible: The Politicization of Food in Zimbabwe", Human Rights Watch claimed that that the government controlled Grain Marketing Board (GMB) and the Food Committee were heavily influenced by representatives of the Central Intelligence Organisations, the police and the military. **[69a] (pp. 34-35)** To access the food provided by the GMB, millers and shop owners would need to be sufficiently pro-ZANU-PF. **[69a pp. 40-41]** The report also claimed that international relief efforts were also politicised. However, compared to other similar relief situations, less international relief food aid was being diverted or distributed unfairly. **[69a] (p. 28)**

**6.238** However, the US State Department Report 2003 stated that the government owned GMB was distributing food on a political basis. "During the year, the Government's GMB routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. A common ZANU-PF tactic was to announce the distribution of food in the vicinity of, and at the precise time of, an MDC rally. Persons chose to attend the food distribution event rather than the rally, but were often turned away empty-handed. In many instances, GMB sold food only to those who produced ZANU-PF membership cards." **[2d] (Section 3)** A report published by Amnesty International, entitled Power and hunger – violations of the right to food (October 2004), noted that,

> 'During parliamentary, local and by-election campaigns in 2002, 2003 and 2004 food was manipulated in a variety of ways to force voters to vote for Zanu-PF or prevent them voting for the MDC. A report on the 2002 parliamentary elections by the International Crisis Group stated: "At a time of severe deprivation the government released supplies of mealie meal…on the day of the election in certain MDC strongholds. Its intention was that the guaranteed long lines for food would reduce the number of people able to vote."' **[14e] (p.50)**

**6.239** In January 2004, IRIN reported that: "The number of people forecast to be in need of food aid in Zimbabwe over the next few months had risen dramatically to 7.5 million, up from an earlier estimate of 5.5 million". **[10bm]** It is thought that the number of urban dwellers in need of food aid has risen from 1.1 million to 2.5 million. **[10bn]**

**6.240** A UNHCR report on 8 August 2004 carried a news story that at least 125 people, children among them, had died of malnutrition in Bulawayo since March 2004, casting doubt on President Mugabe's assurances that Zimbabwe was in food surplus. The World Food Program was planning to lay-off some of its workforce despite warning that the grain harvest could be half the 2 million tons needed. Archbishop Ncube claimed the government planned to use food as a weapon in the parliamentary elections. **[61a]**

**6.241** Human Rights Watch reported in August 2004 that the flawed implementation of the fast track land reform programme, combined with erratic weather patterns and a shortage of agricultural inputs, had resulted in acute food shortages in Zimbabwe since late 2001. But whereas in previous years international donors provided food aid, in May 2004 the government of Zimbabwe informed donors that it expected a bumper harvest in 2004–05 and that food aid would not be needed. NGOs believed that the government had overestimated the year's crop and there were fears that food would be used as a political tool in the 2005 parliamentary elections. The HRW report also suggested that the actions of international donors themselves had contributed to food insecurity,

> 'Although international donors maintain an active presence in the country, their reluctance to provide food aid and agricultural inputs (seeds, fertilizer, etc.) strictly on the basis of need in resettled areas, where black Zimbabweans have been given land under the fast track land reform program, has further compromised Zimbabweans' access to adequate food.' **[69d] (p. 1)**

(For additional information on land reform see 4.18 & 6.199)

**6.242** On 19 August 2004 IRIN reported that "Four in five Zimbabweans went without food at least once last year, according to a new survey". The Afrobarometer survey found that this figure was much higher than in any of the other 15 African countries surveyed. **[10aj]**

**6.243** Reuters reported on 8 February 2005 that 'Hungry Zimbabweans are staving off starvation by selling property and getting money from relatives abroad, but rights groups fear food may still become a political weapon ahead of elections in March.' The report continued, 'Human rights groups have accused President Robert Mugabe's government of using grain stores for political ends in the past, and some rights workers say they fear this may be repeated as the country gears up for March 31 parliamentary elections.' Assessments of the 2005 crop vary, but one diplomat is reported to believe that drought and seed shortages will cause the 2005 harvest to be 800,000 tonnes below that needed for Zimbabwe to feed itself. **[75c]**

**6.244** In a further report from allAfrica.com, dated 11 February 2005, it noted that,

> 'Zimbabwe has imported 13,187 tonnes of maize from South Africa, official figures from Harare's biggest trading partner have revealed…The figures reveal that Zimbabwe has imported more than half of the 23,018 tonnes of maize exported by South Africa to other countries. Agriculture minister Joseph Made on Tuesday refused to comment on the latest data from South Africa simply saying "I wouldn't know", before terminating the interview. Although the government has persistently said the country does not need food assistance, independent observers such as the World Food Programme and the Famine Early Warning System Network (FEWSNet) have said at least five million people are in need of food assistance. In its January report FEWSNet classified Zimbabwe amongst priority-need nations – namely Somalia, Eritrea and Ethiopia which need food assistance.' **[50e]**

**6.245** In a report carried by BBC News on 31 January 2005, FEWSNet is reported to have said that of 12.5 million Zimbabweans, around 5.8 million would need food aid before the next harvests in April. However, Agriculture Minister Joseph Made is reported to have accused FEWSNet of being part of western plans to destabilise Zimbabwe ahead of parliamentary elections in March. **[3bk]**

Back to Contents

**6.246** allAfrica.com reported on 6 December 2004 that, 'Ten more people have died of hunger in the country's second largest city of Bulawayo, bringing the malnutrition death toll recorded in the city to more than 180 over the past year, official council documents show. Bulawayo city council minutes on health, housing and education for November, reveal that nine children under the age of four and a 70-year old man died as a result of malnutrition last month.' The mayor of Bulawayo, who has previously provoked the anger of Zanu-PF officials by highlighting such deaths, refused to comment on the current report. The report noted that

Bulawayo city council is feeding over 13,000 children at council clinics, but that the numbers coming for food relief is increasing by the day. **[50f]**

**6.247** allAfrica.com reported on 15 February 2005 that, 'At least fourteen people died because of malnutrition last month in Zimbabwe's second largest city, a senior Bulawayo city council employee told The Standard last week.' Thirteen of the deaths were of children under four years of age. The mayor of Bulawayo, Japhet Ndabeni-Ncube, said that the deaths were a result of food shortages among less privileged members of society, the mayor added that he was unable to get enough food supplies to those in need of assistance. **[50g]**

**6.248** The Zimbabwe Independent reported on 14 January 2005 that,

> 'Food security is declining in traditionally dry Masvingo, the Midlands and Matabeleland provinces and Zimbabwe will not benefit from food handouts in the lean months from January to March this year, the World Food Programme (WFP) has said. In its first report for 2005 titled the WFP Emergency Report, the UN food agency said food security was declining in most districts of Zimbabwe but the worst affected areas are Masvingo and Matabeleland North and South provinces. "As the lean season begins, increasing levels of food insecurity are apparent. Food security is declining in most of the districts, particularly in those in the traditionally dry Masvingo and Matabeleland provinces in the south of the country," reads the report. The WFP said the increasing costs of food were contributing to food insecurity. "A massive price increase of up to 250% in the Masvingo urban market has occurred since the post-harvest low point and household food purchases are constrained by the increasing food prices and lack of income, with a wage well below what is needed to purchase a day's cereal requirement," the report says.' **[11q]**

**6.249** The Zimbabwe Independent article went on to report that the WFP was ordered by the Zimbabwean government to stop all food handouts amidst claims that the country had sufficient supplies of food. President Mugabe is reported to have said that donors should take their food to hungrier places. **[32]** Amnesty International noted in Power and hunger – violations of the right to food, dated 15 October 2004 that, 'Local and international human rights groups, as well as organisations involved in monitoring food security in Zimbabwe, believe the government's claims are part of a strategy to manipulate people through fear of hunger ahead of parliamentary elections scheduled for March 2005.' **[14e] (p.2)**

**Witchcraft**

(For additional information on witchcraft see 6.46 – Religious Groups)

**6.250** The Zimbabwean Standard on-line (11 March 2001) noted that belief in witchcraft is strong and witch-hunting is a thriving business in rural communities. A number of ritual murders, seen as a form of witchcraft, have come before the courts. **[20b]**

**6.251** The USSD 2004 reported that

> 'The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions…The Criminal Law (Codification and Reform) Act, passed in November, incorporated the previous Witchcraft Suppression Act (WSA), which criminalized purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting

persons to name witches. The new Act removes the prohibitions on witch hunting and accusing another person of being a witch. The law defines witchcraft as "the use of charms and any other means or devices adopted in the practice of sorcery," and provides punishments for intending to cause disease or injury to any person or animal through the use of witchcraft.' **[2f] (Section 2c)**

**6.252** The USSD 2004 also noted that, there was some tension between the Government and indigenous churches because of the churches' opposition to Western medical practices that result in the reduction of avoidable childhood diseases and deaths. Some members of indigenous churches believe in healing through prayer alone and refuse to have their children vaccinated. **[2f] (Section 2c)**

**6.253** The USSD 2004 also noted that 'Witchcraft widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.' **[2f] (Section 2c)**

**6.254** USSD 2004 stated that 'Incidents of witchcraft-related child deaths and mutilations were on the rise during the year. Newspapers reported several instances of missing children being found murdered with body parts missing, which led police to suspect the murders were related to witchcraft. The perpetrators believed that the body parts of young children would bring good luck. Newspapers reported that persons starting new businesses in particular would pay for ritual murders to bring luck to their ventures.' **[2f] (Section 5)** The US Religious Freedom Report 2003 noted that 'Gordon Chavanduka, chairman of ZINATHA, reportedly has stated that the black-market demand for human body parts used in making potions has increased greatly in recent years.' **[2g] (Section 3)**

