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ZIMBABWE

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of Origin Information Reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

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1. Scope of document

- 1.01 This Country of Origin Information Report has been produced by the Science and Research Group, 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 31 August 2005.
- 1.02 The Country of Origin Information 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.
- 1.03 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.
- 1.04 The structure and format of the Country of Origin Information 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.
- 1.05 The information included in this Country of Origin Information 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.
- 1.06 As noted above, the Country of Origin Information 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 of Origin Information 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.
- 1.07 The Country of Origin Information 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.

- 1.08 This Country of Origin Information Report and the accompanying source material are public documents. All Country of Origin Information Reports are published on the RDS 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.
- 1.09 Country of Origin Information 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 of Origin Information 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 RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this Country of Origin Information 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

2.01 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 north-west by Zambia, to the east by Mozambique, to the south by South Africa and to the west by Botswana. [1b] (p. 1253)

2.02 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)

2.03 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)

2.04 Europa 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)

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3. Economy

- 3.01 The Foreign and Commonwealth Office (FCO) Country Profile for Zimbabwe, last reviewed 12 May 2005, noted that:

“Zimbabwe’s economy has declined rapidly since the late 1990s, in spite of well-developed infrastructure and financial systems. For example, between 2000 and 2004, the national cattle herd shrank by 90%, and the production of flue-cured tobacco declined from 237m kg to 70 m kg. Inflation reached a peak of nearly 600% in 2004, and unemployment is reportedly more than 70%.

“Agriculture is the most important sector of the economy, but has been severely disrupted by land resettlement. This has led to a collapse in investor confidence and the flight of capital. Lack of foreign exchange has led to critical shortages in fuel and other imported commodities, including power.

“The IMF suspended payments to Zimbabwe in 2000, following the government’s decision to abandon IMF public spending guidelines (including payment to ‘war veterans’, the cost of which amounted to 3% of GDP). In 2000 the country went into arrears at the World Bank, and at the IMF the following year, effectively cutting off co-operation with either institution.” [13d] (p.3)

- 3.02 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)

- 3.03 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 noted in May 2005 that the Zimbabwean Central Bank announced an effective 45% devaluation of the Zimbabwean Dollar. The annual inflation rate stood at 129.1% in April which was slightly up from March but significantly down from a peak of 623% in January 2004. [36b]
- 3.04 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] Reliefweb noted in a report published on

30 March 2005 that: "Minimum wages for both agricultural and manufacturing sectors have been trailing behind the minimum household expenditure requirements throughout the current consumption year." Reliefweb noted that increases in the minimum wage rate had failed to keep pace with inflation resulting in the average urban household only being able to cover their minimum food needs. The report stated that: "The situation was worse for agricultural workers." [93] (p.2)

- 3.05 allAfrica.com reported on 18 May 2005 that the Zimbabwean government hopes that remittances from over three million of its citizens living outside the country, can save the economy from collapse. The article noted that: "A recent study by the International Organisation for Migration (IOM) on Zimbabwe expatriates in the UK and South Africa found that "nearly everyone maintained regular social contact with family members in Zimbabwe (96 percent)". IOM noted that: "Around three-quarters of respondents (74 percent) sent economic remittances, and of those that sent these remittances, 85 percent said the main reason was to support family members." With this money being sent through informal routes the report stated that the government was keen to encourage individuals to pass on such remittances through official routes to help with its balance of payments and foreign exchange reserves. [50q] BBC News (17 August 2005) reported that the economic situation in the country was deteriorating, with one commentator claiming that the government was "broke". In an attempt to bridge a huge shortfall in the budget, the government announced tax increases, including a 50 per cent increase on cigarettes and drinks and a Z\$ 6 million quarterly charge on public transport companies. [3ah]

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4. History

- 4.01 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)
- 4.02 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)
- 4.03 Europa 2005 went on to state that 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)
- 4.04 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

- 4.05 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)

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MATABELELAND INSURGENCY 1983-87

- 4.06 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)

MATABELELAND INSURGENCY – POLITICAL DEVELOPMENTS

- 4.07 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)
- 4.08 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]
- 4.09 The US State Department Report 2001 reported that 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 2005 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 nationwide 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." [24b] (p.5)
- 4.11 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 Something about Zanu-PF using land re-possession to regain popularity following the constitutional amendment defeat.

LAND REFORM

(Also see additional material on redistribution of land **6.199 – Land Reform, 6.224 – Food Shortages**)

- 4.13 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)
- 4.14 House of Commons Research Paper 05/58 ‘Zimbabwe after the 2005 parliamentary election’ dated 18 August 2005, noted that: “The occupation of white-owned farms began after the Government was defeated in the February 2000 constitutional referendum, which was intended to empower the State to acquire land compulsorily without compensation. [104] (p.18) 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 the run up to parliamentary elections. [3f]

The House of Commons Research Paper noted that:

“Since 2002 it is estimated that the Zimbabwe Government’s land reform programme has dispossessed some 4,000 out of 4,500 white commercial farmers. Many white farmers have left Zimbabwe to farm in other African countries or elsewhere, and most of those remaining have entered into business agreements with black Zimbabweans, with the aim of protecting their farms. Although the Government has issued acquisition notices for most of the remaining white owned farms, the rate of acquisitions has been slow.” [104] (p.18)

- 4.15 However, the House of Commons Research Paper went on to note that:

“On 2 March 2005 President Mugabe admitted that most of the farms transferred to black ownership had never been used and that millions of acres of prime agricultural land were lying empty and idle. The President expressed disappointment that only 44% of the land distributed was being fully used, and warned farmers that the Government would not hesitate to redistribute land that was not being utilised. The new farmers are unable to raise bank loans, because their properties are owned formally by the Government and they have no individual title deeds. Without loans, they are unable to buy seed, fertiliser or farming equipment, and the Government is reported to have broken a pledge to supply them with tools.” [104] (p.19)

SANCTIONS AND COMMONWEALTH SUSPENSION

- 4.16 BBC News reported on 21 February 2005 that: “European Union foreign ministers have renewed sanctions against Robert Mugabe’s Zimbabwe for another year. The extension, which came on the day Mr Mugabe celebrated his 81st birthday,

was passed unanimously without debate.” [3b1] A Notice published by the European Union in April 2004 (updated on 16 June 2005) noted that sanctions against Zimbabwe had been extended and it published an extended list of those affected by the sanctions. [114]

- 4.17 The Royal African Society (accessed 1 September 2005) noted that Commonwealth leaders had decided to continue Zimbabwe's suspension. The Commonwealth accepted a recommendation that President Obasanjo of Nigeria and the Commonwealth Secretary General, Don McKinnon, monitor developments until the next Commonwealth Heads of Government meeting in two years' time. [112] The Commonwealth Secretariat noted on 1 September 2005 that the next meeting of the Commonwealth Heads of Government meeting was due to take place in Valletta, Malta from 25 – 27 November 2005. [113]

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OPERATION MURAMBATSVINA

- 4.18 On 18 July 2005 the United Nations (UN) published the findings of its fact finding mission to Zimbabwe to assess the scope and impact of Operation Restore Order or Operation Murambatsvina (meaning, “drive out rubbish”), which began on 19 May 2005. [25] (p.7)
- 4.19 The UN report noted that it estimated that 700,000 people had been made homeless and without access to food, water, sanitation and healthcare. The UN's Special Envoy, Anna Kajumulo Tibaijuka, found that Operation Restore Order had been conducted in an indiscriminate and unjustified way and that the targeting of illegal dwellings was undertaken with little regard to human suffering. Mrs Tibaijuka went on to note that: “The humanitarian consequences of Operation Restore Order are enormous. It will take several years before people and society as a whole can recover.” [25] (p.8)

(For more information, see section 6C paragraph [6.281 – Operation Murambatsvina](#).)

PRESIDENTIAL ELECTION, MARCH 2002

- 4.20 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)

	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)

- 4.21 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]
- 4.22 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]

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THE LEAD UP-TO THE MARCH 2005 PARLIAMENTARY ELECTIONS

- 4.23 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.” [3z] 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. [77a]

4.24 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]

4.25 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 per cent. [67g] With earlier forecasts that Zimbabwe’s rate of inflation would drop to around 100 per cent 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]

4.26 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](#))

4.27 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]

4.28 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. [37i]

- 4.29 “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.” [10ao]

- 4.30 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. [3aa]

- 4.31 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]

- 4.32 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 news 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]

- 4.33 Reuters reported on 22 February 2005 that: "Gordon 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]

- 4.34 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]

- 4.35 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]

- 4.36 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 five 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]

- 4.37 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 fourth 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. [3ac]
- 4.38 IRINNEWS.ORG reported on 30 March 2005 that President Mugabe's government stated that it would not tolerate any post-election demonstrations. A spokesperson for the government said that, "The security forces will not stand by and watch people subverting our national democratic processes to get a short cut to regime change, anyone who plans to engage in such acts should know that it is not only illegal but unacceptable, Mohadi [Home Affairs Minister – Kembo Mohadi] emphasised." [10m]
- 4.39 On 30 March 2005, IRINNEWS.ORG reported that "The Zimbabwean government has reportedly dismissed over one thousand polling officers and accredited election monitors, ahead of Thursday's parliamentary elections, on allegations that they support the opposition Movement for Democratic Change (MDC).... According to the pro-government Daily Mirror, the monitors, mainly teachers, were ordered to leave the northern province [Mashonaland] as they prepared to go to their assigned polling stations. The monitors have since been re-deployed around voting centres in the capital, Harare." [10s] The results of the Zimbabwean election, as published by ZESN show that constituencies in the Mashonaland provinces were, with one exception, won by Zanu-PF candidates. Whereas, constituencies in Harare have traditionally voted for the MDC. [103] The IRIN report noted that Zanu-PF views teachers as being active supporters of the MDC. [10s]

(Also see **4.49 – Incidents of Political Violence 2003 – 2005**)

PARLIAMENTARY ELECTIONS, MARCH 2005

- 4.40 BBC News reported on 1 February 2005 that President Mugabe announced that the 2005 parliamentary elections would be held on 31 March. The BBC reported that Mr Mugabe had promised to abide by a set of regional guidelines to ensure that elections are free and fair. [3i] 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. [77f] 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. [31] The Institute for War and Peace Reporting noted on 4 February 2005 that a vote put to the MDC's grassroots membership, had voted overwhelmingly in favour of participation in the March elections. It was argued that if the MDC failed to challenge Zanu-PF, the party would be at risk of becoming politically irrelevant, leaving an unchallenged Mugabe free to establish a de facto one-party state. [77e]
- 4.41 BBC News reported on 31 March 2005 that, "About 8,000 polling stations opened across Zimbabwe at 0500 GMT." [3h] The Guardian noted on 31 March that, "Zimbabweans formed long queues outside polling stations today as voting began in elections most observers expect will be rigged in favour of President Robert Mugabe's Zanu-PF party. Despite light rain, residents of the capital, Harare, started gathering at the polls up to three hours before they opened. There were some delays as electoral officials completed last minute preparations under the watchful eye of police." [34g] The BBC further noted that "Human rights groups say there has been little violence or open intimidation during the campaign, as in the 2002 elections. But they say the media restrictions and security laws have impeded the fairness of the vote.... Almost six million voters have registered for the poll, but independent researchers suggest hundreds of thousands of them could be 'ghost voters' – duplicated names of dead people whose votes could be cast fraudulently. The government has dismissed all such reports as groundless." [3h]
- 4.42 CNN reported on 31 March 2005 that the polls had opened in Zimbabwe in an election that President Mugabe had promised would be fair and free. "But the European Union and other international observers say his suppression of the opposition has made a sham of the election, calling it 'phoney'." The report noted that up to 3.4 million Zimbabweans living outside the country were barred from casting their votes in the election. [51b] The Guardian noted that most of the 3.4 million Zimbabweans who had been barred from voting would have been expected to vote for the MDC. [34d]
- 4.43 The Guardian noted in a further report on the 31 March 2005 that: "Army officers have been placed in charge of polling stations and ballot boxes have been made of transparent plastic so opposition voters can be identified. Opponents say the memories of violence in previous elections are fresh and likely to dissuade Mr Mugabe's critics from voting." [34g]
- 4.44 The Institute for War and Peace Reporting (IWPR) reported on 31 March 2005 that "'Zombie Voters Key to Poll Outcome.' The IWPR noted that the ruling Zanu-PF party would swing the election in its favour through the manipulation of the voter registration list. The IWPR noted that there were estimates of between one and two million 'zombie voters', voters (of a total electorate of 5.7 million) who were either dead, resident outside the country or people who had been registered twice. "Opposition politicians and human rights organisations, who were denied the right to inspect the voter registration lists by the ruling Zanu-PF government, believe it is these phantom ballots that will be the most spectacularly manipulated by Mugabe's officials to secure a Zanu-PF victory." [77d]
- 4.45 The Institute for War and Peace Reporting (IWPR) dated 31 March 2005, went on to note that in addition to 'zombie voters' there was a significant block of about 350,000 disenfranchised farm workers who as victims of Mugabe's land seizure programme were now rendered homeless and, in most cases, without the

necessary paperwork in which to register to vote. In addition, the IWPR also noted that many former farm workers were now so impoverished that if they were still entitled to vote many would be unable to afford to travel to their original farm constituencies to verify their details on voter's rolls. [77e]

- 4.46 The International Crisis Group (ICG) reporting its findings of the election on 7 June 2005, noted that:

“The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) secured 78 seats, the opposition Movement for Democratic Change (MDC) 41, while one went to the independent former Information Minister, Jonathan Moyo. President Robert Mugabe used his discretionary power to appoint another 30 hand-picked members, bringing ZANU-PF's total to 108, more than the two-thirds majority in a body of 150 that allows it to amend the constitution without regard for opposition views. Rather than change Zimbabwe's difficult political and social dynamic, the results indicate the status quo will hold, at least in the short-term.” [100] (introduction)

- 4.47 The ICG went on to note that:

“As with most previous Zimbabwe elections, opinion was sharply split as to whether the exercise was free and fair. Observers from the African Union (AU), the Southern African Development Community (SADC) and South Africa endorsed the elections as reflecting ‘the will of the people’ of Zimbabwe. The opposition MDC and major international players such as the U.S. and UK called them neither free nor fair. A number of Zimbabwean civil society organisations also weighed in with reports highly critical of the elections, including the Crisis Coalition, Zimbabwe Lawyers for Human Rights and the Zimbabwean Election Support Network. Citing discrepancies in the initial and final vote tallies, the MDC claimed it had actually won 94, rather than 41 races, released a dossier detailing vote count discrepancies in 30 constituencies, and said it would challenge some of the results in the new election court. On 13 April 2005, it put out a report, ‘Stolen – How the elections were rigged’, in support of its claims.” [100] (introduction)

- 4.48 Summing up their finding of the election, International Crisis Group considered “that by any objective standard, the election was neither free nor fair.” It noted that, “While the means employed to capture the election were more sophisticated and less violent than in the past, the result was the same. To find otherwise, it was necessary to look past ZANU-PF's systematic use of propaganda, violence, electoral manipulation, targeted disenfranchisement and abuse of humanitarian relief.” [100] (introduction)

(For a full list of results of the March 2005 election, see annex D)

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INCIDENTS OF POLITICAL VIOLENCE AND INTIMIDATION - 2004

(For additional information on political violence see Section 6A – Political Activists)

- 4.49 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 three politically motivated murders; seven attempted murders; 133 cases of torture; 220 assaults; 0 disappearances; and two 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)