**Treatment of returned failed asylum seekers**

**6.255** News24.com reported on 17 December 2004 that 'Zimbabwe's Information Minister has warned that reported plans by Britain to deport 10,000 Zimbabweans [failed asylum seekers] could be a plot to destabilise the country before next year's polls, a newspaper reported on Friday. Jonathan Moyo was quoted as saying in the state run Herald newspaper that Harare needed to remain vigilant in case those deported were "trained and bribed malcontents" who could "cause mayhem during and after the March 2005 elections."… The "We have the right to ask whether these would be deportees or are (British Prime Minister Tony) Blair's' mercenaries of regime change…The suspicion is made more critical by the curious timing of Blair's deportation of such a large number of Zimbabweans. Why now only some 90 days before the March 2005 elections?" he asked".' **[38g] (p.1-2)** The Herald reported on 17 December 2004 that Professor Moyo had accused the British government of training Zimbabweans in acts of sabotage and violence. **[23f]** The Herald reported in a further article on 20 December 2004, noted that the returning asylum seekers would be viewed as accomplices of the British governments' attempts to de-stabilise the country in response to its land policies. **[23g]**

**6.256** However, in an apparently contradictory statement, BBC News reported on 17 December 2004, that Zimbabwe's Justice Minister Patrick Chinamasa had said that the government would unconditionally accept anyone sent back from the United Kingdom. 'He said that the deportations backed up the government's argument that the opposition is exaggerating claims of human rights abuses. "The chickens are now coming home to roost.

It's wrong to suggest that they went there [the UK] as victims of torture, but the truth is that they were economic refugees," Mr Chinamasa said.' **[3bq]**

**6.257** On 9 February 2005, The Voice reported that 'Mugabe grabs failed asylum seekers deported from UK.' The report continued,

> 'Hundreds of protesters challenged the British government last week as it emerged that Zimbabweans deported from Britain have gone missing in the African state. Campaigners say that the policy of forced removal of failed asylum seekers, which was resumed in November, has led to many returnees being tortured by Zimbabwean interrogators and members of the youth militia. The majority of returnees were 'snatched' over Christmas, mainly from detention centres or when signing on. Since November [2004] over 100 failed asylum seekers have been forcibly returned to Zimbabwe…The Home Office reinstated their procedures last November after claiming that the suspensions were being exploited and that hundreds of Zimbabweans were applying for asylum on weak grounds, knowing that they would not be deported if their asylum bids failed…But the Zimbabwean Community Campaign to Defend Asylum Seekers (ZCCDAS) fears for the fate of several returnees who have disappeared and others who have been beaten and threatened after deportation. They are particularly worried about pre-election violence in light of the parliamentary elections to be held in March…Protest organiser Dr Brighton Chireke told The Voice: "Most people who have been returned are threatened and have to go into hiding. Others we know have been deported have just gone missing and we fear that they may have come to harm."'

The Voice reported the case of one failed asylum seeker who claimed that on return to Zimbabwe in December 2004 he was detained by immigration officials in Harare for over eight hours. In the days following his release, he was attacked by a gang from the local youth militia, who believed him to be a British spy. He claimed that his injuries were so severe that he was hospitalised for over a week. **[81] (p.1-2)**

Back to Contents

## ANNEX A

## Chronology of Events

**1890**
British Colony of Southern Rhodesia established; subsequent influx of white settlers, mainly from United Kingdom and South Africa

**1953**
Southern Rhodesia united with Northern Rhodesia and Nyasaland, also British territories, to form the Central African Federation (CAF)

**1962**
White voters in Southern Rhodesia vote into power the Rhodesia Front party, committed to maintaining white rule and achieving independence from UK

**1963**
UK dissolves CAF; Northern Rhodesia and Nyasaland granted independence by UK under majority rule administrations, as Zambia and Malawi respectively

**1963**
Black nationalist opposition splits and Zimbabwe African National Union (ZANU) led by Reverend Ndabaningi Sithole breaks away from Joshua Nkomo's Zimbabwe African People's Union (ZAPU)

**1965**
Rhodesia Front Prime Minister Ian Smith makes illegal unilateral declaration of independence (UDI) for Southern Rhodesia from UK, renaming the territory Rhodesia

**1976**
ZAPU and ZANU combine their military efforts in the Patriotic Front (PF) alliance

**1979**
Ian Smith's administration concludes an 'internal settlement' with some black nationalists; Bishop Abel Muzorewa becomes first black Prime Minister of 'Zimbabwe-Rhodesia'

**Dec 1979**
Lancaster House constitutional conference in London, attended by all parties including the PF produces independence settlement for Rhodesia; whites to be guaranteed 20 seats in new 100-seat parliament

**Feb 1980**
Robert Mugabe's ZANU-PF party wins 57 out of 80 'common roll' seats and Nkomo's PF (ZAPU) wins 20 seats; Bishop Muzorewa's UANC party wins only 3 seats and Rhodesia Front wins all 20 seats reserved for whites

**April 1980**
Independence of Zimbabwe – Robert Mugabe of ZANU-PF becomes Prime Minister and Reverend Canaan Banana becomes President, with ceremonial duties only

**1982-87**

Insurgency in Matabeleland; Government sends mainly Shona Fifth Brigade to quell dissent – thousands killed during *Gukurahundi* pacification campaign, causing resentment of Government by the Ndebele

**1987**
Reconciliation between ZANU-PF and ZAPU ends Matabeleland conflict; ZANU-PF and ZAPU merge, keeping ZANU-PF name; reserved seats for whites abolished; Prime Minister Mugabe becomes executive President

**1988**
Amnesty proclaimed in Matabeleland, leading to rapid improvement in security; Edgar Tekere expelled from ZANU-PF for persistent denunciation of party leadership and policies

**1989**
Edgar Tekere founds Zimbabwe Unity Movement (ZUM) in opposition to ZANU-PF

**March 1990**
Mugabe wins Presidential election, polling 2.03 million votes against ZUM's Edgar Tekere's 413,840; ZANU-PF wins 117 of the 120 contested seats in parliamentary elections, with ZUM taking 20% of the vote and two seats

**Aug 1990**
Joshua Nkomo becomes Vice-President, in addition to existing Vice-President Simon Muzenda

**1994**
ZUM merges with Bishop Muzorewa's UANC; Muzorewa forms United Parties grouping later in year

**April 1995**
ZANU-PF wins decisive victory in general elections, although eight opposition parties boycott polls – ZANU-PF takes 118 seats and Sithole's ZANU-Ndonga two

**Oct 1995**
Sithole charged with conspiracy to assassinate Mugabe

**March 1996**
Mugabe wins Presidential elections with nearly 93% of the vote, but turnout less than 32%

**July 1997**
Criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee

**Dec 1997**
Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal

**Nov 1998**
Banana convicted on 11 charges of sexual assault, sentenced to ten years' imprisonment in 1/1999 – most of the sentence suspended but Banana to serve a minimum one-year in prison

**July 1999**
Vice-President Joshua Nkomo dies

**Sept 1999**
Movement for Democratic Change formed.

**2000**
Reverend Ndabaningi Sithole, leader of ZANU-Ndonga, dies

**May 2000** – Former President Canaan Banana ordered to serve a year in prison for sexually assaulting a male bodyguard

**June 2000**
MDC wins 57 of 120 directly-elected seats in parliamentary elections marred by a violent campaign, perpetrated mainly by Government supporters against the opposition MDC and white farmers that leaves 37 people dead

**Nov 2000**
ZANU-PF holds Marondera West in by-election

**Jan 2001**
ZANU-PF wins Bikita West in by-election from MDC; campaign marred by violence

**Jan 2001**
Canaan Banana reportedly released from prison

**April 2001**
June 2000 election results in Buhera North, in which ZANU-PF's candidate was declared the winner over MDC leader Morgan Tsvangirai, and in Hurungwe East nullified by High Court; by-elections pending

**July 2001**
ZANU-PF holds Bindura in by-election with increased majority; violent campaign and MDC candidate detained by police

**Sept 2001**
MDC wins Bulawayo mayoral elections with landslide majority; ZANU-PF holds Makoni West and Chikomba parliamentary seats in by-elections with increased majority – results emphasise rural-urban political divide

**March 2002**
President Mugabe re-elected President for six-year term in controversial election following a violent campaign; EU and USA apply selected sanctions against the Zimbabwean Government and officials

Zimbabwe suspended from Commonwealth for one year because of election fraud and violence

Introduction of the Access to Information and Protection of Privacy Act.

**Sept 2002**
Local council elections. Won by ZANU-PF after a campaign condemned by rights groups.

ZANU-PF are also victorious in the Hurungwe West by-election, but similar criticisms are levelled at the ruling party.

**Oct 2002**
Learnmore Jongwe, MDC MP and spokesperson dies in Harare prison.

**Oct 2002**
Last of Zimbabwe's troops are withdrawn from DRC.

**Feb 2003**
The trial of Tsvangirai, Ncube and Gasela starts. They are charged with plotting to assassinate Mugabe.

**March 2003**
Commonwealth continue sanctions until a reassessment takes place in December 2003.

National stayaway organised by the MDC. Deemed a success, which brought violent reprisals from the state and its agents.

By-elections in Kuwadzana and Highfields. Both won by the MDC.

**April 2003**
ZCTU strike over massive rises in the price of fuel.

**June 2003**
Mass action organised by the MDC. The stayaway from work was widely observed, though no evidence of the mass demonstrations that were planned. Again, this resulted in a swift and violent response from the state and its agents.

Tsvangirai charge with treason. This means Tsvangirai has two charges of treason outstanding against him.

**Aug 2003**
Council and Mayoral elections throughout much of Zimbabwe. Also, by-elections in Makonde and Harare Central. ZANU-PF hold rural Makonde, and MDC hold the urban seat of Harare Central.

**Sept 2003**
Simon Muzenda, one of Zimbabwe's two vice presidents, dies.

**Nov 2003**
Kadoma by-election. ZANU-PF win the seat from the MDC.

**Jan 2004**
Tsvangirai takes the stand at his treason trial.

**Feb 2004**
ZANU-PF retain the seat of former Vice-President Muzenda in the Gutu North by-election.

Tsvangirai trial ends on 24 February 2004. The judgement was scheduled to be handed down on 29 July 2004, but was subsequently postponed indefinitely.

Cabinet reshuffle.

**March 2004**
ZANU-PF win the Kadoma by-election.

**May 2004**
ZANU-PF win Lupane by-election by 883 votes amid evidence that election was rigged.

Government announce expecting bumper harvest and therefore food aid will not be required. Widely perceived to be untrue and that government planned to use food as a political weapon in 2005 parliamentary elections.

**July 2004**
Verdict in Tsvangirai trial postponed indefinitely when two lay assessors insisted they be fully consulted by trial judge.

Tsvangirai subject of assassination attempt.

Executive summary of Southern Africa Development Council report on human rights in Zimbabwe published.

**Aug 2004**
MDC announce boycotting all elections until electoral reforms in place.

Government published bill to restrict operation of human rights NGOs.

The Non-Governmental Organisations Bill (NGO Bill), requiring the registration of all NGOs and also restricting the activities of NGOs, approved by parliament in August 2004.

**Sept 2004**
Zanu-PF recapture Seke constituency following the MDC's earlier decision to boycott all elections.

**Oct 2004**
Morgan Tsvangirai acquitted on two charges of treason. The acquittal was delivered by the High Court on 15 October 2004.

Zanu-PF retains Masvingo constituency. The by-election was called following the death of Eddison Zvogbo, a founding member of Zanu-PF.

**Nov 2004**
Zimbabwe Supreme Court rules that the law used to seize white owned farms is 'legal'.

**Dec 2004**
Former Minister of Information, Jonathan Moyo, suggests that failed asylum seekers sent back by the UK could be undercover mercenaries or agents of regime change. Minister of Justice, Patrick Chinamasa says that returned asylum seekers would be welcomed back.

**Jan 2005**
Morgan Tsvangirai states that the MDC has been exposed to lower levels of political violence in the run up to the March election compared to previous elections.

South Africa's ruling African National Congress (ANC) and its alliance partners concluded that conditions were not believed to be "conducive" to holding "free and fair elections" in Zimbabwe in March.

Congress of South African Trade Unions (COSATU) announces that they intend to undertake a pre-election fact finding mission to Zimbabwe. On arrival, the 20-member team is refused entry by immigration officials at Harare’s international airport.

**Feb 2005**
President Mugabe announces that the 2005 parliamentary elections will take place on 31 March, he promises to abide by SADC guidelines.

President Mugabe announces that War Veterans and Traditional Chiefs would receive pay increases of 1,400%.

MDC announce that they will participate in the March 31st parliamentary elections.

# ANNEX B

## PROMINENT ORGANISATIONS

### ZANU-PF

According to the Economist Intelligence Unit Country Profile 2004:

> "At independence, ZANU-PF's ideology was initially Marxist-Leninist, and its leaders—Mr Mugabe in particular—were committed to socialism. However, from the late 1980s, with the fall of communism in eastern Europe and the break-up of the Soviet Union, the president did allow a move towards market oriented economic policies although he has always been an extremely reluctant convert to market economics and multiparty democracy. As the political crisis in Zimbabwe has intensified in recent years, Mr Mugabe, has reverted to more revolutionary language, notably the need to complete the chimurenga (the revolution by which he came to power) [chimurenga is a Shona word which means to fight or struggle] through the redistribution of land. He has also called for the nationalisation of mines and industries at various times. With the rapid collapse of the economy and international isolation of the regime from 2001 onwards, there have been frequent reports of attempts within ZANU-PF to force Mr Mugabe to retire from office. There have also been a series of rumours about his health. However, by all accounts he remains remarkably fit for an 80-year-old and has continued to play off party factions against each other while surrounding himself by hardline members of the party. It is probably broadly accepted that the parliamentary speaker, Emmerson Mnangagwa, would be his chosen successor, although other factions within the party contest this." **[24a]**

### Movement for Democratic Change (MDC)

According to the Economist Intelligence Unit Country Profile 2004:

> "The MDC is the main opposition party. Although most of its support is in urban areas, it is also popular in Matabeleland in the south and Manicaland in the east. Despite its success in the 2000 parliamentary election, the party faces a huge political challenge as the government makes a concerted effort to undermine its parliamentary representatives: many are facing harassment and have been periodically arrested on spurious charges, while three senior leaders are being tried for treason. It now only holds 53 seats in parliament, having lost a number of bitterly contested by-elections in the last few years. Unable to organise mass demonstrations against the government, as these will be put down ruthlessly by the police and security forces, it has increasingly accepted that its main option is to enter direct negotiations to end the political crisis. As a result, it has worked on building its international profile. However, the leadership is aware that the ongoing pressure from ZANU-PF and the security forces, coupled with its general inability to organise effective protest, could cause the party to fracture. There are already divisions within the party over whether it should contest the March 2005 poll if there are no agreed changes to the electoral laws. Meanwhile, in mid-2003 several more radical groups apparently emerged in Zimbabwe claiming that they would use military means to overthrow the government." **[24a]**

### ZANU-Ndonga

The late Reverend Ndabaningi Sithole, who led ZANU before Robert Mugabe, set up ZANU-Ndonga. The party held two seats in Parliament prior to the elections in June 2000. The party

won a single seat in June 2000; Tarugarira Wilson Khumbula, ZANU-Ndonga MP for Chipinge South in Manicaland province, is the only MP in the current Parliament who does not belong to either ZANU-PF or the MDC.

**Liberty Party/Liberty Party Of Zimbabwe**
The Liberty Party of Zimbabwe (LPZ), and a breakaway faction styling itself simply the Liberty Party (LP), is a minor party that contested a handful of seats in Matabeleland in the June 2000 elections. The leader of the LPZ is Canaan Zinothi Moyo. The LPZ contested 13 seats (including one seat, Umzingwane, where two candidates stood as LPZ) and the LP 8.

The highest vote achieved by the LPZ in any seat in June 2000 was in the Bubi-Mguza constituency in Matabeleland North, where the LPZ candidate received 889 votes. However, the small ZAPU party received 1,272 votes and the seat was won by the MDC with nearly 13,000 votes. The only party receiving fewer votes than the LPZ in Bubi-Mguza was the breakaway LP, which polled 223 votes. The LPZ polled a total of 2,997 votes in the 13 seats that it contested, and the LP polled 791 votes in total in the eight seats that it contested.

LPZ leader Canaan Z Moyo contested the Pelandaba constituency in Bulawayo and he received 54 votes. The seat was won by the MDC with over 16,000 votes. The ZAPU candidate received 270 votes in Pelandaba and the UP candidate received 57 votes. The candidate of the breakaway LP was the only candidate to receive fewer votes than Moyo, with 35 votes.

A Liberty Party candidate in the election for executive Mayor of Bulawayo in September 2001 polled just 390 votes, compared to nearly 61,000 for the MDC candidate and nearly 13,000 for ZANU-PF. Liberty Party candidates for seven vacant council seats in Bulawayo, also contested in September 2001, received very few votes.

**Zimbabwe Union of Democrats [ZUD]**
The ZUD leader, Margaret Dongo, was the MP for Harare South prior to the June 2000 elections. She failed to come to an agreement with the MDC for the June 2000 elections and the seat was won convincingly by the MDC, with Dongo coming third with only 951 votes, behind the ZANU-PF candidate. ZUD fielded 16 candidates in the 2000 elections but did not win any seats.

**ZAPU [ZAPU 2000]**
ZAPU, or ZAPU 2000, was formed as a resurgent group of the former ZAPU party of the late Joshua Nkomo in 1999. The party advocates a federal system for Zimbabwe, with considerable powers devolved to Matabeleland. The party was unable to agree an electoral alliance for the June 2000 elections with the MDC, as the latter does not support a federal structure. ZAPU candidates stood in most constituencies in Matabeleland and Bulawayo in June 2000 but failed to win any seats.

In early January 2002, ZAPU leader Agrippa Madlela announced that he would not contest the March 2002 presidential election so as to avoid splitting the opposition vote in Matabeleland and backed MDC leader Morgan Tsvangirai for the presidency. Madlela alleged that ZANU-PF was targeting him for ‘elimination’ ahead of the election. His decision split ZAPU into two factions. Paul Siwela, leader of a splinter group, announced his candidature for the presidency, standing for ZAPU.

**United Parties [UP]**
The United Parties (UP) grouping was established by Bishop Muzorewa, leader of the UANC,

in 1994 after UANC's merger with the Zimbabwe Unity Movement (ZUM). UP boycotted the 1995 general elections. In the Presidential elections in 1996, Bishop Muzorewa was denied permission to withdraw his candidacy prior to the ballot and received 4.7% of the vote. UP failed to win any of the 59 seats it contested in the June 2000 elections.