- 4.50 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]
- 4.51 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 staging a military coup, but faced 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 ZWNNews.com in August 2004, the judgement has been postponed indefinitely. [67c]
- 4.52 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]
- 4.53 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]
- 4.54 The by-election for the Buhera North seat that should have been held as a result of Morgan Tsvangirai’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]
- 4.55 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]

- 4.56 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]
- 4.57 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]
- 4.58 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." [35I] (p.2)
- 4.59 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 licence but says that a licence would not be granted to groups whose aim is to promote human rights. [3e]
- 4.60 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)

- 4.61 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)

- 4.62 The Zimbabwe Human Rights NGO Forum noted that between 1 January 2004 and 30 November 2004 there was a total of three 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

- 4.63 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]

- 4.64 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 Tsvangirai 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)

- 4.65 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]

- 4.66 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 Mpofo 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]
- 4.67 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 MPs, Nelson Chamisa (Kuwadzana constituency – Mashonaland), and Thokozani Khupe Makokoba constituency (a township in Bulawayo). [73b]
- 4.68 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]
- 4.69 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. [10aq]
- 4.70 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 Elphas 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.'" [82a]

4.71 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 five years. [75i]

4.72 A report published by Redress Zimbabwe, entitled 'The Face of Torture and Organised Violence – March 2005' noted that:

"*The Zimbabwe Standard* reported on 13 February 2005 that drunken soldiers had beaten up 15 MDC members the previous week in Nyanga, accusing them of holding a rally without permission of the army. An online report on 23 February 2005 (I-Net Bridge (SA)) quoted the MDC as saying that another group of 20 soldiers attacked MDC officials coming from Masvingo where the MDC had launched its election campaign for the general election. A number of MDC candidates were said to have sustained injuries all over their bodies as they were kicked with booted feet and punched. On 28 February 2005 *The Standard* reported that suspected Zanu-PF activists, including youth militias and 'war-veterans' were terrorising people at night in Mutare. Those who failed to produce Zanu-PF membership cards were severely assaulted." [56] (p.17)

4.73 The Zimbabwe Situation, reporting *The Sunday Argus*, noted on 7 March 2005 that a mission by the South Africa Solidarity Network (SASN) noted that there was less overt violence in the run up to the March 31 parliamentary elections. A spokesperson for the SASN stated that "There is a downplaying of overt violence, such as killings and harassment but this does not mean the playing fields have been levelled. Four years of intense violence cannot be done away with in a short 90-day pre-election period.' However, the article also noted that "Militia groups are being mobilised in camps and the military and police are being called up. And there is still a lot of suspicion about the youth movement and their role. But there is little overt intimidation". [89c]

4.74 On 18 March 2005, the Institute for War and Peace Reporting (IWPR) noted that: "Observers say that with fewer than two weeks to go to polling day, intimidation is growing. Villagers are being frogmarched to rallies of the ruling Zanu PF party and, as famine intensifies, peasants are being warned they will be denied government controlled food aid unless they support Mugabe's candidates." The article reported that intimidation in the countryside was escalating, noting the story of Norman Mudekunya, who lives about 20km outside Marondera who told IWPR that a unit of the Green Bombers had established a makeshift election camp near his village called Dirihori. Mudekunya stated that "They [the Green Bombers] have a register of all villagers and those who don't attend [ZANU-PF] rallies are in trouble." [77h]

(For further information on [the lead up to the parliamentary election 2005](#) can be found at 4.23)

- 4.75 ZimOnline, noting post election violence, reported on 7 April 2005 that:
- “Retribution is quietly gathering pace days after Zimbabwe’s disputed election with several dozens of opposition supporting families denied food or beaten up and forced to flee their homes, ZimOnline has established.... In Gwanda, in Matabeleland South province, 45 MDC supporters were beaten up and told they will no longer be allowed to buy maize from the state Grain Marketing Board, the only supplier of the staple food in the hunger stricken district.... Meanwhile, MDC spokesman Paul Themba Nyathi said in a statement yesterday that deputy Transport Minister Andrew Langa last Sunday fired shots to scare MDC supporters as ZANU PF militants brutally attacked them at Avoca rural business centre in Insiza constituency in Matabeleland South province. ‘In Insiza, Andrew Langa, the ‘winning’ candidate for Insiza fired at people at Avoca Business Centre last Sunday (3 April 2005). Langa arrived at Avoca business centre and ordered the youths he led to randomly beat up people at the centre. When people tried to defend themselves and forced the youths to retreat, Langa fired at the people, but no one was hit,’ Nyathi’s statement read in part.” [49k]
- 4.76 The Zimbabwe Human Rights NGO Forum’s Political Violence Report for April 2005 noted that on 20 April, War Veterans and ZANU-PF youths were alleged to have been involved in the murder of Ebrahim Mofat, who had been arrested on allegations that he had burnt houses belonging to ZANU-PF supporters. The report states that the victim was abducted from a bus stop by a group of war veterans and ZANU-PF youths who allegedly beat him to death with sticks. [35p] (p.17)
- 4.77 The Zimbabwe Human Rights NGO Forum’s Political Violence Report for May 2005 noted that during the month of May there was one report of murder, seven cases of torture, 34 assaults and three reports of abduction/kidnapping. [35q] (p.3)
- 4.78 On 19 May 2005, the government announced the commencement of Operation Restore Order or Operation Murambatsvina. The United Nations report on the subject noted the wholesale destruction of homes and livelihoods, leaving up to 700,000 people (the majority of whom are natural MDC supporters) homeless, without access to food, water and sanitation. [25] (p.8)
- (See section **6.281 - Operation Murambatsvina** for additional information.)
- 4.79 The Mail and Guardian online noted on 30 July 2005 that: “Gift Chimanikire, veteran trade unionist and member of the Movement for Democratic Change (MDC), was arrested together with an aide inside a Harare police station on Thursday when he reported the stoning of his car by ruling-party supporters.” The report stated that “The police say one of their informants said Chimanikire produced a pistol when he was mobbed by ZANU-PF youths.” Chimanikire, who was in Mbare to attend the inauguration of a vegetable market as constituency MP, was greeted by hostile ZANU-PF youths who beat up Chimanikire’s bodyguards and stoned his car. [6f]
- 4.80 allAfrica.com reported on 25 August 2005 that the Bishop of Harare, Dr Nolbert Kunonga [50s], described by The Telegraph on 24 August 2005 as “Mugabe’s bishop” [5d], appeared before an Anglican ecclesiastical court in Harare charged with incitement to murder and besmirching the Church. [50s] The Telegraph noted that “The first of 11 charges against Bishop Kunonga is that he sought the

assistance of Zimbabwe's Central Intelligence Organisation and militant 'war veterans' to 'incite or seek to incite' the murder of ten prominent Anglicans, including priests and church wardens." [5d]

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

INCIDENTS OF POLITICAL VIOLENCE – FURTHER INFORMATION

- 4.81 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/insideframe_monthly.htm

(For additional information see 6.71 – Political Activists)

HISTORY OF LOCAL AND BY-ELECTIONS

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 two 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. [9b]

- 4.83 The USSD report 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. [9am] 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. [9b]

- 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 led to ZANU-PF's Martin Dinha being declared Mayor of Bindura, after the MDC's candidate, Fred Chimhiri, 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. [9bh]

- 4.86 The Zimbabwe Election Support Network (ZESN) 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. [9r] 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. [9s]
- 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. [9y] The MDC also, according to ZWNEWS.com on 30 August 2003, stated that on the eve of the elections the Registrar-General had still not provided copies of the voter's 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. [9af]
- 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. [9y] 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, ZWNNews 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 police 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 Oswald Badza. [23c]

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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. [3b] 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 voters' names had been added to the electoral roll 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)

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. [9y] 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 ten votes. [37k] The turn out was 11 per cent, 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. [42a] 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. [37l]

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BY-ELECTIONS IN 2004

Gutu North

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. [9q] 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 reports of chiefs and headmen instructing their subjects to vote for the ruling party, polling was peaceful throughout the constituency". [9a] 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. [9]

Zengeza

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

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

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. [10w]

Masvingo

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 affect the ruling party's share of the vote, which continued to stand at 98 seats. [10ac]

BY-ELECTIONS IN 2005

Bulawayo

4.111 On 15 August 2005, The Scotsman reported that the MDC retained Bulawayo in the mayoral elections. "State radio announced yesterday that Mr Ndabeni-Ncube, the sitting mayor, had received 29,575 votes against 5,509 for Dickson Abu-Basuthu, a virtually unknown candidate from Zanu-PF. Mr Ndabeni-Ncube said his victory pointed to the government's growing unpopularity. The clean-up exercise [Operation Murambatsvina] 'was just the last nail in the coffin' for the ruling party, he told The Scotsman.... Yesterday Mr Ndabeni-Ncube said the displacement of voters contributed to Saturday's low turnout of just 10.7 per cent." [98a]

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ZANU-PF – INTERNAL DISSENT

Background

4.112 International Crisis Group (ICG) noted in:

"Post Election Zimbabwe: What Next?", dated 7 June 2005, that "In May 2004, President Mugabe announced that he would not seek re-election in 2008 and might retire before then. This ignited a fierce succession struggle within the

highest echelons of the ruling party. Ahead of the December 2004 party congress, internal tensions spilled into public view.” [100] (p.10)

4.113 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 (Mugabe’s choice) 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]

4.114 The ICG noted that in the run-up to the appointment of a new vice president, ethnic divisions within the ruling party once again became apparent. In addition to the traditional Shona – Ndebele divide, ZANU-PF found itself with deep splits within the majority Shona clans. The IGC noted that “The splits within the party between Shona factions - the Karanga and the Zezuru clans – will likely remain a powerful influence on the succession struggle.” [100] (p.10)

4.115 Commenting on the “ethnic factor” the IGC noted that:

“While the current leadership is not monolithic – John Nkomo is a Ndebele – the upper echelons of the country’s power structure are increasingly ‘Zezurunised’.... The growing divide between the Karanga and Zezuru factions enabled the MDC to make some inroads in rural areas, especially in the Karanga homelands of Midlands and Masvingo provinces. In Matabeleland and Midland, the recent ethnic divisions have reawakened bitter memories of the massacres in the 1980s, when between 10,000 and 20,000 Ndebele minorities died at the hands of the largely Shona state security forces. The Ndebele-Shona ethnic hostilities effectively locked ZANU-PF campaigners out of Matabeleland. Jonathan Moyo, a Ndebele, astutely played on fears of Shona abuses to win the Tsholotsho seat.” [100] (p.11-12)

4.116 However, 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. [50i] 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]

4.117 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. [3bb] newzimbabwe.com (dated

29/12/2004) noted that the “Tsholotsho meeting” had finally finished off Jonathan Moyo’s political career. [90a]

4.118 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]

4.119 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]

4.120 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]

- 4.121 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.” [82a]

- 4.122 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]

- 4.123 Newzimbabwe.com reported on 9 January 2005 that “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.” [41c]

- 4.124 Redress Zimbabwe: The Face of Torture and Organised Violence – March 2005 noted that a spy scandal under way at the time the report was published was a further example of intra-ZANU-PF fighting in which State agencies are directly involved in factional in-fighting. The accused, Chiyangwa, and his ZANU-PF colleagues are known to be Emmerson Mnangagwa supporters; the Redress report stated that they had become victims in the succession battle between rival camps following Joyce Mujuru’s elevation to the vice presidency. [56] (p.16)

- 4.125 The ICG report also noted that since Joyce Mujuru’s elevation to the vice presidency, the Mujuru faction has come down hard on its rivals, demoting or stripping a number of members associated with Mnangagwa of party and government positions. The report noting the spy scandal pointed to the removal of a number of Mnangagwa loyalists, including Philip Chiyangwa (Mugabe’s cousin), who was provincial chairman of Mashonaland West. [100] (p.10)

- 4.126 Finally, the ICG noted that:

“ZANU-PF infighting – which appears to be a struggle dominated by competing ambitions rather than any discernible policy or ideological differences – is a dangerous addition to Zimbabwe’s already chaotic political scene. On 16 April 2005, Mugabe named a new cabinet, which reflected both an ethnic balancing act and an effort to reward Mujuru loyalists, but there is little to suggest that the power struggle has been resolved. A particular worry is the continued fight for ethnic control of the security services. Even though the highly partisan

Zimbabwe National Army has always conceived of itself as a praetorian guard deeply loyal to Mugabe, recent charges and counter-charges of a potential coup suggest that the armed forces are not immune to the ethnic divisions and quarrels that plagued ZANU-PF in the run-up to the March elections. The on-going purge of Mnangawa supporters is likely to affect some in the armed forces, with far-reaching consequences for their stability, especially when Mugabe leaves office.” [100] (p.12)

- 4.127 In what appeared to be a further strengthening of the Mujuru camp, allAfrica.com reported on 3 June 2005 that:

“The Zanu PF provincial executives in Matabeleland North and Midlands provinces now have new chairpersons following a visit by the National Commissar, Cde Elliot Manyika, to the two provinces. Cde Manyika said Cde Jason Machaya is the new chairman for Midlands Province while Cde Headman Moyo is the chairman of the party in Matabeleland North. Previously the top posts in the two provinces were held by Cde July Moyo and Cde Jacob Mudenda who were suspended in November alongside four other provincial chairmen for their part in the controversial Tsholotsho meeting held during the same month ahead of the Zanu PF Fourth National People’s Congress.”