**Conservative Alliance of Zimbabwe**
Successor to the Rhodesia Front, supported by sections of the white population

**National Alliance for Good Governance [NAGG]** – their leader, Shakespeare Maya, contested the March 2002 Presidential election. The party also contested the Kuwadzana and Highfields constituency by-elections in March 2003.

**CIVIC**

**National Constitutional Assembly (NCA)** – an umbrella group of civic organisations seeking democracy for all via a new constitution. Member organisations include the MDC, ZCTU, CCJP, Red Cross Society and ZIMRIGHTS among many others. Formally launched on 31 January 1998.

**Women of Zimbabwe Arise (WOZA)** – consists of women who work to raise awareness of the problems faced by women in Zimbabwean society.

**Crisis In Zimbabwe Coalition (CZC)**

**Centre for the Rehabilitation of Torture Victims (Ceretov)** – founded in Chitungwiza in 2003. Board Chairman – Job Sikhala MP.

**LABOUR**

**Zimbabwe Congress of Trade Unions (ZCTU)**

## ANNEX C

# PROMINENT PEOPLE

– **Robert Gabriel Mugabe** – Shona, first Prime Minister of independent Zimbabwe 1980–87, first executive President 1987 to present, leader of governing ZANU-PF party

– **Morgan Tsvangirai** – Shona, President of opposition MDC, previously Secretary-General of Zimbabwe Conference of Trade Unions (ZCTU) and onetime ZANU-PF party official

– **Gibson Sibanda MP** – Vice-President of MDC and leader of MDC MPs in Parliament

– **Simon Vengayi Muzenda –** ZANU-PF, former Vice-President of Zimbabwe. Died September 2003.

– **Joseph Msika** – ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Joshua Nkomo after his death in 1999

– **Joyce Mujuru MP** – ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Simon Vengayi Muzenda in December 2004

– **Professor Jonathan Moyo MP** – Ndebele, Former ZANU-PF Minister of State for Information and Publicity

– **Professor Welshman Ncube MP** – Ndebele, Secretary-General of MDC, MP for Bulawayo North and Secretary-General of the party

– **David Coltart MP** – white Zimbabwean, prominent human rights lawyer, MDC MP for Bulawayo South and Shadow Justice Minister

– **Chenjerai 'Hitler' Hunzvi MP** – leader of war veterans in farm occupations, elected as ZANU-PF MP for Chikomba in 6/2000; died in 6/2001

– **Ian Douglas Smith** – Prime Minister of colonial Southern Rhodesia in 1960s, illegally declared independence (UDI) of Rhodesia from UK in 1965, PM until 1979

– **Joshua Nkomo** – Ndebele, leader of ZAPU until party's merger with ZANU-PF in 1987, Vice-President of Zimbabwe 1990 until his death in 1999

– **Reverend Canaan Banana** – first, non-executive, President of Zimbabwe 1980–1987; sentenced to a year in prison in 2000 for sexually assaulting a male employee, Released from prison January 2001

– **Bishop Abel Muzorewa** – Prime Minister of "Zimbabwe-Rhodesia" under power-sharing 'internal settlement' in 1979, former leader of UANC, leader of United Parties since 1994, United Methodist Church's Bishop of Zimbabwe

– **Reverend Ndabaningi Sithole** – former leader of ZANU, latterly leader of small ZANU-Ndonga party, died 2000

– **Margaret Dongo** – leader of Zimbabwe Union of Democrats (ZUD), MP for Harare South until lost seat in 6/2000 elections

– **Edgar Tekere** – former ZANU-PF Secretary-General, expelled from party 1988 for denouncing plans for one-party state, founded opposition Zimbabwe Unity Movement 1989 and unsuccessfully challenged Mugabe for Presidency in 1990

– **Tarugarira Wilson Khumbula MP** – ZANU-Ndonga MP for Chipinge South, the only MP not from ZANU-PF or MDC elected in 6/2000

– **Border Gezi** – Former ZANU-PF Minister for Youth, Gender and Employment Creation. Initiated the National Youth Service programme. The members/graduates of which are sometimes called Border Gezi's, or Green Bombers or Taliban.

– **Constantine Guveya Chiwenga (General)** – Commander of Zimbabwe Defence Forces (since 1 January 2004).

– **Vitalis Zvinavashe (General)** – Commander of Zimbabwe Defence Forces, 1994– 2003.

## ANNEX D

# PARLIAMENTARY ELECTION RESULTS JUNE 2000

**[AVAILABLE IN HARD COPY ONLY – see source document [7a]]**

**Note:**

– Marondera West was held by ZANU-PF in a by-election in November 2000

– Bikita West was won by ZANU-PF from the MDC in a by-election in January 2001

– Bindura was held by ZANU-PF in a by-election in July 2001

– Makoni West was held by ZANU-PF in a by-election in September 2001

– Chikomba was held by ZANU-PF in a by-election in September 2001

– In April 2001, the High Court overturned the results in Buhera North and Hurungwe East, both declared ZANU-PF victories in June 2001; by-elections are pending in both constituencies

– In January 2002, the High Court overturned the result in Seke, which was declared an MDC victory in June 2000.

– Hurungwe West was held by ZANU-PF in September 2002.

– Insiza was won by ZANU-PF in October 2002

– Kuwadzana was held by the MDC in March 2003

– Highfield was held by the MDC in March 2003

– Makonde was held by ZANU-PF in August 2003

– Harare Central was held by the MDC in August 2003

– Kadoma Central was won by ZANU-PF in November 2003

– Gutu North was held by ZANU-PF in February 2004

– Zengeza was won by ZANU-PF in March 2004

– Seke was won by ZANU-PF in September 2004

– Masvingo was held by ZANU-PF in October 2004

– Other seats that have been nullified by the High Court as of 21 January 2003 are:

- Mutoko South
- Chiredzi North

- Gokwe North
- Gokwe South

## ANNEX E

## MDC CANDIDATES AND MPs, JUNE 2000 AND MDC LEADERSHIP AND SHADOW CABINET

## MDC CANDIDATES AND MPs, JUNE 2000

57 seats were won by the MDC in the June 2000 parliamentary elections. All MDC candidates are listed below in order of constituency, with those elected MPs underlined. A list of all MDC MPs, in alphabetical order of surname, follows.

### MDC candidates June 2000 by constituency:

HARARE

| | |
|---|---|
| BUDIRIRO | Gilbert MUTIMUTEMA |
| CHITUNGWIZA | Fidelis MHASHU |
| DZIIVARASEKWA | Edwin MUSHORIWA |
| GLEN NORAH | Priscilla MISIHAIRAMBWI |
| GLEN VIEW | Paul MADZORERE |
| HARARE EAST | Tendai Laxton BITI |
| HARARE CENTRAL | Michael Theodore Hayes AURET |
| HARARE NORTH | Getrude Bavier Lottie STEVENSON |
| HARARE SOUTH | Gabriel CHAIBVA |
| HATFIELD | Tapiwa MASHAKADA |
| HIGHFIELD | Munyaradzi GWISAI |
| KAMBUZUMA | Willias MADZIMURE |
| KUWADZANA | Learnmore Judah JONGWE |
| MABVUKU | Justin MUTENDADZAMERA |
| MBARE EAST | Tichaona Jephta MUNYANYI |
| MBARE WEST | Donemore Sasi MAKUVAZA |
| MUFAKOSE | Paulina MPARIWA |
| ST MARY'S | Job SIKHALA |
| ZENGEZA | Tafadzwa Basilo MUSEKIWA |

BULAWAYO

| | |
|---|---|
| BULAWAYO N.E. | Welshman NCUBE |
| BULAWAYO SOUTH | David COLTART |
| LOBENGULA | Fletcher DULINI |
| MAKOKOBA | Thokozani KHUPHE |
| MPOPOMA | Milton GWETU |
| NKULUMANE | Gibson SIBANDA |
| PELANDABA | Jeffrey KHUMALO |
| PUMULA-LUVEVE | Esafu MDHLONGWA |

MANICALAND PROVINCE

| | |
|---|---|
| BUHERA NORTH | Morgan TSVANGIRAI |
| BUHERA SOUTH | Stephen Seven MAAMBIRE |
| CHIMANIMANI | Roy Leslie BENNETT |

| | |
|---|---|
| CHIPINGE NORTH | Messias MATEWU |
| CHIPINGE SOUTH | Elijah MAGAA |
| MAKONI EAST | Nicholas MUDZENGERERE |
| MAKONI NORTH | Valentine Tinodyanavo ZISWA |
| MAKONI WEST | Elisha Remus MAKUWAZA |
| MUTARE CENTRAL | Innocent Tinashe GONESE |
| MUTARE NORTH | Giles MUTSEKWA |
| MUTARE SOUTH | Sydney MUKWECHENI |
| MUTARE WEST | Tambaoga NYAZIKA |
| MUTASA | Evelyn MASAITI |
| NYANGA | Leonard Ringisai CHIREWAMANGU |

## MASHONALAND CENTRAL PROVINCE

| | |
|---|---|
| BINDURA | Elliot PFEBVE |
| GURUVE NORTH | Allan McCORMICK |
| GURUVE SOUTH | Gift CHIMANIKIRE |
| MAZOWE EAST | Shepherd Leonard MUSHONGA |
| MAZOWE WEST | Biggie Township CHIGONERO |
| MOUNT DARWIN NORTH | Ephraim Hondo PFEBVE |
| MOUNT DARWIN SOUTH | Godfrey Donnie MUMBAMARWO |
| MUZARABANI | Timoth MUKWENGWE |
| RUSHINGA | Joel MUGARIRI |
| SHAMVA | Joseph MASHINYA |