AllAfrica noted that Cde Manyika was due to visit each province, looking at the situation in each one and looking out for elements of discontent. [50t]

- 4.128 ZWNNews reported on 10 July 2005 that “Ignatius Chombo, the Minister of Local Government, Public Works and Urban Development clashed with Kembo Mohadi, his colleague who heads the Ministry of Home Affairs, over the destruction of houses under the widely condemned ‘clean up’ operation, which has left hundreds of thousands of families homeless, The Standard has learnt.” The article went on to note that there was growing concern among some sections of ZANU-PF ranks that the operations had gone too far. “Analysists say several middle ranking officials, especially the so-called Young Turks in Zanu PF, were enraged by the inhumane manner the ruling party handled demolitions, which affected mostly the poor. A source told The Standard yesterday: ‘Most of them are fed-up but they are not sure of what will happen to them if they quit the party.’” [67m]

THE MOVEMENT FOR DEMOCRATIC CHANGE (MDC)

- 4.129 On 17 August 2005, the International Crisis Group in a report entitled, “Zimbabwe’s Operation Murambatsvina: The Tipping Point?” commented on the difficulties facing the MDC following its third national election defeat. The report noted:

“The opposition Movement for Democratic Change (MDC) is preoccupied with leadership controversies of its own and existential strategy debates in the wake of defeat in March in yet another rigged election. Inability to influence Murambatsvina has cost it much confidence in itself and among its supporters, and the party badly needs to refocus and reform. Some important backers in Zimbabwe’s business community are showing interest in exploring a new ‘third force’ party, but there is little sign of that gathering momentum.” [100c] (executive summary)

- 4.130 On 24 July 2005, the Sunday Mirror noted rumours that Welshman Ncube was thinking about quitting the MDC. The article reported that “Following revelations

that opposition leader Morgan Tsvangirai was to carry out a purge of party big-wigs, it has come to light that MDC secretary-general Welshman Ncube is mulling quitting the party, with option of either going it alone henceforth or becoming part of the much talked about 'Third Force'." One source told the Sunday Mirror that "Everyone knows that there are divisions in the party's top leadership over the manner in which Tsvangirai has led the MDC to three successive electoral defeats." However, "A number of MDC officials, including Kuwadzana MP and national youth chairman Nelson Chamisa have blamed the problems plaguing the party on 'serious infiltration by enemy forces'." [64c]

- 4.131 Earlier in August 2005, the Sunday Mirror reported (7 August 2005) that the MDC was divided over the legitimacy of Mugabe's election win, with the party leader – Morgan Tsvangirai, and party secretary general – Welshman Ncube, contradicting one another on how the aftermath of the election should be handled. Ncube, who is keen for the MDC to continue challenging the legitimacy of ZANU-PF's election victory, is at odds with Tsvangirai who stated that he accepted President Mugabe was the legitimate Head of State. [64b]
- 4.132 Zimbabwe Updates reporting an article published by New Zimbabwe on 26 July 2005 noted that "MDC fights for survival as splits widen." The article illustrates the depth of the split within the MDC, reporting that Frank Chamunorwa, a founding member of the MDC, was attacked by thugs loyal to Morgan Tsvangirai. "The assault happened because Mr Chamunorwa was suspected of plotting against Morgan Tsvangirai, the MDC leader. Senior party figures have accused Welshman Ncube, the secretary general of planning to oust his leader and seize control of the party – a charge he has denied." However, "Discontent with Mr Tsvangirai's leadership is coming increasingly to the surface as the MDC fails to make any headway against the regime. When Mr Mugabe carried out his assault on the townships, bulldozing the homes or livelihoods of 700,000 people, the opposition failed to offer any coherent response. The MDC was paralysed by factional warfare and incapable of opposing Mr Mugabe." A number of other reports of intra-MDC violence has been reported including serious assaults. The report also noted an article published in The Telegraph, written by David Coltart, the MDC's legal secretary. Mr Coltart stated that the party appears to be intent on tearing up everything we have worked so hard to build up over the last few, very difficult years". Mr Coltart went on to claim that Mr Tsvangirai had acted inappropriately and against party rules when he failed to establish a formal disciplinary committee to look at a case against 20 junior members who had savagely attacked another MDC activist. [29a]
- 4.133 The Zimbabwe Human Rights NGO Forum on 19 August 2005 echoed the above report noting "A disturbing phenomenon in May was the MDC intra-party political violence. In this debacle, many youths were reported to have been assaulted at Harvest House for allegedly not supporting the current MDC Secretary General, Professor Welshman Ncube, while in Kuwadzana a lady was allegedly assaulted for supporting him." [35a] (introduction)
- 4.134 Zimbabwe Updates, reporting an article published by The Daily Mirror on 12 July 2005, noted that former MDC MP, Roy Bennett, complained that the party had been hijacked by corrupt opportunists who were driven mainly by personal greed. "Bennett said he and a growing number of MDC supporters were frustrated by the party's lack of aggression towards the government." He said although Tsvangirai was a good leader, he had surrounded himself with a group of opportunists.

“Bennett’s comments come amid criticism the MDC failed to capitalise on ‘Operation Murambatsvina/Restore Order’ to rally Zimbabweans.” [29b]

- 4.135 Noting the growing criticism of Morgan Tsvangirai, the International Crisis Group’s report noted that he (Tsvangirai) has devoted more attention to the internal disputes than to addressing the problems unleashed by the government. The report also noted that a number of important donors are known to have withheld or reduced support recently out of dissatisfaction with the party’s course. [100c] (p.10)

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5. State structures

THE CONSTITUTION

- 5.01 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)

- 5.02 However, this was not always the case in practice, because the US State Department Report on Human Rights Practices 2004 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 remained problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.” [2a] (Section 5)

- 5.03 The 2004 US State Department Report 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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (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.” [2a] (Section 2d)

- 5.04 The Mail and Guardian reported on 30 August 2005 that “A slate of amendments that critics warn will seriously reduce constitutional protections and freedoms in Zimbabwe cleared a first vote in Parliament on Wednesday. After a stormy debate, lawmakers voted 61 to 28 to approve the Constitutional Amendment Bill.” In what the Mail and Guardian reported as “another step towards tyranny”, it noted that the government intended to re-introduce a second chamber. “Jonathan Mayo, Mugabe’s former propaganda chief and now Parliament’s lone independent, caused an uproar when he accused his former party of creating the second chamber to give it the political patronage it needs to ensure the 81-year old leader can decide for himself when and how he retires.” [6d] (p.1) ZWNNews reported on 17 July 2005 that “The looming return of a bicameral parliament, consisting of a senate and a lower house has been met with mixed feelings. Critics described it as a way to accommodate Mugabe’s loyalists who failed to make it through the ballot box during the disputed March 31 polls.” [67e]
- 5.05 On 15 July 2005, Kubatana provided the following summary of the proposed changes to the Zimbabwean constitution.

“This Bill will amend the constitution in several respects, principal of which are the following. Firstly, a new provision will confirm the acquisition of land for resettlement purposes which took place pursuant to the Land Reform Programme beginning in 2000, and provide for the acquisition in the future of agricultural land for resettlement and other purposes. Secondly, Parliament will be reconstituted as a bicameral legislature consisting of a House of Assembly of 150 members (120 elected on a constituency basis, the 10 Provincial Governors, 8 Chiefs elected in accordance with the Electoral Law to represent the eight non-metropolitan provinces and 10 persons appointed by the President) and a Senate of 66 members (made up of five Senators elected in each of the 10 provinces, plus the President and the Deputy President of the Council of Chiefs, eight Chiefs elected by the Council of Chiefs to represent the eight non-metropolitan provinces, and six Senators appointed by the President). Thirdly, the establishment and functions of the Zimbabwe Electoral Commission (with a slightly enlarged membership) will be mentioned in the Constitution itself, and the Electoral Supervisory Commission will be abolished.” [55f]

- 5.06 The Mail and Guardian reported on 30 August 2005 that in addition to the new senate the proposed amendments to the constitution included the abolition of freehold property titles; landowners would be stripped of their right to appeal against expropriation. The government also intends to introduce powers to deny passports, and therefore the ability to travel outside of the country; the report noted that this power is likely to be used against its critics. [6d] (p.1)
- 5.07 BBC News (30 August 2005) reported that “The bill has raised serious concerns among human rights groups and the political opposition, who are worried about how the draft puts certain actions of the government beyond the reach of the judiciary. Welshman Ncube, secretary general of the opposition MDC, described the bill as ‘the rape of democracy’.” [3ai]
- 5.08 The New Zealand Herald reported on 31 August 2005 that the bill to amend the constitution passed its second reading. “Zanu-PF mustered 103 votes for the amendments, with 29 parliamentarians voting ‘no’, 28 of them from the opposition Movement for Democratic Change (MDC), which has criticised the changes as another blow to democracy in Zimbabwe.” [110]
- 5.09 Commenting upon the government’s plans to re-introduce a second chamber, ZimOnline reported on 30 July 2005, that “Zimbabwe’s biggest pro-democracy civic grouping has called for fresh voter registration before the country elects a new Senate saying the present voters’ roll was severely distorted after a government urban clean-up operation displaced thousands of families.” The Zimbabwe Election Support Network (ZESN) stated that a comprehensive audit of the existing electoral roll coupled with a transparent voter re-registration exercise should be undertaken. ZESN went on to note that “Operation Murambatsvina has inevitably resulted in the forcible displacement of (people). This means that although these displaced people remain on the voter’s roll, they are unable to exercise their right to vote since they are no longer resident in the constituencies in which they were registered.” [49j]

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CITIZENSHIP AND NATIONALITY

5.10 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.” [2a] (Section 3)

(For additional related information see [6.105 – 6.107 Whites](#) and [6.110 – 6.113 Farm Workers](#))

POLITICAL SYSTEM

5.11 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)

5.12 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]

(For further information see [4.82 – History of Local and By-elections](#))

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ELECTORAL REFORM

- 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]

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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 Delimitation 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 could only be granted by a committee dominated by ministerial nominees. It was also concerned that election monitors would 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 [4.23 – The run-up to parliamentary elections, March 2005](#))

JUDICIARY

- 5.22 Freedom House reported in Zimbabwe 2005 that:
- "While some courts have struck down or disputed government actions, increasing pressure by the regime may soon end the judiciary's capacity to act independently. The high court in May [2005] quashed the defamation conviction of three journalists for a story that misreported facts surrounding the draft constitution. The government, however, has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign. The judicial system has been burdened by the vacancy of nearly 60 magistrate posts, which has caused a backlog of 60,000 cases that require processing." [105] (p.716)
- 5.23 The US State Department Report (USSD) on Human Rights Practices 2004 reported that "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.” [2a] (Section 1e) The USSD 2003 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 USSD 2003 also stated that “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. [9av]
- 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. [9aw]
- 5.27 allAfrica.com reported on 19 February 2003 that the UN Special Rapporteur on the independence of judges and lawyers, Dato Param Cumaraswamy, 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, Cumaraswamy believed that this incident would bring judge against judge, those seen as independents against those seen as complainants. 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 IRINnews.org reported on 23 August 2005, that the trial of Judge Benjamin Paradza had begun with law experts saying that the proceedings are likely to bring the independence of the judiciary under close scrutiny once more. “Irene Petras of Zimbabwe’s Lawyers for Human Rights told IRIN: ‘This trial will, once again, give

the courts an opportunity to show just how able they are to deliver justice fairly. So far, it has been evident that judges are expected to tow the party line; failure to do so often results in unfair treatment.” [10ag]

- 5.29 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. [9ax]
- 5.30 The ZLHR reinforced their concerns about harassment of lawyers at a symposium in Johannesburg in late August 2003, according to ZWNNews on 31 August 2003. The ZLHR cited intimidation by police officers, police not informing lawyers of the whereabouts of their clients, and police officers professing ignorance of arrests as 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]
- 5.31 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]
- 5.32 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 in 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]
- 5.33 On 25 June 2003, IRIN reported that ten 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]
- 5.34 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]

- 5.35 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]

- 5.36 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]

- 5.37 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.” [9bi]

- 5.38 The House of Commons Library, Research Paper 05/58 – Zimbabwe after the 2005 parliamentary election, noted that:

“In December 2004 a report on “‘The state of justice in Zimbabwe’ was submitted to the International Council of Advocates and Barristers by leaders of the Bars in the UK, the Republic of Ireland, Australia, New Zealand, South Africa and Hong Kong. The report was based on a visit to Zimbabwe in April 2004 and on the use of extensive published material. The report found that:

- Supreme Court and High Court judges who are reputedly sympathetic to the Government have been appointed and promoted above more senior and experienced colleagues. Some judges have been allocated land at nominal rents and at the Government’s pleasure;
- judges whose independence represents an impediment to Government policy or action have been removed through a combination of psychological and physical intimidation and threats of violence;
- cases involving sensitive political issues are allocated to judges who are perceived as being sympathetic to the Government;

- magistrates and prosecutors who are seen as unsympathetic to the Government have faced actual violence and attacks on their families and property;
- lawyers representing politically unpopular causes have suffered psychological and physical intimidation and violence, and in some cases torture and attacks on their families and property.

The report concluded that the legal system in Zimbabwe had become 'profoundly compromise' over the past four years, and had been 'distorted and subverted for the illegitimate maintenance of political power'. It also noted that, while many in the Zimbabwe legal system had been driven out by pressure of various kinds, some of those still working within the system 'display courage and integrity of the highest order, in their efforts to act properly as judges, magistrates or lawyers'." [104] (p.14)

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LEGAL RIGHTS/DETENTION

5.39 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." [2a] (Section 1d)

5.40 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." [2a] (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." [2a] (Section 1d)

5.41 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 per cent 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." [2a] (Section 1d)

- 5.42 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 report's findings. How such a large quantity of chloroquine got into Jongwe is not known. [20h]
- 5.43 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. [11i]
- 5.44 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]
- 5.45 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]
- 5.46 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. [2a] (Section 1d)

(For additional information see [5.48 – Internal Security](#))

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DEATH PENALTY

- 5.47 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, in October 2000 three men, convicted of five murders, were executed. [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].

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INTERNAL SECURITY

OVERVIEW

- 5.48 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)
- 5.49 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)

The most recent update from the US State Department Report (Human Rights report 2004) noted that “Members of the security forces and youth militias committed numerous, serious human rights abuses.” [2a] (Introduction)

- 5.50 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 committed 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)

POLICE

- 5.51 The Economist Intelligence Unit – Zimbabwe Country Profile 2005, noted that the police have become a highly politicised body in recent years, and have demonstrated a high degree of personal loyalty to Robert Mugabe throughout the current political and economic crisis. "To date they have swiftly put down protests with considerable ruthlessness." The report went on to emphasise that "One of the main problems in recent years has been the emasculation of the police force, which is no longer seen as an unbiased enforcer of the law but as a body that supports the government, even in unlawful actions." The report noted that in 2003 there were 21,800 police officers. [24b] (p.16)
- 5.52 The Daily News noted on 9 June 2003 that the ZRP [Zimbabwe Republic Police], once noted for its professionalism, are increasingly seen as a partisan tool that fulfils the political will of the ZANU-PF government. [9ay] 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, IRIN noted on 23 July 2003 that, 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. [10ay]
- 5.53 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)
- 5.54 The ZHRF October 2004 Political Violence Report, published on 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 further examples of police abuse see [4.40 – 4.81 Incidents of Political Violence](#) & [6.79 Human Rights Abuses \[Zimbabwe HR NGO Forum\]](#))

CIO/CIO ACTIVITIES

- 5.55 The US State Department Report on Human Rights 2004, noted that “The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President’s Office, is responsible for internal and external security and has powers of arrest.” [2a] (Introduction)
- 5.56 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)

(For further information on [Zanu-PF Youth Militia - 6.175](#))

- 5.57 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)
- 5.58 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]
- 5.59 ZimOnline continued “According to an anonymous official at the ministry, cases of extortion and corruption in the CIO is ‘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]
- 5.60 The Financial Gazette reported on the 28 April 2005 that the Zimbabwean government was increasing its control of the country with the handing over of control of grain and cereal distribution to the Central Intelligence Organisation (CIO). The article noted the opinion of “Renson Gasela, the Movement for Democratic Change shadow minister of lands and agriculture, said: ‘Maize is now being treated like a security item where the country must be kept in ignorance.