## MASHONALAND EAST PROVINCE

| | |
|---|---|
| CHIKOMBA | Peter KAUNDA |
| GOROMONZI | Leonard Chiutsi MAPURANGA |
| HWEDZA | Pearson TACHIVEYI |
| MARONDERA EAST | Didymus MUNENZVA |
| MARONDERA WEST | Shadreck CHIPANGURA. |
| MUDZI | Israel KARONGA |
| MUREHWA NORTH | Musarurwa MUDZINGWA |
| MUREHWA SOUTH | Ward NEZI |
| MUTOKO NORTH | Gents CHINOMONA |
| MUTOKO SOUTH | Derek MUZIRA |
| SEKE | Tumbare MUTASA |
| UZUMBA MARAMBA PFUNGWE | Bonomali MARERE |

## MASHONALAND WEST PROVINCE

| | |
|---|---|
| CHEGUTU | Philemon THAMBATSHIRA |
| CHINHOYI | Silas MATAMISA |
| HURUNGWE EAST | Richard CHAZA |
| HURUNGWE WEST | Tsvangwa KANHEMA |
| KADOMA CENTRAL | Austin Wilson MUPANDAWANA |
| KADOMA EAST | Richard Emmanuel MOYO |
| KADOMA WEST | Edward NGOMA |
| KARIBA | Lucas Gombe SIGOBOLE |
| MAKONDE | Robert RUZIVO |
| MHONDORO | Hilda MAFUDZE |

| | |
|---|---|
| ZVIMBA NORTH | Hamilton GOMBA |
| ZVIMBA SOUTH | Titus NHEYA (murdered December 2001 – see Section 3.43) |

## MASVINGO PROVINCE

| | |
|---|---|
| BIKITA EAST | Edmore MARIMA |
| BIKITA WEST | Amos Munyaradzi MUTONGI (died November 2000 – seat won by ZANU-PF in subsequent by-election) |
| CHIREDZI NORTH | Moses MARE |
| CHIREDZI SOUTH | Patrick Tsumele alias MAPENGO |
| CHIVI NORTH | Bennard CHIONDENGWA |
| CHIVI SOUTH | Alex Elias MASHAMHANDA |
| GUTU NORTH | Chrispen Zvouno MUSONI |
| GUTU SOUTH | Rensom MAKAMURE |
| MASVINGO CENTRAL | Silas Joseph MAN'ONO |
| MASVINGO NORTH | Joseph MUTEMA |
| MASVINGO SOUTH | Zachariah Isaac RIOGA |
| MWENEZI | Luciah MASEKESA |
| ZAKA EAST | Ratidzo Richard MUGWAGWA |
| ZAKA WEST | Charles MUSIMIKI |

## MATABELELAND NORTH PROVINCE

| | |
|---|---|
| BINGA | Joel GABHUZA |
| BUBI-MGUZA | Jacob Thabani MATSHAZI |
| HWANGE EAST | Cephas NYONI |
| HWANGE WEST | Jealous SANSOLE |
| LUPANE | David MPALA |

## MATABELELAND SOUTH PROVINCE

| | |
|---|---|
| BEITBRIDGE | Seyiso MOYO |
| BULILIMA-MANGWE N. | Moses Mzila NDLOVU |
| BULILIMA-MANGWE S. | Edward Tshotsha Moyo MKHOSI |
| GWANDA NORTH | Paul Temba NYATHI |
| GWANDA SOUTH | Paulos Matjaka NARE |
| INSIZA | George Joe NDLOVU |
| MATOBO | Lovemore MOYO |
| NKAYI | Abednico BHEBHE |
| TSHOLOTSHO | Mtoliki SIBANDA |
| UMZINGWANE | Nomalanga Mzilikazi KHUMALO |

## MIDLANDS PROVINCE

| | |
|---|---|
| CHIRUMANZU | Gideon MAKUMBE |
| GOKWE CENTRAL | Edson NYATHI |
| GOKWE EAST | Timothy MADZORI |
| GOKWE NORTH | Sibangani MALANDU |
| GOKWE SOUTH | Lameck MUYAMBI |
| GOKWE WEST | Edgar SITHOLE |
| GWERU RURAL | Renson GASELA |

| | |
|---|---|
| GWERU URBAN | Timothy Lancaster MUKAHLERA |
| KWEKWE | Blessing CHEBUNDO |
| MBERENGWA EAST | Sekai HOLLAND |
| MBERENGWA WEST | Mufandaedza HOVE |
| MKOBA | Stanley Bethel MAKWEMBERE |
| SHURUGWI | Lucia Gladys MATINENGA |
| SILOBELA | Abednico Mathe MALINGA |
| ZHOMBE | Anna MTISI |
| | Farai MARUZANE |

## MDC MPs as at June 2000 [in alphabetical order of surname]:

| | |
|---|---|
| AURET Michael Theodore Hayes | Harare Central [Resigned 2003] |
| BENNETT Roy Leslie | Chimanimani |
| BHEBHE Abednico | Nkayi |
| BITI Tendai Laxton | Harare East |
| CHAIBVA Gabriel | Harare South |
| CHEBUNDO Blessing | Kwekwe |
| CHIREWAMANGU Leonard Ringisai | Nyanga |
| COLTART David | Bulawayo South |
| DULINI Fletcher | Lobengula |
| GABHUZA Joel | Binga |
| GASELA Renson | Gweru Rural |
| GONESE Innocent Tinashe | Mutare Central |
| GWETU Milton | Mpopoma |
| GWISAI Munyaradzi | Highfield [Expelled by MDC, lost seat] |
| JONGWE Learnmore Judah | Kuwadzana [Died Oct 2002] |
| KHUMALO Jeffrey | Pelandaba |
| KHUMALO Nomalanga Mzilikazi | Umzingwane |
| KHUPHE Thokozani | Makokoba |
| MADZIMURE Willias | Kambuzuma |
| MADZORERE Paul | Glen View |
| MAFUDZE Hilda | Mhondoro |
| MAKUVAZA Donemore Sasi | Mbare West |
| MAKWEMBERE Stanley Bethel | Mkoba |
| MALINGA Abednico Mathe | Silobela |
| MAN'ONO Silas Joseph | Masvingo Central |
| MASAITI Evelyn | Mutasa |
| MASHAKADA Tapiwa | Hatfield |
| MATEWU Messias | Chipinge North |
| MATSHAZI Jacob Thabani | Bubi-Mguza |
| MDHLONGWA Esafu | Pumula-Luveve |
| MHASHU Fidelis | Chitungwiza |
| MISIHAIRAMBWI Priscilla | Glen Norah |
| MKHOSI Edward Tshotsha Moyo | Bulilima-Mangwe South |
| MOYO Lovemore | Matobo |
| MPALA David | Lupane [Died] |
| MPARIWA Paulina | Mufakose |
| MUKAHLERA Timothy Lancaster | Gweru Urban |
| MUKWECHENI Sydney | Mutare South |
| MUNYANYI Tichaona Jephta | Mbare East |

| | |
|---|---|
| MUPANDAWANA Austin Wilson | Kadoma Central [Died Aug 03] |
| MUSEKIWA Tafadzwa Basilo | Zengeza [Fled country 2004] |
| MUSHORIWA Edwin | Dzivarasekwa |
| MUTASA Tumbare | Seke (result overturned by High Court January 2002) |
| MUTENDADZAMERA Justin | Mabvuku |
| MUTIMUTEMA Gilbert | Budiroro |
| MUTONGI Amos Munyaradzi | Bikita West [died November 2000] |
| MUTSEKWA Giles | Mutare North |
| NCUBE Welshman | Bulawayo North East |
| NDLOVU George Joe | Insiza [died Oct 2002] |
| NDLOVU Moses Mzila | Bulilima-Mangwe North |
| NYATHI Paul Temba | Gwanda North |
| NYONI Cephas | Hwange East |
| SANSOLE Jealous | Hwange West |
| SIBANDA Gibson | Nkulumane |
| SIBANDA Mtoliki | Tsholotsho |
| SIKHALA Job | St Mary's |
| STEVENSON Gertrude (Trudy) Bavier Lottie | Harare North |

**[source – Government of Zimbabwe: official Website – see source document [7a]]**

## MDC LEADERSHIP AND SHADOW CABINET

### Leadership of the MDC:

| | |
|---|---|
| President | Morgan Tsvangirai |
| Vice-President | Gibson Sibanda MP |
| Secretary-General | Welshman Ncube MP |
| Deputy Secretary-General | Gift Chimanikire |
| Chairman | Isaac Matongo |
| Treasurer | Fletcher Dhulini |

### Shadow Cabinet:

The MDC announced a 16-member Shadow Cabinet in September 2002. The Shadow Cabinet Ministers are:

| | |
|---|---|
| Industry and Commerce | Milton Milford Gwetu |
| Lands, Agriculture and Natural Affairs | Renson Gasela |
| Legal and Constitutional Affairs | David Coltart |
| Education and Sport | Fidelis George Mhashu |
| Public Service, Labour and Social security | Pauline Mpariwa |
| Foreign Affairs | Moses Mzila Ndlovu |
| Health and Child welfare | Blessing Chebundo |
| Budget, Finance and Economic planning | Tapiwa Mashakada |
| Security and Defence | Giles Mutsekwa |
| Home Affairs | Tendai Biti |

| | |
|---|---|
| Local Government and National Affairs | Gabriel Chaibva |
| Transport | Hilda Mafudze Suka |
| Mines and Tourism | Joel Gabhuza |
| Environment and Tourism | Edwin Mushoriwa |
| Gender Youth and Culture | Evelyn Masaiti |
| Energy transport and Communication | Silas Mangono |

**[13d]**

Committee of Secretaries,

| | |
|---|---|
| Secretary General | Welshman Ncube |
| Economics | Tendai Biti |
| Youth Assembly | Nelson Chamisa |
| Information and Publicity | Paul Themba Nyathi |
| Labour and Social Security | Pauline Mpariwa |
| Security/Defence | Dr A.T. Mudzingwa |
| International Relations | Sekai Holland |
| Policy and Research | Trudy Stevenson |
| Finance | Fletcher Dulini Ncube |
| Lands, agriculture and natural resources | Nicholas Mudzengerere |
| Organising | Esaph Mdlongwa |
| Election Directorate | Remus Makuwaza |
| Education | Fidelis George Mhashu |
| Health | Blessing Cheboundo |
| National Integration and Reconciliation | Gladman Mhlambeni |
| Transport, logistics and Welfare | Thokozani Khupe |
| Discipline | Gibson Sibanda |
| Women’s desk | Lucia Matibenga |

**[13d]**

## ANNEX F

# MDC PARTY SYMBOLS AND SLOGANS

The MDC's symbol is an open hand, palm outstretched. The party's slogan during the June 2000 parliamentary election campaign was "Chinja Maitiro, Maitiro Chinja" in Shona and "Guqula Izenzo, Izenzo Guqula" in Ndebele. The closest English translation is "Now is the time, fight for change, support the Movement".

(See source document **[12b]** for an illustration of the symbol – hard copy only)

See source **[12a]** for details of the RESTART policies.

## ANNEX G

## CABINET LIST, FEBRUARY 2005

President: Robert Gabriel Mugabe

Vice-President: Joseph Msika
Vice-President: Vacant. Joyce Mujuru

Ministers and Ministers of State:

| | |
|---|---|
| Special Affairs in the President's Office: | John Nkomo |
| Agriculture and Rural Resettlement: | Dr Joseph Made |
| Defence: | Dr Sydney Sekeramayi |
| Environment and Tourism: | Francis Nhema |
| Justice, Legal and Parliamentary Affairs: | Patrick Chinamasa |
| Transport and Communications: | Christopher Mushohwe |
| Local Government, Public Works and National Housing: | Ignatius Chombo |
| Finance and Economic Development: | Herbert Murerwa |
| Health and Child Welfare: | David Parirenyatwa |
| Home Affairs: | Kembo Mohadi |
| Foreign Affairs: | Stan Mudenge |
| Public Service, Labour and Social Welfare: | Paul Mangwana |
| Higher Education and Technology: | Herbert Murerwa |
| Education, Sports and Culture: | Aeneas Chigwedere |
| Energy and Power Development: | July Moyo |
| Mines and Mining Development: | Amos Midzi |
| Rural Resources and Water Development: | |
| Youth Development, Gender and Employment Creation: | Ambrose Mutinhiri |
| Industry and International Trade: | Samuel Mumbengegwi |
| State Enterprises and Parastatals: | |

| | |
|---|---|
| Information and Publicity: | Gideon Gono |
| Policy Implementation: | Webster Shamu |
| National Security: | Nicholas Goche |
| Indigenisation and Empowerment: | Josiah Tungamirai |
| Special Affairs in the President's Office in charge of Anti-Corruption and Anti-Monopolies: | Didymus Mutasa |
| Minister without Portfolio: | Elliot Manyika |

**[1b][37l][10g] [3at] [67i] [85]**

**ANNEX H**

## REFERENCES TO SOURCE MATERIAL


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**e.** 2002 Country Reports on Human Rights Practices, Zimbabwe, March 2003.
**f.** 2004 Country Report on Human Rights Practices, Zimbabwe, 28/02/05.
**g.** 2003 International Religious Freedom: Zimbabwe, September 2004.

**3 British Broadcasting Corporation (BBC), BBC News Online**
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**a.** Country Profile: Zimbabwe – 21/07/04
**b.** Bodies found in Zimbabwe – 12/12/02
**c.** Zimbabwe parties: who's who? – 16/6/00
**d.** Attempt to kill Mugabe rival – 2/7/04
**e.** Zimbabwe moves to restrict NGOs – 20/8/04
**f.** Zimbabwe judge slams police – 6/8/04
**g.** Winners and losers – 27/6/00
**h.** Zimbabwe court boosts opposition – 26/4/00
**I.** Nkala murder trial to begin – 11/7/02
**j.** Zimbabwe School heads arrested – 6/5/04
**k.** Police 'must quit' Zimbabwe newspaper – 9/1/04
**l.** Zimbabwe opposition by-election defeat – 27/11/00
**m.** Opposition despair in Zimbabwe – 20/2/02
**n.** Tight security ahead of Zimbabwe poll – 2/1/01
**o.** By-election boost for Mugabe – 15/1/01
**p.** Zimbabwe election torture warning – 10/8/04
**q.** Zimbabwe's top judge told to go – 27/2/01
**r.** Mugabe man named top judge – 9/3/01
**s.** Zimbabwe rejects lawyers' criticism – 23/4/01
**t.** Mugabe: Madness of Matabele deaths 2/7/00
**u.** Zimbabwe bakers fined for hikes, 18 July 2003
**v.** Homosexual and hated in Zimbabwe – 12/8/98
**w.** Price of AIDS drugs cut by half, 28 April 2003
**x.** Zimbabwe paper off the streets – 6/2/04
**y.** Zimbabwe militia occupy town, 24 April 2003
**z.** Black Zimbabweans suffer in land reform – 7/11/02
**aa.** Zimbabwe opposition leader arrested – 2/6/03
**ab.** Who owns the land – 26/4/04
**ac.** Zimbabwe action next week – 26/5/03
**ad.** Poll shows Zimbabwe divisions – 2/9/03
**ae.** UN blames Mugabe for crisis – 26/2/03

**af.** ‘Thousands of blacks’ evicted in Zimbabwe – 30/8/01
**ag.** Zimbabwe food riots spread – 6/1/03
**ah.** UK charities’ hidden aid to Zimbabwe – 4/2/03
**ai.** Mugabe’s party wins key Zimbabwe poll – 30/7/01
**aj.** Mugabe’s opponents threaten boycott – 25/9/01
**ak.** Zimbabwe’s political divide deepens – 12/9/01
**al.** Text of Zimbabwe agreement 7/9/01
**am.** ZANU-PF approves land deal – 18/9/01
**an.** Delegation divided over Zimbabwe – 27/10/01
**ao.** Commonwealth team visit farms – 26/10/01
**ap.** Zimbabwe ‘diverts food aid’ – 7/11/02
**aq.** Mugabe cronies ‘get farms’ – 21/2/03
**ar.** Zimbabwe camp commander speaks – 29/2/04 via ZWNews.com
**as.** Zimbabwe judge free on bail – 18/2/03
**at.** Country profile - Zimbabwe 2 March 2005.
**au.** Mugabe wins key by-election – 28/10/02
**av.** How loyal is Zimbabwe’s army? – 10/1/02
**aw.** Zimbabwe’s angry white farmers – 13/11/01
**ax.** Mugabe supporters get land – 4/1/02
**ay.** Food aid halted in Zimbabwe district – 18/10/02
**az.** Retired judge held in Zimbabwe – 13/9/02
**ba.** Zimbabwe offered carrot and stick – 20/3/02
**bb.** Zimbabwe opposition MP shot – 8/2/02
**bc.** ‘War cabinet’ for Zimbabwe – 26/8/02
**bd.** Zimbabwe sanctions extended by EU – 23/2/04
**be.** Zimbabwe admits land chaos – 17/10/03
**bf.** Zimbabwe MP dead in prison – 22/10/02
**bg.** Arrests over anti-Mugabe e-mails – 21/11/03
**bh.** Zimbabwe’s torture training camps – 27/2/04
**bi.** EU backs French invitation to Mugabe – 13/2/03
**bj.** Zimbabwe’s farm seizures ‘legal’ - 12/11/04.
**bk.** Zimbabwe hunger claims ‘US plot’ - 31/01/05.
**bl.** Mugabe launches election campaign - 14/02/05.
**bm.** Zimbabwe announces election date - 01/02/05.
**bn.** Zimbabwe expels SA union leaders - 02/02/05.
**bo.** Union Leader Released – 11/10/02.
**bp.** Zimbabwe shuts another newspaper - 28/02/05.
**bq.** New Zimbabwe fears for deportees - 11/01/05.
**br.** Mugabe ministers in court battle - 20/01/05.
**bs.** Another blow for Zimbabwe’s Moyo - 03/01/05.
**bt.** Zimbabwe police hound journalists - 15/02/05.
**bu.** Europe renews Zimbabwe sanctions - 21/02/05.
**bv.** Union leader ‘Tortured’ – 10/10/05.

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**a.** Zimbabwe Asians are next to face race threats – 10/4/00
**b.** Opposition urged to boycott polls after Mugabe rigs election – 19/5/04
**c.** Zimbabwe election marred by violence – 17/5/04
**d.** Mugabe militias seal town for ‘recruiting drive’ – 8/1/02
**e.** Zimbabwe promises to allow election observers – 12/1/02
**f.** Nation on the brink – 20/1/02

**g.** Mugabe offers compensation for 25,000 civil war killings – 19/10/99
**h.** With Zimbabwe's health sector in ruins, witch doctors are busy. Dated 03/02/05.