This is evidenced by the total militarization of GMB (the Grain Marketing Board)'." [37e]

- 5.61 In a move to further control the flow of independent information in and out of the country, the Zimbabwean reported on 6 May 2005 that the Zimbabwean government had acquired sophisticated phone tapping, radio jamming and internet monitoring equipment from China. "The equipment has been handed over to its dreaded spy agency, the Central Intelligence Organisation (CIO) in an effort to block the circulation of what it alleges is hostile propaganda from foreign based radio stations and cyber space.... Zimbabwe's latest acquisitions allegedly include smaller, less visible high-tech bugging equipment that is more difficult to detect. Minute omni-directional recorders with enhanced long ranges at ultra-high frequencies have been ordered and can be useful for snooping on meeting sites from a safe distance." The article went on to note that the government was increasing surveillance in an attempt to identify new sources of political opposition following what it believes has been the effective neutralisation of the MDC. [99a] (p.1-2)
- 5.62 ZimOnline reported on 29 August 2005 that:
- "Zimbabwe's powerful intelligence minister Didymus Mutasa last week threatened judicial and police officers with unspecified action if they did not release one of his 'blue-eyed boys' arrested for murdering his political rivals, authoritative sources told ZimOnline. In yet another illustration of the erosion of the rule of law in Zimbabwe, Mutasa last Monday phoned Rusape town magistrate Tendai Mahwe instructing him to release Albert Nyakuedzwa from prison and to quash murder charges against him.... Nyakuedzwa, who is in jail awaiting trial, is said to have led a campaign of violence against Mutasa's rivals in Zanu PF. According to the sources he organised the murder of Mukono to punish him for having campaigned against Mutasa in the run up to last March's parliamentary election." [49i]
- 5.63 A report published by Redress Zimbabwe, entitled "The Face of Torture and Organised Violence – March 2005" noted that; with regard to a spy scandal earlier in the year, the CIO were accused of torturing one of the men accused of spying. The torture of this individual was such that the Redress report stated that "More than a month after his arrest sources said he was still unable to walk or talk properly after severe torture, his legs were badly swollen and he was unable to eat." [56] (p.17)

ARMY AND AIR FORCE

- 5.64 The US State Department Report on Human Rights 2004 noted that "The Zimbabwe National Army and Air Force under the Defence Ministry are responsible for external security; however, there were cases in which they were called upon for domestic operations." [2a] (Introduction)
- 5.65 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]

PATRIOTIC GUARDS

5.66 The US State Department Report on Human Rights 2004 noted that:

“While supposedly a youth service training program, some graduates of the National Youth Service were used for security related activities. Senior government and ruling party members tightly controlled the security forces and directed activities of security-related elements of National Youth Service graduates (youth militias).” [2a] (Introduction)

(For further information on Zanu-PF Youth Militia see [paragraph 6.175](#))

5.67 ZWNNews reported on 24 May 2005 that “Highly placed police sources said a specially recruited and trained group of youth militia underwent training at a police camp situated at a farm in Shamva, about 100km north-east of Harare last year.” The purpose of the group, ZWNNews reported, is the formation of a unit of “Patriotic guards” to protect President Mugabe and other dignitaries. Inside police sources confirmed that the creation of the new unit was as a result of the questionable allegiance of the Police Protection Unit. The move by Mugabe is also being seen as a result of a “serious security paranoia” that had gripped Mugabe who also recently ordered that members of his ZANU-PF politburo, the party’s highest policy implementation body, be searched before going into meetings. [67I]

(For additional information see [6.164 - National Youth Service](#), [5.37 - Legal Rights and Detention](#), [6.71 – 6.79 Political Activists](#) and [6.182 - War Veterans](#))

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PRISONS AND PRISON CONDITIONS

5.68 Freedom House noted in its “Zimbabwe 2005” report that Zimbabwe’s 47 prisons are overcrowded by as much as 50 per cent with 8,000 inmates above the nominal 16,600 capacity. “This overcrowding has contributed to a rise in AIDS and TB infections and to food shortages. Deaths in prisons are often caused by poor health conditions or beatings by guards.” [105] (p.716-717)

5.69 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]

5.70 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." [2a] (Section 1c)

5.71 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." [2a] (Section 1c)

5.72 IRIN reported on 5 February 2004 that overcrowding during the year had been 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. Justice Minister, Patrick Chinamasa, admitted that overcrowding was a problem, and stated that his Ministry intended to build seven more prisons. [10e]

5.73 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. [9an] The Daily News also reported on 4 October 2002 that overcrowding was thought to be the cause of the deaths of two prisoners 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]

5.74 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." [2a] (Section 1c)

5.75 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 three months out of 12.

"Recent reports have warned that infectious diseases such as tuberculosis have become increasingly prevalent in Zimbabwe's prisons." [10n]

5.76 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]

- 5.77 Save a Life, accessed on 25 July 2005, reporting the conditions of prisons in Zimbabwe, noted that:

“Chikurubi Maximum Security Prison is on the outskirts of Harare, the capital of Zimbabwe. The men confined here are held in overcrowded cells, measuring 9m by 4m. Typically speaking there are 25 men per cell. Each day the men are confined to their squalid cells between the hours of 3:30pm and 7:00am. Four to five times a week they are also locked up for the guards’ lunch break, between the hours of 11:30am and 1:00pm. There are no beds and so the men have to sleep on mats spread out over the crowded cell floor. Some inmates refuse to wash, which results in blankets becoming lice infested.... The cells are shared with people in the terminal stages of AIDS, Tuberculosis, Herpes and other highly infectious diseases, as well as some prisoners who are mentally ill. Many of the infected prisoners are unable to control their bodily functions, and this results in the cell floor and blankets being contaminated with body fluids; pus, phlegm, blood, urine, faeces.”

Save a Life considered that the conditions within Chikurubi prison were in contravention of Article 24 of the International Bill of Human Rights, covering the state providing a safe environment. [109] (p.1)

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MILITARY SERVICE

- 5.78 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]
- 5.79 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]

- 5.80 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)
- 5.81 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.” [2a] (Section 5)
- 5.82 BBC Monitoring, reporting the *Herald* on 13 January 2005, noted that the Zimbabwean army received a total of 22 troop-carrying vehicles from the Chinese government as a gesture of cordial relations between the two countries. The BBC noted the *Herald* opinion that “The vehicles are set to transform the ZNA [Zimbabwean National Army] into a well-equipped, highly mobile and hard hitting force.” [71f] ZimOnline noted on the 10 August 2005 that “President Robert Mugabe on Tuesday said his government would buy more weapons from China and other Asian allies despite a crippling economic crisis threatening Zimbabwe with total collapse.” Addressing thousands of supporters, mostly made up of members of the ZDF, President Mugabe stated that it was critical to buy more guns to protect the country’s sovereignty from western powers who wanted to re-colonise the country. [49h]
- 5.83 On 9 August 2005, News24 reported that “About 6,000 members of the Zimbabwean military are to receive plots under the government’s land reform program, President Robert Mugabe said on Tuesday...‘I understand that close to 6,000 members of the defence forces are still to benefit,’ Mugabe said. “The responsible authorities are looking into the matter with a view to allocating land to these remaining deserving cadres.” [38a]

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MEDICAL SERVICES

GENERAL

- 5.84 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]
- 5.85 The Economist Intelligence Unit Country Profile 2005 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." [24b] (p.19)

- 5.86 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)

- 5.87 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]
- 5.88 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]
- 5.89 *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] A report by IRIN on 26 August 2005 noted that the continuing economic difficulties facing Zimbabwe has brought a continued and increasing boom in people seeking traditional medical treatment. [10ak]

- 5.90 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 per cent 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]
- 5.91 Commenting on the shortages of trained nurses in Zimbabwe, the IOM noted in a report published in 2005 that "In the UK, the main source countries for nurses issued with work permits in 2001 were South Africa and Zimbabwe. Statistics available from the Ministry of Health in Zimbabwe indicate that between 1998 and 2000 around 340 nurses graduated, while the number of Zimbabwean nurses registered in the UK in 2001 was 382. As there is no surplus of nurses in Zimbabwe, these figures represent a major loss of the human resources required in the country." [96] (p.39) In response to the shortage of nurses, Reuters reported on 19 July 2005 that the Zimbabwean government has stepped up its efforts to train more primary healthcare workers, amid fears that healthcare delivery in rural areas was deteriorating. Reuters noted that "According to the official *Herald* newspaper, rural hospitals and health centres urgently needed 3,337 nurses." The article noted that health officials have embarked on an ambitious training programme that expects to have at least one trained nurse stationed at all rural health centres by January 2007. In addition to the nurses, the government also plans to support nurses with trained auxiliary assistants. [75k]
- 5.92 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]

- 5.93 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." [10af]

- 5.94 Freedom House noted in its report – Freedom in the World 2005, that "Severe shortages of drugs and equipment have pushed hospitals and clinics close to ruin. Infant mortality rates have risen, and the resource starved health system cannot cope with an HIV epidemic – one of the worst in the world – that has infected one in four adults." [105] (p.714-715)

- 5.95 Following the devaluation of the Zimbabwean Dollar by 45 per cent in May 2005 (reported by Business Report, May 2005) and rampant inflation of 129.1 per cent, [36b] the *Zimbabwe Observer* reported (2 August 2005) that Zimbabwe's doctors had gone on strike. The news article noted that "Scores of patients in Zimbabwe were yesterday turned away at major hospitals, with a few senior doctors attending to critical cases only, as the strike by junior doctors, who are demanding at least 800 percent salary increment, entered its fifth day." [106] Zimdaily.com reported on 3 August 2005 that the strike by junior and mid level doctors has resulted from what they claim are inadequate pay and working conditions. "They are asking for a pay rise of as much as 5,000 percent to compensate for high inflation and the low value of the Zimbabwe currency." However, Zimdaily reported that the "Labor Court" had ordered that all doctors must return to work no later than the next day. According to a spokesperson for the striking doctors, around 90 per cent of the 800 Zimbabwean doctors employed by the government had been on strike since 23rd June, after several attempts to get their salaries increased had failed. The article closed by reporting that "Zimbabwe's health care system, once considered one of the best in sub-saharan Africa, is collapsing because of a severe shortage of money for salaries, medical equipment, and essential drugs. Many of Zimbabwe's doctors, nurses, and other health care professionals are leaving the country for places offering better pay." [107]

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PEOPLE WITH DISABILITIES

- 5.96 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. [2a] (Section 5)
- 5.97 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.” [2a] (Section 5)
- 5.98 The US State Department Report 2004 states 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. [2a] (Section 5)
- 5.99 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]

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HIV/AIDS

- 5.100 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]

- 5.101 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]

5.102 In June 2005, WHO reported similar findings in its country summary, dated June 2005. WHO noted that the impact of HIV/AIDS, the prevailing harsh economic conditions and reduced donor support had all combined to severely strain the delivery of health services. The shortage of human resources remained one of the major constraints, as trained health personnel continued to emigrate to other countries, and a growing number of other health workers succumb to HIV/AIDS. Shortage of funding, drugs and supplies is another major constraint that is essentially due to high and rising costs and the inadequate availability of foreign exchange reserves. [97]

5.103 An IRIN report on 25 August 2004 stated 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]

5.104 IRIN estimated that while almost 25 per cent of the population are HIV positive, only 5,000 are on antiretroviral, 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: Medicine Sans Frontiers (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]

5.105 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 “Access to anti-AIDS drugs is improving in Zimbabwe, due to recent initiatives to roll-out antiretroviral (ARV) therapy 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]

5.106 IRIN reported on 25 August 2004 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 buy food for themselves.’” [78]

5.107 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 Nevirapine – which can reduce transmission of the virus by more than half – to HIV-positive expectant mothers.” [10h]

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

5.109 A further IRIN report, dated 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]

5.110 Nearly 80 per cent of all HIV infections in the 15-24 age group were among young women according to an IRIN report dated 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]

5.111 On 12 August 2004, IRIN reported 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]

5.112 On 6 December 2004, Médecins Sans Frontières (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]

5.113 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]

5.114 WHO noted in its June 2005 country summary that, with regard to access for antiretroviral treatment:

“As of June 2004, an estimated 6000 people were receiving antiretroviral therapy, of which most were catered for by private practitioners and largely via their own means. As of November 2004, 8000 people were reported to be receiving antiretroviral therapy. Of this number, an estimated 760 people were being catered for by operations research projects such as Development of Antiretroviral Therapy in Africa and the Zimbabwe Aids Prevention Programme. Both are concentrated in urban areas. A rural faith-based organization also provides some treatment in Mutoko. As at March 2005 a reported total of 12000 people were receiving antiretroviral therapy, and by May 2005, 15000 people were receiving antiretroviral therapy in Zimbabwe.” [97] (p.2)

- 5.115 allAfrica reported on 6 June 2005 that Zimbabwe is losing experienced health care workers to other countries as a result of poor remuneration and poor working conditions. The article noted in particular that “The shortage of health personnel in the country has affected the quality of HIV and Aids health care, as Zimbabwe continues to lose experienced health workers to other countries.” The report continued “Health personnel are also dealing with HIV and AIDs with inadequate drugs and laboratory facilities, inadequate trained personnel and inadequate co-ordination of prevention, treatment and care responses and this has led to low staff morale.” [50t] To compound these problems, ZWNNews noted on 3 May 2005 that Zimbabwe is also already considered to be significantly worse off than neighbouring countries when a comparison is made of the financial aid that the country receives. ZWNNews reported that because of ongoing political problems in Zimbabwe, international donors are not happy to give money to a government that it considers is corrupt. The result is that while Zambia receives \$187 of donor support for each person infected with HIV/AIDS, Zimbabwe only receives \$4 of support. [67j]
- 5.116 On 3 August 2005, IRIN reported that people suffering from HIV/AIDS caught up in Operation Murambatsvina have been forced to abandon antiretroviral (ARV) treatment. The article reported the case of Mtshumayeli Ndebele and his wife who were told by Zimbabwean authorities to vacate the Hellensvale transit camp and return to their rural home area. However, the article noted “‘We would get drugs every month from Mpilo hospital, and everything just looked better for us, but we are no longer able to do that because we have moved; we are now several kilometres away and have no money for transport to go and get our consignment,’ Mtshumayeli told IRIN. ‘Now, it’s like we are just waiting to die.’.... Scores of HIV/AIDS patients whose treatment programmes have been disrupted find themselves in a similar plight after being forcibly relocated to parts of rural Zimbabwe. Health experts warn that most of them will certainly die prematurely because of the lack of AIDS drugs and inadequate food in the countryside.” [10bn]
- 5.117 A report from the Institute for War and Peace Reporting noted on 11 April 2005 that Murambinda hospital is one of the few efficient hospitals left in Zimbabwe’s ruined healthcare system. The hospital, which is funded entirely by overseas donations, provides a number of key services, including free supplies of anti-retroviral drugs to patients with HIV. “The Murambinda hospital currently has 2,700 patients registered as HIV-positive.” So far just 53 have been supplied with anti-retroviral drugs. The report noted that “Besides supplying these drugs, charitable donations also make it possible for Murambinda to charge some of the lowest fees of any hospital in Zimbabwe. A consultation costs the equivalent of just eight US cents.” In response to staff shortages and increasing demand in the area, the report noted that staff at the hospital has been forced to establish an extensive homecare programme under local AIDS activist, Nonia Temberere, who is supported by Doctors without Borders and 300 community volunteers. [77g]

(For additional information see [5.84 Health Care](#))

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EDUCATIONAL SYSTEM

- 5.118 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.” [2a] (Section 5)

5.119 The Economist Intelligence Unit Country Profile 2005 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). In addition, private schools suffer from political attacks by the government, which sees them as bastions of white privilege (although the white student population is now highly limited). One such dispute did lead to them being temporarily shut down in 2004. According to the Ministry of Education, Sports and Culture, despite the introduction of fees at government schools, the net enrolment rate at primary schools rose from 82% in 1994 to 92.5% in 2000; according to the World Bank data this figure had fallen to 80% in 2001 and is 65% at present. 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.” [24b] (p.18)

5.120 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.” [2a] (Section 5)

5.121 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]

- 5.122 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]
- 5.123 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]
- 5.124 Kubatana.net reported on 12 August 2005 that there was growing opposition to the government’s proposed Education Amendment Bill. It noted that, “Stakeholders and trade unions in Zimbabwe’s education sector say proposals in the new Education Amendment Bill will cause a decline in standards, and signal the end of private schools.” Representatives from various teaching unions presented their submissions to parliament’s portfolio committee for education, which held a public hearing on the proposed amendments in mid-August.
- “The changes would give the minister the power to prescribe fees and school uniforms, and determine which affiliations teachers could join. Unions said this was an infringement of freedoms guaranteed in Zimbabwe’s constitution as well as by international statutes.... The official *Herald* newspaper quoted ZIMTA spokesman Peter Mabhande as saying that requiring all teachers to have professional qualifications was short-sighted, because such qualifications were not necessary for teaching sports and other extra-curricula activities. Raymond Majongwe, chairman of the PTUZ, told IRIN his organisation rejected the Bill, adding that they were particularly angered by the minister’s desire to interfere with teachers’ union affiliations.” [55k]
- 5.125 Human Rights Forum Zimbabwe noted in May 2000 that “Teachers have been attacked by Zanu (PF) supporters because it alleged that many teachers support the MDC and that they helped the campaign to reject the draft constitution.” [108] (p.3) The USSD 2004 noted that “There continued to be reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.” [2a] (Section 2a)
- 5.126 allAfrica.com reported on 24 August 2005 that “The United Nations Children’s Fund (Unicef) is mobilising the international community to assist Zimbabweans to keep their children in school in the face of economic challenges. Fees for the forthcoming third term rose significantly, leaving most parents unable to meet their payment deadlines.” [50e] Kubatana noted on 12 August 2005 that tuition fees at all government schools were increased by 1,000 per cent and were backdated to January 2005. [55k] allAfrica continued:

“Against great odds, Zimbabwean parents and caregivers are keeping their children in school and in some cases increasing the national enrolment. ‘At the same time, the UN Children’s Fund called on international support for Zimbabweans to ensure this positive culture does not disappear in the face of harsh economic challenges,’ said Unicef communications officer Mr James Elder. He said Zimbabweans were faced with a number of challenges but the educational statistics reveal that parents have remained committed to providing their children with education. Unicef will launch a back-to-school campaign next month, which seeks to re-enrol all children who dropped out of school during Operation Murambatsvina, as part of their efforts to ensure quality education.”
[50e]

(For additional information see [6.150 – 6.163 Teachers](#))

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

- 6.01 The US State Department Report 2004 (USSD), published on 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)

- 6.02 The most important human rights issue to arise in Zimbabwe since the April 2005 Country Report was that of “Operation Murambatsvina”. The government claimed the operation was designed to “clean up” its cities. However, the United Nations report on the situation by Mrs Anna Kajumulo Tibaijuka, dated 18 July 2005, noted that:

“On 19 May 2005, with little or no warning, the Government of Zimbabwe embarked on an operation to ‘clean-up’ its cities. It was a ‘crash’ operation known as ‘Operation Murambatsvina’, referred to in this report as *Operation Restore Order*. It started in the Zimbabwe capital, Harare, and rapidly evolved into a nationwide demolition and eviction campaign carried out by the police and the army. Popularly referred to as ‘Operation Tsunami’ because of its speed and ferocity it resulted in the destruction of homes, business premises and vending sites. It is estimated that some 700,000 people in cities across the country have lost either their homes, their source of livelihood or both. Indirectly, a further 2.4 million people have been affected in varying degrees. Hundreds of thousands of women, men and children were made homeless, without access to food, water and sanitation, or health care. Education for thousands of school age children has been disrupted. Many of the sick, including those with HIV and AIDS, no longer have access to care. The vast majority of those directly and indirectly affected are the poor and disadvantaged segments of the population. They are, today, deeper in poverty, deprivation and destitution, and have been rendered more vulnerable.” [25] (p.7)

(For more details see, paragraph **6.281 – Operation Murambatsvina**)

6.03 Amnesty International noted in its 2005 annual report (covering 2004) that:

“The government continued its campaign of repression aimed at eliminating political opposition and silencing dissent. Hundreds of people were arrested for holding meetings or participating in peaceful protests. The police, army, supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and youth militia were implicated in numerous human rights violations, including torture, assault and arbitrary detention. Despite compelling evidence that Zimbabwe would continue to experience food shortages, the government terminated most international food aid programmes. In December parliament passed legislation banning foreign human rights groups from operating in Zimbabwe and imposing restrictions on local human rights organizations, including prohibiting them from receiving foreign funding for human rights work.” [14k] (p1)

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FREEDOM OF SPEECH AND THE MEDIA

6.04 Reporters without Borders, states in its Zimbabwe Annual Report 2005, that:

“The state holds a monopoly of both television and radio. Zimbabweans who do not own a short wave radio or satellite television, both extremely expensive in a country of ever worsening poverty, have no chance to access media other than those under state control, in which pro-government propaganda and fabricated journalism are the norm.... Year on year, Zimbabwe has thus become a no go area for free expression. Everything is under government control. The all-powerful MIC, set up in 2002, holds the small world of the press in its grip. It alone decides who shall get the accreditation without which journalists are denied the right to inform. Since November a two-year prison sentence awaits any journalist who works without the approval of this government-run censorship office. A new amendment, tabled by the government in November, provides for sentences from 20 years to the death penalty for a Zimbabwean or

a foreigner making a false statement to a third party with the intention of incitement to public disorder, negatively affecting the Zimbabwe economy or undermining the authority of the security forces.” [44b] (p.1)

- 6.05 Amnesty International noted in its 2005 annual report (covering 2004) that, during the reporting year:

“The authorities continued to use the repressive Access to Information and Protection of Privacy Act (AIPPA) to harass, intimidate and silence journalists and newspapers viewed as critical of the government. In November parliament amended the AIPPA, making the practice of journalism without accreditation a criminal offence punishable by up to two years in prison.... On 5 February the Supreme Court ruled that the AIPPA was constitutional. The decision was in response to a constitutional challenge by the Independent Journalists Association of Zimbabwe to sections of the AIPPA. This ruling effectively forced the *Daily News* to cease publication as it meant that publishers and journalists faced arrest. The *Daily News* remained unable to publish at the end of the year.” [14k] (p.3)

- 6.06 The US State Department Report 2003 (USSD), published on 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 rumours 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)

- 6.07 The US State Department Report 2004 (USSD), published on 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 defence, 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)

- 6.08 Reporters without Borders states in its Zimbabwe Annual Report 2005 that:

“Zimbabwe’s top circulation daily, along with its Sunday edition *The Daily News of Sunday*, have both been targeted by the government since the end of 2003. On 11 September of that year, after a series of clashes between the newspaper and the authorities, the Supreme Court declared *The Daily News* illegal

because it had not registered with the Media and Information Commission (MIC) as required by the Access to Information and Protection of Privacy Act (AIPPA). The management team refused to comply, challenging the constitutionality of the law before the courts. The High Court on 21 January 2004 finally allowed the newspaper to reappear after a ban of more than four months.

“The following day an eight-page edition went back on sale in Harare’s news-stands but on 6 February, the Supreme Court confirmed that the information law was constitutional. Resolving to fight its legal battle before the courts to the bitter end, the *Daily News* decided to temporarily suspend publication and its journalists put in applications for accreditation to the MIC. These were immediately refused. On 20 September, the court acknowledged that the newspaper had not appeared illegally, contrary to government claims. The newspaper’s journalists and its management team – or those with the courage and resources to continue the fight – are now awaiting the Supreme Court ruling on the AIPPA. In the meantime, its coffers emptied by some 40 legal actions, the daily is broke. Its publishers, Associated Newspapers of Zimbabwe (ANZ), stopped paying salaries in July. Out of the original 167 *Daily News* staff, some 20 continue to fight alongside its editor Samuel Nkomo and his colleagues. They have had to give up the newspaper’s headquarters because they could no longer pay the rent. What was once the country’s leading newspaper is now reduced to occupying one room in the ANZ offices.” [44b] (p.1)

- 6.09 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]
- 6.10 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]
- 6.11 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)

6.12 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)

6.13 The 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)

6.14 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)

6.15 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. [9ab] The USSD 2004 noted that “The Government continued to deny broadcasting licenses to independently owned Radio Dialogue and Capitol Radio.” [2a] (Section 2a)

6.16 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)

- 6.17 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]
- 6.18 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. [69a] The Zimbabwe Situation reporting New Zimbabwe on 16 March 2004 stated that 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. [89f]
- 6.19 On 14 January 2005, BBC Monitoring reported that, “Zimbabwe’s latest 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]
- 6.20 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." Since the introduction of the AIPPA the BBC reported that "Two independent newspaper groups have been shut down and scores of journalists arrested under the 2002 media law." [71d]

- 6.21 On 14 January 2005, BBC Monitoring reported that the US-based Committee to Protect Journalists (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 adjustments 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]
- 6.22 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 fourth 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. [3ac]
- 6.23 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 the 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]
- 6.24 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

6.25 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)

6.26 Reporters without Borders, states in its Zimbabwe Annual Report 2005, that:

“Foreign journalists have all left the country. Those who were not actually expelled left of their own accord, sickened by the constant obstacles thrown up to prevent them from working. Their media continue to operate as best they can with the help of local journalists who have to work in extreme secrecy. Robson Sharuko, Tendai Ndemera and Rex Mphisa, respectively head of sport and sports journalists on the government daily *The Herald*, were dismissed at the beginning of February for contributing to US public radio Voice of America (VOA).” [46b] (p.2)

6.27 Reporters without Borders went on to note that during 2004:

- “7 journalists were convicted by a court
- 16 journalists were arrested
- 4 journalists were physically attacked
- 4 journalists were threatened
- 4 journalists were unfairly dismissed
- 3 journalists were expelled
- 1 media premises was searched
- and 2 media were censored”. [46b] (p.2)

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. 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 was in fact an agent of the British. [9ae]
- 6.29 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. [9au]
- 6.30 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]
- 6.31 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]
- 6.32 Reporters Sans Frontieres 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 Chimunya 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]
- 6.33 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]
- 6.34 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 journalists 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. [3bd]

6.35 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 fourth 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]

6.36 afrol News reported on 13 May 2005 that some Zimbabwean journalists were operating secretly within the country. The report noted that:

"In the past three months, independent news reports from inside Zimbabwe have been reaching readers around the world through a clandestine network of journalists. This is no small feat, considering the independent press in the country is now almost non-existent and most foreign correspondents have been kicked out of the country. Thanks to a group of Zimbabwean journalists who have been writing in secrecy from inside the country, people outside of Zimbabwe are finally able to receive uncensored information and read stories from local journalists, reported today the African Press Network for the 21st Century (RAP 21). The project has only been possible by working underground... So far, over 30 articles have been successfully dispatched from Zimbabwe, RAP 21 reports. The articles are then published on the IWPR [Institute for War and Peace Reporting] website under pseudonyms to protect the identity of the journalists." [73d]

6.37 The Committee to Protect Journalists (CPJ) in "Cases 2005" reported that two British journalists, covering the March 31 parliamentary election, were arrested for not having accreditation. The report noted that:

"Harnden, chief foreign correspondent for the London-based *Sunday Telegraph*, and photographer Simmonds were arrested at a polling station in Norton, a town near the capital, Harare, according to a statement from the newspaper. The journalists were charged with working without accreditation under Zimbabwe's draconian media law, the Access to Information and Protection of Privacy Act (AIPPA), which requires all journalists in Zimbabwe to register with the government-controlled Media and Information Commission (MIC)... George Charamba, Zimbabwe's secretary for information and publicity, told the state-run *Herald* newspaper on April 1 that the two would be deported. But a trial proceeded on April 5, and on April 4 prosecutors invoked their authority to override a magistrate's decision granting bail to the journalists, Mtetwa said."

However, the report concluded that:

"On April 14, both journalists were acquitted of the charge of reporting without accreditation, and were released on bail. Magistrate Never Diza said that state prosecutors had failed to prove that Harnden and Simmonds, who said they had

travelled to Zimbabwe as tourists, were working in the country illegally. 'All in all, the state failed to provide sufficient evidence to show the accused persons have a case to answer,' Diza said, according to news reports." [30b] (p.3)

- 6.38 The CPJ reported a further case of a foreign journalist being expelled from Zimbabwe during the election campaign. The report noted that:

"[Fredrik] Sperling, a reporter for Sweden's public broadcaster, Sveriges Television (SVT), was arrested in central Harare and deported to South Africa, despite having been accredited to cover Zimbabwe's March 31 parliamentary elections. Sperling, who is based in Johannesburg, told CPJ that he was brought to a police station outside of Harare on March 30 after filming a large farm expropriated several years ago by the Zimbabwean government and now occupied by a relative of President Robert Mugabe. Initially released, Sperling said, he was later arrested and deported by signed order of Tafataona Mahoso, chairman of the government-controlled Media and Information Commission (MIC)." [30b] (p.4)

- 6.39 The CPJ reported on 12 August 2005 that in spite of the Zimbabwean authorities harassing journalists and bringing charges against them under the Access to Information and Protection of Privacy Act (AIPPA), it noted that "Since AIPPA became law in February 2002, the government of President Robert Mugabe has used it to detain and harass dozens of critical journalists, and to close four newspapers. It has not successfully prosecuted a journalist under the law." [30c]

- 6.40 On 31 August 2005 the CPJ reported that "A magistrate in Zimbabwe's capital, Harare, acquitted a journalist today on criminal charges of working without accreditation for the now banned *Daily News*, according to his lawyer. Observers say the ruling in favour of Kelvin Jakachira could set an important precedent for several other former *Daily News* journalists facing the same charge." While AIPPA makes the charge of working without accreditation an imprisonable offence with sentences of up to two years, no journalist has yet been convicted under the repressive law. [30a]

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FREEDOM OF RELIGION

- 6.41 The USSD Religious Freedom Report 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." [2c] (p.1) Freedom House also noted in their 2005 report on Zimbabwe that freedom of religion is generally respected. [105] (p.716)

- 6.42 USSD Religious Freedom Report 2004 went on to note 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." [2c] (Introduction)

6.43 The USSD Religious Freedom Report 2004 states that:

"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)." [2c] (Section 2)

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

6.45 The 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 science-based medical practices. 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." [2a] (Section 2c)

- 6.46 The USSD Religious Freedom Report 2004 also 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.” [2c] (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. [90]

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RELIGIOUS GROUPS

- 6.47 According to the US State Department Religious Freedom Report 2004, estimates of the percentage of the population that is Christian vary between 60 per cent to 70 per cent. Of these, 17 per cent to 27 per cent identify themselves as Roman Catholics. There is a small Muslim population, estimated at less than 1 per cent 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. [2c] (Section 1) The US State Department International Religious Freedom Report 2004 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. [2c] (Section 1)
- 6.48 The USSD Religious Freedom Report 2004 noted that there were continuing reports 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. “There were two reports of possible ritual murders associated with traditional religious practices during the period covered by the report.” [2c] (Section 3)

(For additional information on witchcraft and ritual murders see [6.139 – Children](#) and [6.250 Witchcraft](#))

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 6.49 The US State Department Report (USSD) 2004, published on 28 February 2005, 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.” [2a] (Section 2b)

- 6.50 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]
- 6.51 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 was holding 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]
- 6.52 A further example of the government restricting freedom of association and assembly was reported by Amnesty International [AI] in July 2005. AI noted that “On the evening of 31 March, following Zimbabwe’s parliamentary elections, police arrested activists belonging to the women’s rights organisation Women of Zimbabwe Arise (WOZA). Approximately 260 women, including WOZA leaders Jenni Williams and Magodonga Mahlangu, were detained as they attempted to hold a peaceful post-election prayer vigil at Africa Unity Square in Harare.” Amnesty stated that during and after the prayer meeting, WOZA members were beaten and threatened. It noted that “Among those beaten was a 74-year-old woman, who reported that she was told: ‘Pray because you are going to die’. Many of the women were beaten during the arrests as they were forced into police vehicles. Several of the women were seriously injured and subsequently hospitalised, though none were given access to adequate medical treatment during their detention.” [14b] (p.1)
- 6.53 ZimOnline reported on 14 July 2005 that a further 28 members of Women of Zimbabwe Arise (WOZA) were arrested in June 2005 while protesting against Operation Murambatsvina. [49o]