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**a.** Mugabe prepares to turn on Asian traders – 25/4/02
**b.** Tsvangirai charged with treason – 26/2/02
**c.** Lay assessors block judge's guilty verdict on Tsvangirai – 30/7/04
**d.** ZANU-PF opens campaign with barbed wire torture – 15/1/02
**e.** Tsvangirai treason trial ends – 27/2/04
**f.** Map of results – 28/6/00
**g.** MDC turns to terror in Zimbabwe – 12/1/01
**h.** Zimbabwe attack on white judges, 6 June 2000
**i.** Dispute has dogged the country since arrival of Rhodes's' pioneers – 28/4/00

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**a.** The untold story of Mugabe's death squads – 2/5/97
**b.** Mugabe praises army for crushing protests – 12/8/03
**c.** Mugabe law will curb church and charities – 2/8/04

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**a.** Election 2000 Results

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**a.** Violence erupts at Zimbabwe rally – 20/1/02
**b.** Q & A :Zimbabwe land reform [16 August 2001]
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**a.** Post poll violence grips Bikita West – 23/1/01
**b.** ZANU-PF goes on the rampage – 14/1/02
**c.** Farmer held hostage – 27/5/03
**d.** Karimanzira clashes with resettled farmers – 26/7/03
**e.** Police torch 1,000 homes – 26/8/03
**f.** Mugabe's assaulted – 3/9/03
**g.** Matabeleland farmers ditch CFU – 9/9/03
**h.** Any takers for the hangman's job? – 26/2/02
**I.** ZANU-PF orders expulsion of 50 teachers – 25/4/02
**j.** ZANU-PF trounces MDC in Gutu North – 5/2/04 via allafrica.com
**k.** Landmark ruling on children's documents – 2/5/03
**l.** Increased political violence worsens HIV/AIDS pandemic – 16/4/02
**m.** MDC members sacked from Shamva mine – 27/4/02
**n.** C'wealth observers denounce ZANU-PF violence – 27/3/02
**o.** Muslim's petition State over Christian teachings – 6/8/03
**p.** Severe hunger stalks Zimbabwe's prisons – 7/8/03
**q.** Armed police run riot in Harare – 29/5/03
**r.** PTUZ urges members to maintain go-slow – 21/5/03
**s.** US places Anglican bishop on blacklist – 29/3/02

**t.** Opposition denied voters roll – 30/8/03 via ZWNews.com
**u.** Houghton is the countries first executive white mayor – 2/9/03
**v.** Councillor, MDC activists arrested – 4/9/03 via allafrica.com.
**w.** 1,000 flee ZANU-PF terror in Zaka, Gutu – 2/4/02
**x.** Nyarota arrested – 16/4/02
**y.** MDC MPs flee Manicaland – 25/3/02
**z.** War vets leader granted bail in extortion hearing – 20/5/02
**aa** 36 MDC candidates pull out of poll after threats – 2/9/02
**ab.** ZANU-PF supporters detain MP – 6/9/02
**ac.** Chaos, threats mar rural council elections – 29/9/02
**ad.** Jongwe arrested – 22/7/02
**ae.** Chinamasa, Moyo not the nation – 22/7/02
**af.** Food-for-vote – 3/10/02
**ag.** Two inmates die in overcrowded prison – 4/10/02 via allafrica.com
**ah.** ZANU-PF seeks to nullify poll – 8/9/03
**ai.** Teachers assaulted in Buhera – 10/5/02
**aj.** Man forced to drink officers urine – 10/9/03
**ak.** MDC expels Chitungwiza Provincial chairman – 10/9/03
**al.** Chiefs removed from Gutu polling stations – 4/2/04
**am.** WFP to scale down Zimbabwe food aid – 3/7/03
**an.** Bulawayo witnesses 43 deaths from malnutrition – 3/7/03
**ao.** Activists call for judicial independence – 30/5/03
**ap.** Blackie's acquittal welcomed – 3/7/03
**aq.** Ndlouv fires 43 teachers for striking – 29/4/03
**ar.** Teachers strike on – 10/5/03
**as.** Teachers strike deadlock – 15/5/03
**at.** ZANU-PF MP's must be ashamed – 29/1/04 via allafrica.com
**au.** Teachers ordered to go back to work – 20/5/03
**av.** Editor charged under POSA – 25/6/03
**aw.** Armed police disperse striking ZESA workers – 19/6/03
**ax.** NCA to defy police over Mugabe rally – 4/7/03
**ay.** MDC fears for safety of Rusape candidates – 19/7/03
**az.** Plot to rig Gutu poll – 2/2/04
**ba.** MDC seeks overturn of ZANU-PF victory – 2/8/03
**bb.** Elections fraud on: MDC – 5/8/03
**bc.** 20,000 voters improperly registered, alleges MDC – 26/8/03
**bd.** MDC votes Mwakavararara out of deputy mayorship – 27/8/03 via allafrica.com
**be.** Intimidation rife, says MDC – 27/8/03
**bf.** Bennett's workers brutally assaulted – 28/3/03
**bg.** Evicted workers win court order – 9/4/03
**bh.** ZANU-PF card a must for maize-meal seekers – 28/10/02
**bi.** No ZANU-PF card, no maize-meal in Mufakose – 5/11/02
**bj.** Police raid MDC's Mutare mayoral candidate's offices – 16/5/03
**bk.** State urged to introduce conjugal rights – 29/5/03
**bl.** MDC rally cancelled – 6/6/03
**bm.** ZANU-PF wins Insiza – 29/10/02
**bn.** Gwisai ouster hailed – 25/11/02
**bo.** Chamisa faces LOMA charge – 2/8/02
**bp.** Mudede fiddled poll – 10/3/03
**bq.** Midlands Observer journalist attacked – 12/8/03
**br.** Judge orders police to stop torturing suspects – 12/2/03
**bs.** Judge arrested – 18/2/03

**bt.** Lawyers demand protection for judiciary – 11/4/03
**bu.** ZANU-PF youths, police thwart protestors – 7/6/03
**bv.** ZRP now an enemy of the people – 9/6/03
**bw.** Whereabouts of arrested ANZ staffers not known – 20/3/03
**bx.** Three days of hell at the hands of the police – 24/3/03
**by.** Daily News reporter Mudiwa set free – 25/3/03
**bz.** Backlash against ZANU-PF youth militia – 18/12/02
**ca.** Radio Dialogue still battling for a licence – 1/4/03
**cb.** Teachers forced to join ZANU-PF to obtain food – 28/2/03
**cc.** Suspended teachers told to report for duty – 6/2/03
**cd.** High Court bars MDC rally – 17/2/03
**ce.** Coloureds – stuck in the middle of nowhere – 28/9/02
**cf.** UZ closed indefinitely – 14/3/03
**cg.** Student leaders acquitted – 20/2/03
**ch.** Help for orphans – 27/2/03
**ci.** Ndlouv faces trial for threat to Asians – 1/4/03
**cj.** Violence breaks out during nominations – 22/7/03
**ck.** Politics and justice in Zimbabwe, dated 18/10/04.

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**a.** Opposition cries foul over legal delays to electoral disputes – 23/6/04
**b.** Talk of dialogue over electoral reforms – 3/8/04
**c.** Union leaders freed – 9/8/04
**d.** MDC disputes Lupane election result – 18/5/04
**e.** Overcrowding leads to prison crisis – 5/2/04
**f.** New anti-corruption legislation 'unconstitutional' 25/6/04
**g.** With ARVs beyond reach, rural folk resort to herbs – 25/8/04
**h.** Limited response to PMTC programme – 17/6/04
**I.** Alarm over HIV prevalence in armed forces – 24/6/04
**j.** Government defends HIV/AIDS programme – 2/10/02
**k.** Action against gender inequality needed to defeat AIDS – 6/8/04
**l.** Amendment to land reform law closes loophole – 24/10/02.
**m.** WFP suspends food aid in Insiza district – 10/10/02
**n.** Teachers fired for striking – 15/10/02
**o.** Disabled, highly vulnerable to HIV – 12/8/04
**p.** Private schools reopen – 10/5/04
**q.** Mugabe calls for 'patriotic' students – 12/8/04
**r.** Court dismisses newspaper appeal – 21/7/04
**s.** By-election marred by foul play – 28/10/02
**t.** Tensions ahead of critical by-election – 27/3/03
**u.** MDC wins two by-elections, police step-up security – 31/3/03
**v.** Journalists suffer in the wake of newspaper shutdowns – 12/7/04
**w.** No progress on Commonwealth concerns – 10/4/03
**x.** Rule of law "in tatters", says UN Special Rapporteur – 19/2/03
**y.** Citizenship laws to include foreign workers – 4/4/03
**z.** Women activists arrested – 21/6/04
**aa.** Focus on rape as a political weapon – 8/4/03
**ab.** Action plan set to help orphans – 18/6/04
**ac.** More teachers suspend for striking – 29/10/02
**ad.** War Veterans threaten to be overshadowed by youth militia – 21/1/03

**ae.** Displaced farm workers urgently need aid – 13/2/03
**af.** Goals not achieved in fast-track land reform – 4/11/02
**ag.** Focus on anticipated huge cereal deficit – 12/2/03
**ah.** Govt defends controversial NGO bill – 23/8/04
**ai.** Sexual abuse rises as humanitarian crisis worsens – 24/4/03
**aj.** Economic gloom deepens despair – 19/8/04
**ak.** MDC protests clampdown – 2/10/02
**al.** Concerns over government strike ban – 17/6/03
**am.** NGO's fear clampdown – 24/7/03
**an.** British charity resumes feeding operation – 26/11/02
**ao.** GMB eases restrictions on grain sales – 28/4/03
**ap.** WFP retains control of food distribution – 25/8/03
**aq.** UN forced to close provincial field offices – 2/9/03
**ar.** Aid distribution done on a basis of need only – 11/9/03
**as.** Judicial system under strain – 23/6/03
**at.** Farmers dissatisfied with compensation offers – 9/4/03
**au.** Mugabe establishes Land Review Committee – 15/5/03
**av.** Officials forced to implement "one man, one farm" – 31/7/03
**aw.** Resettled farmers returning to communal areas – 4/9/03
**ax.** Women call for greater political role – 15/8/03
**ay.** A policeman's tale – 30/6/03
**az.** Delays in finalising farm acquisitions – 25/6/03
**ba.** MDC makes gains despite low turnout – 2/9/03
**bb.** Continued support for national strike, 24 April 2003
**bc.** Govt boosts spending on disabled – 2/3/04
**bd.** Supreme Court rejects appeal against media law – 5/2/04
**be.** Valentine's Day march stopped – 16/2/04
**bf.** New gender policy no good without enforcement – 11/3/04
**bg.** Ruling party wins crucial by-election – 29/3/04
**bh.** Free ARV's available from next month – 17/2/04
**bi.** Rising costs medical drugs impacts on poor – 7/10/04
**bj.** Plight of displaced farm workers highlighted – 17/10/03
**bk.** New land bill slammed by the CFU – 29/1/04
**bl.** The plight of ex-commercial farm workers – 6/2/04
**bm.** Numbers in need increase dramatically – 28/1/04
**bn.** Urban food insecurity rising – new assessment – 8/3/04
**bo.** Health sector suffers from shortages – 22/9/04
**bp.** Mental health policy launched. Dated 07/02/05.
**bq.** Concern over conditions in prisons. Dated 08/02/05.
**br.** ZANU – PF wins by-election, dated 06/10/2004.
**bs.** ZANU-PF wins second by-election by default, dated 11/10/04.
**bt.** Hospital in need of care, dated 08/02/05.
**bu.** Police evict new farmers, burn houses, dated 06/10/04.
**bv.** South Africa: ANC/COSATU agree conditions in Zim not "conducive" to free poll. Dated 07/02/05.
**bw.** Police investigating claims of assault by soldiers, dated 23/02/05.

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**a.** Tsvangirai not in Buhera election race – 9/7/04
**b.** Rights group mull protests over election law – 28/5/04
**c.** Disaster strikes on farms – ethnic cleansing – mass displacements – 31/8/01

**d.** Govt defiance of court orders now "endemic" – 23/1/04
**e.** Politically related deaths now over 150 – 4/10/02
**f.** Ministry forces students to take political course, 26 March 2004
**g.** Leo Mugabe's supporters in post-poll assault – 18/7/03
**h.** State's handling of judiciary a blow to democracy – lawyers – 2/1/04
**I.** Only 2% land given to ex-farm workers – 5/3/04
**j.** Govt asked to probe torturer Dowa – 3/10/03
**k.** Journalist arrested – 24/10/03
**l.** Human Rights violators still on loose – 7/11/03
**m.** Violence erupts ahead of Kadoma by-election – 14/11/03
**n.** Opposition sees terror ahead of Gutu North poll – 16/1/04
**o.** MDC seeks to nullify Chinhoyi mayoral election – 21/11/03
**p.** Prospects for 2005: hope springs eternal dated 14/01/05.
**q.** Food shortage begins to bite, dated 14/01/05.
**r.** Purge at Chronicle over 'Tsholotsho Declaration'. Dated 23/12/04.

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**a.** Restart: Our Path to Social Justice – 01/04
**b.** Symbol and slogan (undated)

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**a.** Availability of treatment for HIV/AIDS – 14/7/03
**b.** Information on HIV/AIDS – 11/3/03
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**b.** Government step-up harassment of human rights defenders – 16/11/02
**c.** Zimbabwe: Local elections marred by state-sponsored violence – 1/10/02
**d.** The Death Penalty Worldwide: Developments in 2001 – April 2002
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**h.** Zimbabwe: Unfair trial of Roy Bennett MP, dated 24/12/04.
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**a.** Amendment Bill set to strengthen repressive clauses in media law – 23/10/02
**b.** Media Alert: Photojournalist assaulted, equipment destroyed – 20/11/04 via allafrica.com
**c.** Journalists assaulted, abducted and equipment confiscated – 5/12/03 via allafrica.com
**d.** Journalists detained, equipment confiscated – 16/12/03 via allafrica.com

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**b.** Africa 2000 Report

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**b.** Zinatha seeks amendment of Witchcraft Act – 11/3/01
**c.** ZANU-PF thugs mount terror campaign in Gutu North – 18/1/04
**d.** EU gives Zimbabwe one week – 13/1/02
**e.** MDC candidates assaulted by ZANU-PF vigilantes – 2/11/03
**f.** Hardships saddle children's home – 13/7/03
**g.** Electoral commission confirms run-up to poll "marred by violence" – 29/9/02
**h.** US freezes Mugabe and cronies' assets – 9/3/03
**I.** National Service for teachers – 8/12/02 via allafrica.com
**j.** Jongwe's SA post mortem results out – 14/12/02 via Zimbabwesituation.com
**k.** State inflating land beneficiaries – MDC – 14/7/03
**l.** Zimbabwe Gays soldier on – 15/9/03
**m.** Chaos mars Zanu-PF primaries. Dated 17/01/05.
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**b.** Zimbabwe Press Review – 21/9/02 via BBC Monitoring
**c.** HIV positive pregnant women get free drugs – 11/4/02 via allafrica.com
**d.** Emergency declared – 28/5/02 via allafrica.com
**e.** Suspended councillors: Hearings begin – 13/7/04
**f.** UK deportations a ploy, dated 20/12/04.

**g.** Be wary of UK deportation threats: Moyo, dated 17/12/04

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**a.** Country Profile 2004

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**b.** Zimbabwean Law and Homosexuality

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**b.** Ruling ZANU-PF win Zimbabwe's council polls – 3/10/02 via Reuters Business Briefing.

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**b.** Mugabe's youth militia's 'raping women held captive in camps' – 18/3/03
**c.** Exiled officer tells how Mugabe's thugs took over police force – 4/7/03
**d.** Mugabe stops charities' famine work – 17/10/02
**e.** Zimbabwe: the terror and abuse goes on, dated 18/01/05.
**f.** Zanu-PF high flyer caught flyer in Mugabe purge. Dated 06/01/05.

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**a.** Political Violence Report, January 2004
**b.** Political Violence Report February 2004
**c.** Political Violence Report March 2004
**d.** Political Violence Report December 2003
**e.** Political Violence Report April 2004
**f.** Political Violence Report May 2004
**g.** Political Violence Report June 2004
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**I.** Human Rights and Zimbabwe's Presidential Election – 05/02
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**a.** Zimbabwe inflation still high despite dip – 13/8/04
**b.** Zimbabwean dollar plunges to new low – 26/8/04

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**b.** MDC drops bombshell – 26/8/04
**c.** 10,000 soldiers deployed to campaign for Mugabe – 17/1/02
**d.** MDC challenge ZANU-PF win – 1/4/04
**e.** Political violence kills 16 in March – 11/4/02
**f.** 'AIPPA amendments cosmetic' – 16/10/03
**g.** ZANU-PF militias stifle MDC poll campaign – 5/9/02
**h.** Compulsory national youth service programme's future uncertain – 6/6/02 via BBC Monitoring
**i.** South Africa: Forced to flee their homes – 10/10/02 via Reuters Business Briefing
**j.** Government gets ultimatum on AIV/AIDS drug – 13/6/02 via allafrica.com
**k.** Hollow victory for MDC? – 4/9/03
**l.** Cabinet reshuffle disappoints – 12/2/04
**m.** Chinamasa not yet off the hook – 13/2/03
**n.** Scribes' Union Welcome Court Ruling on AIPPA – 7/5/03
**o.** French scribe falls victim to AIPPA – 28/11/02
**p.** 10,000 voters added to Kuwadzana voters' role – 9/1/03
**q.** Tsvangirai reshuffles national executive – 26/9/02
**r.** Kadoma loss threatens political doom for MDC – 4/12/03
**s.** Massive registration hike hits aspiring MPS – 02/10/05

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**a.** Zim MP's stomach slit open – 15/1/02
**b.** Mobs drive off 26 farmers – 8/1/02
**c.** Shots fired in Zim poll – 29/11/03
**d.** Zim polls marred by violence – 31/8/03
**e.** Medical brain drain hits Zim, 24/01/05.

**f.** Zim doctors hike fees, dated 02/10/04.
**g.** Zim: Deportation 'a plot' dated 17/12/2004.
**h.** Moyo a marked man, dated 23/01/05.

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**a.** Tsvangirai suffers major court setback in poll petition – 10/6/04
**b.** ZAPU leader incited tribal uprising – 10/6/04
**c.** Defiant war veterans leader blasts Mugabe, Msika. Dated 01/09/05.

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**a.** Zimbabwe: ZANU-PF routs MDC – 2/10/02 via Reuters Business Briefing
**b.** ZANU-PF retains two Mayoral seats unopposed – 29/10/03 via allafrica.com
**c.** Pay all suspended teachers PSC ordered – 23/12/02
**d.** Candidate donates $100 million to Kadoma – 13/11/03 via allafrica.com

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**b.** Zimbabwe: Expanding care for AIDS patients. Dated 06/12/04.

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**b.** CIO gets tough on cheating officers – 22/7/04

**c.** Zimbabwe opposition MP to face one year in jail – 31/7/04
**d.** Harare blocks aid for internal refugees – 31/7/04

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**b.** Independent Publication Threatened With Closure-Media Institute of Southern Africa (Windhoek). Dated 12/01/05.
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