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PUBLIC ORDER AND SECURITY ACT

6.54 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]

6.55 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.” [35i] (p.2)

6.56 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)

6.57 IRIN reported on 16 February 2004 that under the powers of POSA, the police prevented a demonstration by the Women of Zimbabwe Arise (WOZA) group. No arrests or beatings occurred. [10be] The USSD 2004 noted that “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 and 6.89)

6.58 The USSD 2004 noted on 19 May “*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)

6.59 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]

6.60 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)

6.61 In an attempt to close any loop holes in the POSA, Amnesty International reported in July 2005 that:

“The government of Zimbabwe has used the law as a tool of repression. For example, many activists have been charged under MOA [Miscellaneous Offences Act], usually with conduct likely to cause a breach of the peace, when the police have tried but failed to bring charges under POSA. According to Zimbabwe Lawyers for Human Rights the MOA is being used in conjunction

with POSA to 'Create a minefield for human rights activists', as virtually any conduct can be deemed to be behaviour likely to cause a breach of the peace." [14b] (p.2)

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CRIMINAL LAW (CODIFICATION AND REFORM) BILL

6.62 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)

6.63 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 MPs had little time to debate such a complex and lengthy piece of legislation." [55c] (p.2)

6.64 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](#))

- 6.65 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)

- 6.66 Kubatana noted (updated 3 March 2005) (NB. Originally accessed in February 2005) that the Bill had been “Passed by Parliament, awaiting signature by the President and must be gazetted before it will come into force”. [55d] (p.2) However, a letter from the Foreign and Commonwealth Office, dated the 12 September 2005 reported that the Criminal Law (Codification and Reform) Bill has already been signed into law, but will not come into effect for 12 months. “President Mugabe delayed signing it until after the elections; finally signing it on 7 May 2005. However, it still needs a Statutory Instrument (SI) to make it operative as well as the 12 month period.” The FCO stated that “We are trying to find out when the Ministry of Justice intends to issue the SI; although, we understand that this will not be in the immediate future.” [13e]

POLITICAL ACTIVISTS

- 6.67 The US State Department Report (USSD) 2004, published on 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)

- 6.68 The US State Department Report (USSD) 2003, published on 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. The 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)

- 6.69 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. In most cases, police did not intervene.” [2f] (Section 2d)
- 6.70 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, ten attempted murders, 80 death threats, ten murders, four disappearances, 208 displacements, 809 infringements of freedoms of expression/association/movement, six rapes, 497 counts of torture, 579 unlawful arrests and 168 unlawful detentions. All of these crimes were believed to be politically motivated. [35d]
- 6.71 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. Nkanyiso Maqeda claimed the two had been held and tortured by self-styled war of independence guerrillas. [4c]
- 6.72 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]
- 6.73 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]
- 6.74 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]

6.75 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, eight attempted murders, 33 death threats, three murders, two 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. [35] (p.3)

6.76 Amnesty International issued a press release on 15 October 2004 welcoming the acquittal of Morgan Tsvangirai, 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]

6.77 The Zimbabwean (accessed on 4 July 2005) noted that, former MDC Member of Parliament, Roy Bennett, was released from prison on 28 June [99b] after serving nine months for assaulting Justice Minister, Patrick Chinamasa. [14h] The Zimbabwean also reported Mr Bennett’s claims of abuse in prison, noting that “The opposition activist said he was deliberately singled out by prison officers and orders came from higher authorities. He was denied food and proper clothing. He said he was also given clothes with human excrement and lice.” [99b]

6.78 On 28 March 2005, the Institute for War and Peace Reporting (IWPR) reported that “Fearless Bulawayo church leader calls for ‘Orange Revolution’ to topple president.” Referring to Pius Ncube, the Roman Catholic Archbishop of Bulawayo, the report noted that Ncube is one of the few men in Zimbabwe who is willing to speak out in defiance of President Mugabe and the ruling ZANU-PF party. The IWPR reported that on Good Friday, Archbishop Ncube led a procession through the streets of Bulawayo from the Roman Catholic Cathedral to the city’s Presbyterian church. The procession itself was led in defiance of Zimbabwean law, which forbids public gatherings of more than five people without police permission. The Archbishop called on Zimbabweans to organise a Ukrainian-style “Orange Revolution” to overthrow Mugabe, whom he labelled a “very, very evil man” stating that “the sooner he dies the better. However, the IWPR reported that,

President Mugabe had called the Archbishop “an unholy man, a satanic betrayer of Zimbabwe who has invited Britain, the nation’s arch enemy, to invade”. [77]

For more information on “**Political Activists**” please see the following section.

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HUMAN RIGHTS ABUSES (ZIMBABWE HUMAN RIGHTS NGO FORUM)

6.79 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

JUNE 2004

6.80 “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)

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JULY 2004

- 6.81 “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 Chimanihire; MDC National Women’s Organising Secretary, Emma Chimanihire; 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)

AUGUST 2004

- 6.82 “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." [35] (p.2-5)

(For additional information see [6.48 - Freedom of Association](#))

SEPTEMBER 2004

- 6.83 "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*'. 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)

OCTOBER 2004

- 6.84 “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)

NOVEMBER 2004

- 6.85 “Although the month of November was eventful in terms of politically motivated violations of human rights, the prevailing conditions made it difficult and at times almost impossible for organizations in the human rights sector to document them adequately. 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. Because of this, the few cases documented in this November Monthly Political Violence Report (MPVR) are by no means the only violations that occurred during the month.

“The National Constitutional Assembly (NCA) continued to put sustained pressure on the Government in order for Government to review the enactment of its NGO Bill, and in one recorded incident NCA members were arrested and some assaulted by riot police in a bid to quell the protests in Harare city centre.

The NGO Act itself when promulgated will impact very negatively on civil society in Zimbabwe and will close more democratic space particularly when buttressed by the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA).

“Political victimization was also rife as the house of opposition Parliamentary seat aspirant for Marondera West, Ian Kay, was allegedly searched by the police without a search warrant, while Kay himself was arrested under POSA section 16. In a report from Shamva (Mashonaland Central Province), the wife and daughter of a man reportedly murdered in January 2004 claim that they were victimized by ZANU PF activists and chased away from their home in Madziwa, obliging them to relocate in fear of their lives. The daughter further claims that her husband has abandoned her due to the politically motivated murder of her father.

“The Human Rights Forum continues to urge the Government of Zimbabwe to create an environment that is conducive to the promotion and protection of human rights of all Zimbabweans, regardless of political affiliation or other such distinction.” [35b] (p.1)

DECEMBER 2004

- 6.86 “In the Political Violence Report for December 2004, in addition to describing the human rights violations that were reported in December 2004, comparisons are drawn between the incidence of violence and other human rights violations for 2003 and 2004. This comparison is illustrated with a number of graphs showing the broad categories of violations perpetrated in the past two years, with the contrast between physical violence, psychological violence, interference with freedoms and murder being shown. As is seen, there are great similarities between the two years, but also some minor differences. Contrasts are also made between the two years in the numbers of types of human rights violation, and also between the number of violations per month....

“Incidents of physical violence and violations of freedoms were higher in 2003 than in 2004. Psychological violence was also higher in 2003 than in 2004, whilst political discrimination and assault were higher in 2004. It is noteworthy that the most frequently violated rights in both years were those associated with freedoms of expression, assembly and association, rights and freedoms protected under Section 21 of the Constitution of Zimbabwe. The Constitution guarantees every person’s *‘right to assemble freely and associate with other persons and in particular to form and belong to political parties’*.

“The statistics for both years indicate marked increases in violence and other human rights violations associated with elections, by-elections, stayaways and demonstrations by members of civil society. The Public Order and Security Act (POSA) was widely used in this respect against citizens demonstrating in support of a new constitution or for food security and affordable food. POSA has been used to arrest and detain hundreds of people in the period under discussion, with the Miscellaneous Offences Act (MOA) serving as a back-up for law-enforcement agents in the on-going harassment of certain members of the public and various political parties.

“The Non-Governmental Organizations Bill (NGO Bill) had its third reading in Parliament on 9 December 2004, ironically on the eve of World Human Rights

Day on 10 December 2004. The Bill has already impacted negatively on civil society in a number of ways, and created uncertainty among some members of the donor community. One of the consequences in December 2004 was the inability of regular contributors to the Political Violence Report to collect information on human rights violations in the country for this month, and this is reflected in the paucity of information in this report.

“The activities of the Human Rights NGO Forum are directed towards the reduction of organized violence and torture in Zimbabwe and as the 2005 General Election draws near, the Human Rights NGO Forum supports the call for violence-free elections. Peace and respect for the constitutionally-guaranteed freedoms will enable the true will of the Zimbabwean people to be expressed, and, additionally, such an atmosphere is required under the new *“SADC Principles and Guidelines Governing Democratic Elections”*.”

“Both President Mugabe and Police Commissioner Chihuri have publicly stated that there will be zero tolerance for election-related violence, and that law enforcement agents will deal with all perpetrators. This is to be commended provided the perpetrators are dealt with across the board, and not selectively as has been claimed by many victims of organized violence and torture over the past two years.

“In the run-up to the General Election, human rights organizations also need to be vigilant, and to attempt to monitor the climate. There is especial need to monitor the activities of those who have been previously shown to be involved in organized violence and torture and to ensure that, although there are signs of a decline in physical violence, this is not replaced by more subtle forms of inducing fear.

“Here the Human Rights NGO Forum calls upon all – Government, the law enforcement agencies and security forces, and the political parties to ensure that the constitutionally-guaranteed freedoms of expression, assembly and association are protected at all times.” [35c] (p.1)

JANUARY 2005

- 6.87 “The month of January 2005 saw a number of assaults on people who were exercising their constitutional right to freedom of expression, assembly and association as guaranteed by Section 21 of the Constitution. This right is a fundamental pillar in a democratic society. Its violation is a great retrogression in terms of democracy and protection of human rights as enshrined not only in the Constitution but in regional and international human rights instruments to which Zimbabwe adheres as well. The Human Rights Forum is deeply concerned that the trend to violate the right to freedom of expression, association and assembly, especially as the Parliamentary elections approach, will lead to the violation of the right to participate freely in the governance of one’s country as enshrined in the Universal Declaration of Human Rights Article 21.

“We emphasized this right in our Political Violence Report for December 2004 where comparative figures for the years 2003 and 2004 indicated that this was the most frequently violated right in both years. The pattern seems to continue in January 2005. Despite Police Commissioner Chihuri’s declaration that the police would deal with perpetrators of political violence without fear or favor and

across the board, incidents reported in January 2005 suggest that there is inconsistency in applying the instruction as between Police Stations.

“As Zimbabwe goes to the polls on 31 March 2005, general indications are that there has been a reduction in physical political violence in the last two months as contrasted with previous elections and by-elections since 2000. In some quarters, this will be regarded as the prime indicator of whether the election has been free and fair. However one should not regard this election in isolation as to forget the torture, assault and grave violations of fundamental human rights that have been occurring over the years. Have these memories contributed to an atmosphere of fear, which is being reported from some quarters, as the Zimbabwean electorate recalls that what happened before can happen again? The Human Rights Forum holds the view that any form of violence, physical or psychological, is unacceptable and calls upon all from Government to law enforcement agencies and security forces to political parties, to ensure the constitutionally guaranteed rights of all Zimbabweans at all times.” [35e] (p.1)

FEBRUARY 2005

- 6.88 “The month of February was testimony to the lack of political tolerance that still persists in Zimbabwe especially during election periods. In many areas, political victimization and violence surrounded preparations for Zimbabwe’s 6th Parliamentary election since the country obtained independence in 1980. Voting took place on 31 March 2005. In Makoni North, drunken soldiers are reported to have assaulted MDC supporters at a meeting for not having authorization from the army. POSA stipulates that only the police need be notified of such meetings. Some army deserters were allegedly arrested in connection with the incident.

“MDC activists in Shamva were reportedly arrested for putting up campaign posters in the area and in Chimanimani, 3 MDC Parliamentary candidates were assaulted by soldiers on their way from the launch of the MDC Parliamentary campaign. All the above and many other incidents recorded herein point towards a culture of intolerance in which it is difficult to argue that the March 2005 elections were free and fair. Coupled with the above, an MDC training session for Parliamentary candidates and supporters was disrupted by the police who arrested the MDC Director of Elections, Ian Makone. Freedom of expression and freedom from political victimization are fundamental pillars for free and fair elections and failure to uphold these are failures to adhere to *‘the SADC principles and guidelines governing democratic elections’*. The Human Rights Forum urges the Government of Zimbabwe to ensure that every Zimbabwean can participate freely in the government of their country as articulated by article 21 of the Universal Declaration of Human rights.

“The right to freedom of peaceful assembly and association was violated in February when the NCA demonstration dubbed *‘no election without new constitution’* led to assaults and unlawful arrests by police details’ who not only dispersed the demonstrators but also pursued and arrested some of them. In Bulawayo, WOZA women demonstrated to commemorate Valentine’s Day under the theme *‘the power of love will conquer the love of power’*. After the demonstration, police allegedly arrested anyone they found in the area dressed in red and white clothing including Methodist Church women who were dressed in their red and white church uniforms and a 16-year-old girl who was buying medication for her bed-ridden sister. The Human Rights Forum condemns the manner in which peaceful demonstrations are quashed by the police and

recommends that the government respect the Universal Declaration of Human Rights to which it is party which stipulates that ‘*everyone has the right to freedom of peaceful assembly and association*’.” [35n] (p.1)

MARCH 2005

6.89 “The month of March exhibited the lack of political tolerance and respect for the rights of others that continues to prevail in Zimbabwe, especially during election periods. This month saw a significant rise in the number of assaults, violations of freedom of assembly, association and movement and political intimidation, victimization and discrimination. As the month began, a ZANU-PF supporter and war veteran, Gift Chimbandi, was burnt to death in his house on 3 March in Mazowe East, under circumstances that the Government press has described as politically motivated. The Human Rights Forum stresses the importance of political tolerance and the respect not only for other people’s views but the sanctity of human life. The enjoyment of every other right is dependent on the enjoyment of the right to life.

“Reports throughout the country indicate that opposition MDC activists were prevented from campaigning freely. MDC Parliamentary candidate for Zvimba North constituency, Prince Chibanda, was allegedly abducted and victimized by ZANU-PF activists for trying to campaign in the area who told him that Zvimba North was not an MDC area. He was allegedly arrested by the police after his abduction. Other MDC activists and supporters were reportedly assaulted, arrested or victimized for putting up campaign posters, distributing campaign material or attending rallies. This made it difficult for the opposition to campaign freely for the March 31 Parliamentary elections. MDC Parliamentary candidate for Harare Central, Murisi Zwizai, was reportedly barred by the police from holding a campaign road show in Harare Central. The Human Rights Forum continues to urge Government to ensure that elections in the country, at whatever level, are held under conditions that ensure freeness and fairness for all parties.

“It is further reported that ZANU-PF activists forced commuter operators plying the City-Tafara/Mabvuku route to stick ZANU-PF posters on their vehicles. The Forum calls upon Zimbabwean citizens to ensure the respect and protection of other peoples’ rights no matter what their political affiliation may be.

“On the election day itself, Women Of Zimbabwe Arise (WOZA) members are reported to have been heavy-handedly dispersed by police as they held a peaceful prayer vigil in Harare’s Africa Unity Square. To quote the WOZA members, the vigil by candlelight was meant to ‘*safeguard the vote from manipulation as reported in the 2000 and 2002 elections*’. The police assaulted and arrested several of the peaceful crowd. Many women, some with babies on their backs, were allegedly assaulted and others had to be hospitalized. If reports are true, The Human Rights Forum condemns the heavy-handed manner in which this peaceful vigil was disrupted.” [35o] (p.1)

APRIL 2005

6.90 “The month of April was awash with political violations of human rights including 2 murders. The violations are linked to post election retribution that was occurring throughout the country. Fifty five displacements were recorded in the month,

which exceeded the total number of displacements recorded from January to March viz 21. This contributed to the number of Internally Displaced Persons (IDPs) in Zimbabwe. Throughout the country and particularly in Mashonaland Central Province, people were being chased away from their homes for being either MDC activists or for having been election observers or MDC polling agents. A number of people who reported to the police claimed that they were told, in essence, that it was better for them to leave their place of residence because the police could not help them. The Human Rights Forum views such reports with concern as it is the duty of the police to maintain law and order in Zimbabwe and protect, not curtail, the rights of all Zimbabweans, including their right to form or belong to political parties of their choice, which right is enshrined in section 21 of the Constitution. The Human Rights Forum therefore urges the police force to ensure that innocent citizens of Zimbabwe are protected from criminal activities perpetrated for political motives.

“In the post-election period, Ebrahim Mofat, an MDC activist and Febby Muchacha, a resettled old lady were brutally murdered. The Human Rights Forum deplors the disregard for the sanctity of human life with which such murders were perpetrated. The Forum further urges the police to fully investigate both cases and to ensure that the guilty are brought to book.

“On 4 April 2005, the MDC held a demonstration against the manner in which the elections had been conducted. Reports are that the demonstration was violent and that property and shops were destroyed. While the Human Rights Forum notes that it is the right of every individual to express themselves through demonstrations, it condemns the use of violence in any form and urges all people who wish to demonstrate to do so in a peaceful manner. After the demonstration, the police allegedly picked up the people involved in the demonstration. The police are said to have been armed and are alleged to have detained the demonstrators for more than 48 hours having subjected some of them to torture.

“The Human Rights Forum condemns torture as a way of soliciting information or punishing those detained and urges the ZRP to conduct itself in a lawful manner at all times. The Human Rights Forum further urges the Commissioner of Police to investigate these deplorable allegations and bring to book all the perpetrators of such gruesome acts. It is noted with concern that there were other incidents recorded in which the police allegedly acted in collaboration with war veterans and ZANU-PF supporters in violating the rights of opposition members. There were also alarming reports of victims, not perpetrators, being detained by the police. The Human Rights Forum urges the police force to be impartial in their enforcement of the law and honour their obligations to all members of the public to protect their rights.” [35p] (p.1)

MAY 2005

- 6.91 “The month of May was overshadowed by ‘Operation Murambatsvina’ or ‘Operation Restore Order’ as the Government embarked on an operation to clear the country of illegal settlements and regularize informal trading in urban areas, leading to more than 700 000 people being internally displaced. This operation was said by Government to be a cleaning up process but it left many people homeless and many more without a source of income. The massive show of force by the Army and Police and the indifference to human suffering exhibited during the operation were castigated by civil society organizations and the UN Secretary

General, Koffi Anan. Despite the recommendations by the UN that this operation stop immediately, the Government responded informally through the media by discrediting the UN Special Envoy, Anna Tibaijuka, who came to evaluate the operation, calling her a puppet of the British government and further castigating the UN as an organization. The Human Rights Forum notes that before the envoy came and indeed when she arrived the Government of Zimbabwe did not raise objections to her participation in evaluating the operation. The Forum urges the Government to deal with the issues raised rather than attack the personality of the UN Special Envoy.

“A disturbing phenomenon in May was the MDC intra-party political violence. In this debacle, many youths were reported to have been assaulted at Harvest House for allegedly not supporting the current MDC Secretary General, Professor Welshman Ncube, while in Kuwadzana a lady was allegedly assaulted for supporting him. The Human Rights Forum urges the parties in the MDC conflict to exercise their freedom to disagree without being disagreeable. Tolerance of differing opinions is a crucial aspect of democracy and any violent obstruction of the right to dissent cannot be condoned.

“In Mount Darwin South constituency, there were widespread reports of political victimization and displacement of MDC supporters by ZANU-PF supporters. The reports are that the MP for Mount Darwin South, Honourable Saviour Kasukuwere, urged his supporters during his celebration rallies, to rid the area of MDC filth. In the process, many Zimbabwe Election Support Network (ZESN) election observers in the March 2005 Parliamentary Elections were targeted and displaced from their places of residence. The Forum condemns such irresponsible conduct from a highly esteemed MP and urges all politicians to encourage a culture of not only tolerance but respect for the rights of others. In Marondera East Constituency, a war veteran, Godwin Ganda, was murdered in unclear circumstances, which are suspected to be politically motivated. The Human Rights Forum utterly deplores this murder which is reminiscent of the murder of Cain Nkala, another war veteran, whose murderers strangled him with a shoe lace. The Forum further urges the police to investigate and bring to book the perpetrators of such gruesome acts.” [35a] (p.1)

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EMPLOYMENT RIGHTS

6.92 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 6b)

- 6.93 The USSD 2004 noted that “Many persons, who were perceived as opposition supporters by the Government, were removed from the civil service and the military”. [2f] (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]
- 6.94 The USSD 2003, published on 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. [10a]
- 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 was injured. It is reported that management refused to address worker’s grievances as under the LRAA; ZESA provides an essential service and therefore strikes are illegal. “Several striking ZESA employees sustained injuries during a meeting that was broken up by riot police last month.” [9a]
- 6.97 The Zimbabwe Situation, reporting an article in the *Zimbabwe Standard* on 6 August 2005 noted that:
- “Junior and middle-ranking medical doctors, who last week staged a crippling job action demanding an 800 percent salary increment, were ordered by government to return to work or face detention, *The Standard* has been told. State security agents allegedly began visiting the striking doctors. Doctors who spoke to this newspaper on condition of anonymity said they resumed work following threats from the Minister of Health and Child Welfare, David Parirenyatwa and his deputy Edwin Muguti.... The doctors said Muguti ‘arrogantly’ told them to go back to work or face detention.” [89e]

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PEOPLE TRAFFICKING

- 6.98 The US State Department Trafficking in Persons Report, dated 3 June 2005, placed Zimbabwe in tier 2 “watch list”. In effect, there are four tiers, 1, 2, 2 “watch list” and 3. There was no improvement on the 2004 placement. The US State Department defined tier 2 as:

“Countries whose governments do not fully comply with the Act’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and:

- The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.” [2e]

6.99 The US Trafficking report noted that:

“Zimbabwe is a source and transit country for small numbers of women and children trafficked for the purposes of forced labor and sexual exploitation. Women and children were reportedly sexually exploited in towns on the Zimbabwe border with South Africa. There were also reports of Zimbabweans being lured by false job promises to other countries, particularly the United Kingdom, where, upon arrival, they were debt-bonded, had their passports confiscated and movement restricted, and were exploited in sweatshops or brothels. There was also evidence of trafficking of Zimbabwean children into exploitative labor conditions, including children forced to work long hours in Zimbabwe and bordering countries as unpaid domestic or agricultural laborers without access to schooling. There were unconfirmed reports that trafficking victims from other African nations transited Zimbabwe on their way to South Africa.

“The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Zimbabwe is placed on the Tier 2 Watch List for a second consecutive year reflecting the need for additional progress in its efforts to eliminate trafficking. To further its efforts to combat trafficking, the government should continue taking steps to gather comprehensive trafficking data, including prosecution statistics, and establish additional mechanisms for providing victim services.” [2e]

6.100 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)

6.101 The US Trafficking report also noted that, with regards to protection:

“The government made modest progress in protecting trafficking victims during the reporting period. The Ministry of Public Service, Social Welfare, and Labor began construction of a transit center at the border town of Beitbridge to assist deportees from South Africa in returning to their homes, including temporary shelter and counseling for those who are victims of sexual exploitation. Victims of sexual abuse and exploitation have the option to have their cases heard in the Victim Friendly Courts, which were created in 1997 to accommodate children and victims of sexual offenses.” [2e]

6.102 And with regard to prevention, the USSD noted that:

“The government demonstrated a commitment to prevent trafficking during the last year, and officials publicly expressed the government’s determination to work on the issue. The state-run media prominently featured articles about trafficking in persons, describing employment scams and other types of trafficking. A national police point of contact was established to coordinate anti-trafficking efforts. The government, through the Ministries of Education, Home Affairs, and Public Service, Labor, and Social Welfare, worked with a children’s home to provide schooling and vocational training to orphans at risk of child labor and trafficking in persons. In 2004, the government opened new birth registration centers around the country to make it easier for parents to obtain birth certificates for their children, who are less vulnerable to exploitation because they can then access social services more easily.” [2e]

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FREEDOM OF MOVEMENT

6.103 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)

6.104 IRINnews reported on the 15 August 2005 that:

“Human rights activists and lawyers have slammed the controversial Constitution of Zimbabwe Amendment No.17 Bill of 2005, labelling it the latest in a long line of alterations to the constitution.... Under the draft Bill the government seeks the power to restrict freedom of movement in the name of national interest and security. If passed, the proposed legislation will give the state the right to suspend or withdraw the travel documents of citizens.... In representations to the Parliamentary portfolio Committee for Justice, Legal and Parliamentary Affairs last week, Zimbabwe Human Rights Lawyers (ZHRL), a civic group, complained that travel restrictions were likely to be used against opposition party members and civil rights activists, who have been critical of Harare’s policies. Since March 2001, Zanu-PF legislators have argued for the confinement of opposition leaders who enjoy political links and travel rights to countries considered active in maintaining targeted sanctions against some top ruling party officials.” [10ar]

6.B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

6.105 The US State Department Report 2004, published on 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

6.106 The US State Department Report 2003, published in 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)

6.107 The Institute for War and Peace Reporting noted on 21 March 2005 that:

“The Shona, who began arriving from west central Africa more than a thousand years ago, share a mutually intelligible language. But ethnically they are not homogenous. Between the clans there is a diversity of dialects, religious beliefs and customs. The five principal clans are the Karanga, Zezuru, Manyika, Ndau and Korekore. Of these, the biggest and most powerful clans are the Karanga and the Zezuru.... The Karanga are the largest clan, accounting for some 35 per cent of Zimbabwe’s 11.5 million citizens. The Zezuru are the second biggest, and comprise around a quarter of the total population.” [77i] (p.1)

NDEBELE

- 6.108 The 1997 World Directory of Minorities recorded that the Ndebele made up 14 per cent 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 per cent. [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.” The campaign led to between 10,000 to 20,000 Ndebele civilians being killed. 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 two 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]
- 6.109 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]
- 6.110 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]
- 6.111 Siwela was jointly charged with George Mkwanzani. 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 Mkwanzani was leader, claimed that the charges were intended to thwart Ndebele nationalism. [41b]

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WHITES

- 6.112 The US State Department Report (USSD) 2004, published on 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)

6.113 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)

The USSD 2004 noted 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 with parents from Zimbabwe.” [2a] (Section 3)

6.114 Kubatana in “Development Denied: Autocratic Militarism in Post-Election Zimbabwe”, dated 28 July 2005, reported that during the 31 March parliamentary election campaign, ZANU-PF claimed that the white population was responsible for undermining the national liberation project and the economy. The report went on to note that whites were accused of being agents of Tony Blair in trying to destabilise the economy. [55g] (p.11)

ASIANS

- 6.115 WorldTribune.com reported on 9 May 2002, that 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]
- 6.116 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, Ndlovu went on trial in May 2003 for threatening the Asian community in Mutare. [9bg]

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FARM WORKERS OF MALAWIAN, ZAMBIAN AND MOZAMBIKAN ORIGIN

- 6.117 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 resettlement programme had increased to around one million. [10ae] The *Zimbabwe Independent* newspaper called it "ethnic cleansing". [11c]
- 6.118 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)

- 6.119 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 estimated 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]
- 6.120 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, led 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)
- 6.121 BBC News reported on 24 August 2005 that historically, many people from neighbouring countries such as Mozambique, Zambia and Nyasaland had migrated in the 1950s and 1960s, some seeking work on white-owned farms in the more developed Southern Rhodesia (Zimbabwe). For a variety of reasons, a number of these people left the farms where they had worked and moved to the larger towns and cities across Zimbabwe. However, as the BBC article explains "In the wake of the government's crackdown on illegal buildings and unlicensed traders, Zimbabweans of foreign parentage are finding themselves in a particularly difficult situation.... While thousands of Zimbabweans who can trace their ancestry to a Zimbabwean rural village are being transported to the countryside, those whose parents or grandparents were immigrants are left in limbo. 'To say every Zimbabwean has a rural home is not true,' says Alouis Chaumba, head of the Catholic Commission for Justice and Peace in Zimbabwe. "Some are the grandchildren of people who came here during the Federation." [3b] (p.1-3)

- 6.122 Kubatana in “Development Denied: Autocratic Militarism in Post-Election Zimbabwe”, dated 28 July 2005, reporting on non-Zimbabweans caught up in Operation Murambatsvina, noted that “Those without Zimbabwean ID were initially taken to fenced holding camps and stored like beasts. The razed suburb of Mbare had many Mozambican traders, Hatcliffe many of the 200,000 displaced Malawian ex-farm workers from the misnamed ‘Land Reform’ of previously white-owned farms.” [55] (p.3)

(For additional information see [6.221](#) and [6.222 – Land Reform](#))

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MIXED RACE

- 6.123 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 Mixed Race Coloureds (NAAC). [9x] 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]
- 6.124 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. [9be]

ALBINOS

- 6.125 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 whom 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

- 6.126 The World Directory of Minorities notes that, the Shangaan, Venda and Tonga peoples make up about 2 per cent 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)

- 6.127 The World Directory of Minorities also noted 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)

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WOMEN

- 6.128 The US State Department Report (USSD) 2004, published on 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 counselling, saw a steep rise in its counselling 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)

- 6.129 The USSD 2004 continued:

“The Sexual Offences 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. 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 levelled 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](#) and [6.139 – Children](#))

6.130 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 favourable 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)

6.131 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 husbands’ 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)

- 6.132 An article in the Guardian Unlimited on 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]
- 6.133 UNOCHA revealed (8 April 2003) that during 2000 and 2001, human rights groups documented widespread torture of opposition supporters, and approximately 40 per cent 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 occurred 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]
- 6.134 Kubatana, reporting an article carried in *The Herald* on 15 June 2005, noted that “On average six girls, most of them from child-headed families, report rape daily in Zimbabwe, the Girl Child Network (GCN) said yesterday. This translates to about 6,000 girls who report rape annually, and according to the non-governmental organisation’s statistics, three times the number does not report rape due to lack of courage, counselling and quality health service delivery”. [55h] A further report published by Kubatana on 17 May 2005 noted that the Southern African region has recoded some of the highest rates of rape and sexual violence in the world. It noted with regard to Zimbabwe that:

“Zimbabwe

- 1 in 4 women report having experienced sexual violence.
- 60% of murder cases are related to domestic violence.
- In Harare a study at a sexual abuse project showed that 12% of the 13-16 year olds tested HIV positive.
- 95% of rape perpetrators are remanded out of custody and there is an evident breakdown of victim-friendly courts.

- 14 girls were raped and 28 indecently assaulted recently at Macheke Primary School. Some of these are already feared to be HIV positive.” [55i]
- 6.135 PeaceWomen noted in a report on 12 December 2004 that, with regard to judicial sanction in domestic violence cases “Court or peace orders to compel their husbands to give them money for the home or refrain from physical abuse were often ignored”. [33]
- 6.136 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 per cent of the population, women only comprised just over 10 per cent of urban councillors prior to the polls. In 1997, all SADC countries pledged that women would make up 30 per cent of their political bodies. Little has been done in Zimbabwe to achieve this. [10ax]
- 6.137 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)
- 6.138 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]
- 6.139 Kubatana reported in “Development Denied: Autocratic Militarism in Post-Election Zimbabwe”, dated 28 July 2005, that during the March 2005 parliamentary election many women who were ZANU-PF supporters were pleased by the central role given to gender in the election, which included the use of “women only” shortlists and the appointment of Joyce Mujuru as a Deputy President in the lead up to the poll. “Although others contest that ‘women only’ shortlists were used disproportionately in constituencies where the sitting ZANU-PF MP was thought to be less than loyal, and some see Comrade Mujuru’s appointment as expedient in preventing a more weighty candidate for the Presidency from emerging, ZANU-PF loyalists saw a commitment to gender and development, enhanced by International Women’s Day rallies during the election campaign.” [55g] (p.9)
- 6.140 In spite of women only short-lists, mentioned by the Kubatana report, Zesn.com noted on 7 April 2005 that following the 31 March parliamentary elections, the number of women in parliament only increased slightly to 20. [103] EXXUN.COM noted on 31 August 2005 that the number of women in the cabinet remained at four. [95]
- 6.141 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]

(For additional information on WOZA see paragraphs 6.52, 6.57, 6.80, 6.83, 6.88, 6.89, 6.141 & 6.208)

- 6.142 On 24 August 2005, Kubatana reported of the alleged attempted rape of a female employee at the state-run *Herald* newspaper by a senior editor. It also reported a further allegation of a serious assault, noting that "The case has been reported to the police. However the perpetrator in this case, Ceasar Zvayi has boasted about his assault on Thelma Chikwanha and threatened other staff that he will deal with them the 'Thelma way'." [55j]

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CHILDREN

- 6.143 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)

- 6.144 The USSD did not report any incidents of FGM (Female Genital Mutilation) in its 2004 report. [2f] However, Afrol News (accessed 5 August 2005) reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. [73c]

- 6.145 The US State Department Religious Freedom Report 2003, published on 15 September 2004, noted that indigenous churches that combine elements of established Christian belief with some beliefs based on traditional culture and religion generally accept polygamy and the marriage of girls at young ages. [2c] (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]

- 6.146 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)

6.147 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, NGOs 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 had broken down in the past, leading to cases being held up, sometimes for years. [10ai]

6.148 The 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)

6.149 The USSD 2004 noted that "The traditional practice of offering a young girl in marriage as compensatory payment in inter-family disputes continued during the year. Arranged marriage of young girls also continued during the year." [2f] (Section 5)

6.150 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]

6.151 The 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)

6.152 Kubatana, reporting *The Herald* on 15 June 2005, noted the comments of Betty Makoni, Director of Girl Child Network (GCN) who stated that:

“As the country observes the Day of the African Child, it is imperative to note that there are 1.1 million orphaned children in Zimbabwe while over 3 000 people are dying of HIV/Aids per week. ‘Due to gender and age, girls are more vulnerable to HIV and Aids and most of the girls get infected as a result of poverty as they resort to commercial sex work, forced marriages and other risky income generating activities,’ she said. Ms Makoni said about 20 percent of young girls were not attending school due to poverty and of those who manage to complete their primary education, only 50 percent proceed to secondary school. ‘Fifty percent of rural girls miss five days of school per month due to lack of sanitary towels as a result of menstruation and lack of other necessities.’ [55h]

6.153 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)

6.154 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)

6.155 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]

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CHILDCARE ARRANGEMENTS

6.156 UNICEF noted in “At a Glance: Zimbabwe” (accessed 6 September 2005) that Zimbabwe has 1.3 million orphans, the vast majority of whom have been orphaned by AIDS. [85] (p.2) The International Aids Society noted in a report entitled, “Last Option: Residential Orphan Care in Zimbabwe” dated 14 July 2004,

that it had for the purposes of the report visited all 55 institutions providing residential care for orphans and vulnerable children in Zimbabwe. [72]

6.157 The USSD 2004 noted that the:

“Government funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes continued to rise dramatically and visibly during the year and was expected to put a tremendous strain on both formal and traditional social systems. At the household level, there was an increased burden on the extended family, which had traditional responsibility for caring for orphans. AIDS orphans comprised nearly one-tenth of the country’s population. Many grandparents were left to care for the young, and in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving many children destitute. Many of these children are unable to obtain birth certificates, which then prohibits them from accessing social services. At the provincial and national levels, the governments faced increasing demands for community orphan projects, orphanages, health care, and school fees.” [2a] (Section 5)

6.158 *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. [9bf] 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 environment. 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)

6.159 The *Daily Telegraph* reported on 19 June 2005 that during Operation Murambatsvina an orphanage run by Dominican nuns in Hatcliffe was demolished making the 180 orphans homeless. The article noted that many of the orphans had lost their parents to AIDS and now had nowhere to go. [5f]

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HOMOSEXUALS

6.160 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]

- 6.161 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”. [20g]
- 6.162 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)
- 6.163 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. [20g] 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. [20g]
- 6.164 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

- 6.165 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]

- 6.166 According to the 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.

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TEACHERS

- 6.167 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)
- 6.168 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]
- 6.169 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]
- 6.170 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]
- 6.171 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]

6.172 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. [9bd]

6.173 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)

6.174 The ZHR NGO Forum noted in its monthly political violence reports (May 2005) that on 2 May at Marondera West “ZANU-PF youths from Mahusekwa reportedly besieged 2 schools in Chihota, Marondera District, and chased away 9 teachers, accusing them of backing the MDC. Eight of the 9 teachers who fled said they would not return to the schools alleging that their lives were in danger. Mashonaland East Provincial Education Director in the Ministry of Education, Sport and Culture is said to have confirmed that 7 of the teachers have since been redeployed to schools in Murehwa, Seke and Marondera.” [35a] (p.10)

(For additional information see [5.99 – 5.104 Education System](#))

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NATIONAL YOUTH SERVICE – ZANU–PF YOUTH MILITIA

6.175 According to a report from ZBC Radio 3 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. [37h] 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]

(For additional information see [5.48 – Internal Security](#))

COMPULSORY SERVICE

- 6.176 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] The Solidarity Peace trust noted on 5 September 2003 that, 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 and nursing. [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)
- 6.177 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]
- 6.178 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]

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RECRUITMENT

- 6.179 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]

- 6.180 ZimOnline reported on 14 June 2005 that “well placed sources” had told ZimOnline that the Zimbabwean government was planning to press gang street children into joining the government youth militia. The article noted that “Mugabe and his cabinet approved the plan in March (2005) but it could not take off because there was no money for the unbudgeted conscription programme, the sources said”. ZimOnline reported that two government ministers had confirmed that the plans to draft street children were still on the cards. [49f]

TREATMENT OF RECRUITS IN THE NYS SCHEME

- 6.181 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]
- 6.182 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)

- 6.183 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]
- 6.184 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]
- 6.185 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]

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ACTIONS OF THE YOUTH MILITIA

- 6.186 The *Daily News* on 18 December 2002 reported 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 that the police did not interfere with the activities of the youth militia. [9bb] 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. [9bb]
- 6.187 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]
- 6.188 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 and generated reports that the War Veterans were being replaced by the Green Bombers as ZANU-PF’s tool to terrorise opposition party supporters. [10ad]
- 6.189 The BBC confirmed on 24 April 2003, 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]
- 6.190 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]

- 6.191 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 supervising 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]

- 6.192 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]
- 6.193 The Zimbabwe Human Rights NGO Forum’s Political Violence Report for April 2005 noted that on 20 April, ZANU-PF youths were alleged to have been involved in the murder of Ebrahim Mofat, who had been arrested on allegations that he had burnt houses belonging to ZANU-PF supporters. The report states that the victim was abducted from a bus stop by a group of war veterans and ZANU-PF youths who allegedly beat him to death with sticks. [35p] (p.17)

IMPUNITY

- 6.194 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]

ZimOnline reported on 18 July 2005 that President Mugabe urged youths of his ruling ZANU-PF party to fight back should they face opposition from the MDC. "Addressing about 10,000 supporters at Mwami rural business centre, about 240km north west of Harare, Mugabe said he could not fathom Zanu PF youths losing in a violent confrontation against their rivals from the main opposition Movement for Democratic Change (MDC) party. 'There is no way I can take it that some of the ZANU-PF youths can be beaten by those from the opposition.... You have to fight back, why are you so lazy (to fight),' Mugabe told the youths at the rally held to celebrate the ruling party's victory in the disputed March 31 parliamentary election." ZimOnline noted reported that "This is not the first time that Mugabe has called on his party to use violence against the opposition". [49e]

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WAR VETERANS

6.195 CNN.com noted on 16 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]

6.196 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 campaign 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)

6.197 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)

6.198 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 ZANU-PF 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 losing a large number of by-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)

6.199 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)

6.200 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 entering 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)

6.201 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. [20d] 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. [89a] 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]

6.202 Reporting on the activities of the war veterans, the Zimbabwe Human Rights NGO Forum’s Political Violence Report for April 2005 notes that in the aftermath of the March Parliamentary election a number of instances of violence were reported including arson and murder. The report noted that:

“It is reported that on 20 April, a male murder victim, Ebrahim Mofat, was arrested on allegations that he had burnt houses in Ward 6 belonging to ZANU PF supporters. He was apparently detained at Chinhoyi Police Station for 3 days and later released. On 27 April 2005, he was on his way to Kariba when he was allegedly abducted at Kasimhure Bus Stop by a group of war veterans and ZANU PF youths who took him to one Cde Gora’s house. He was allegedly assaulted overnight and then the following morning he was reportedly murdered using sticks. A report was made to Karoi Police Station. Elifas Gora and Newman Zifodya were arrested in connection with the matter and they are now out on bail.” [35p] (p.17)

6.203 A news report published by Reuters on 6 June 2005 noted that there continued to be tension between the Government and the War Veterans Association. The article reported that:

“The Zimbabwe National Liberation War Veterans Association (ZNLWVA) has warned that its members will fight the security forces if the crackdown dubbed ‘Operation Restore Order’ is extended to farms.... ZNLWVA chairman Jabulani Sibanda told IRIN that he did not know of any illegal settlers among the war veterans and the poor, and claimed his organisation was only aware of multiple farm owners and illegal settlers among ministers, provincial governors, members of the ruling ZANU-PF politburo and other party organs. He alleged that the recent urban clean-up exercise was an inhuman act, used to target poor people because they were seen to be opposed to certain cliques in the ruling party.... Last year the government took back the farm allocated to Sibanda after he attended the ill-fated meeting at the Tsholotsho home of then information minister Jonathan Moyo, allegedly held to block the appointment of Joyce Mujuru as vice-president and back parliamentary speaker Emmerson

Mnangagwa for the position instead. Sibanda remains suspended from the party but has continued as chairman of the militant war veterans association, which spearheaded the farm invasions that began in 2002 and has steadfastly supported ZANU-PF.”

Since the start of Operation Murambatsvina, the War Veterans have called for the prosecution of cabinet ministers and senior party officials holding more than one farm. However, the article noted that Robert Mugabe had decided to pardon all those who surrendered excess properties. [75j]

- 6.204 Reporting on the deteriorating relationship between ZANU-PF and the War Veterans, ZimOnline reported on 4 June 2005 that President Mugabe had turned the tables against the war veterans with the demolition of war veteran homes at Whitecliff farm. The article noted that Operation Murambatsvina marked a turning point in the government's relations with the war veterans. “Now with Mugabe firmly in charge after a disputed election last March [2005], he has ditched the war veterans in a stunning development.... War veterans, deemed untouchable, formed a key cog in Zanu PF's violent election campaigns during past polls. The war veterans were allowed to settle on the farms near urban areas in what critics said was an attempt by the government to neutralise the MDC's urban support base.” The article went on to note that “Newly elected Member of Parliament, for the area who is also Mugabe's nephew, Patrick Zhuwao had no kind words for evicted war veterans. ‘A lot of people say we as government are doing this [Operation Murambatsvina] in retribution to MDC supporters in opposition strongholds but from Whitecliff, I got about nine times more votes than the opposition candidate (in the disputed March election). So the argument does not hold.’” [49p]
- 6.205 The *Financial Gazette* reported on 4 August 2005 that ZANU-PF had produced a plan to “deal” with the war veterans – restructuring the organisation in an attempt to reduce its influence. However, some intelligence advisors have warned that any shakeup could come at a cost to the ruling party. “The insiders fear that internal squabbles within Zanu-PF could get out of hand should the party stretch the patience of the former liberation fighters, who were not spared by the two-month raid on urban slums that ended after the intervention of the United Nations. It was reported that, intelligence advisors within the party want the restructuring deferred indefinitely to give Zanu-PF, riven by factionalism, ample time to deal with challenges confronting it.” [37e]

(For additional information see [5.48 – Internal security](#))

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6C. HUMAN RIGHTS – OTHER ISSUES

TREATMENT OF HUMAN RIGHTS ORGANISATIONS

- 6.206 Freedom House noted in its 2005 report that “The small nongovernmental sector is active, and several groups focus on human rights. However, NGOs report increased difficulty in operating due to intimidation and legal harassment.” [105] (p.716)
- 6.207 The US State Department Report 2004 (USSD), published on 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 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)

6.208 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)

6.209 The US State Department report (USSD) 2003, published on 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)

6.210 The Zimbabwe Information Centre reported on 26 April 2005 that:

“Government agents have since the beginning of this month raided 15 non-governmental organisations (NGOs) to probe their activities in a fresh crackdown on civic society, Zim Online has established. Sources yesterday said former intelligence minister and now Social Welfare Minister, Nicholas Goche, appointed a taskforce with members recruited from other government ministries and from the dreaded state spy Central Intelligence Organisation to inspect and investigate the activities of NGOs. The government hopes to unearth information that might give it a pretext to close or restrict certain NGOs it

believes are opposed to its rule, according to the sources.... NGOs have become the target of government attacks after exposing in the last five years corruption, gross human rights abuses and general misrule by President Robert Mugabe and his government. Mugabe in turn accuses NGOs of working with his Western enemies to incite Zimbabweans against his rule. A new and tougher NGO law banning civic society groups from carrying out voter education and barring those involved in governance-related work from receiving foreign funding was this month referred back to Parliament by Mugabe for further perfection before he signs it into effective law.” [94]

- 6.211 The Foreign and Commonwealth Office noted in its annual human rights report published in July 2005, that:

“The government has used existing legislation (the Private Voluntary Organisations Act) to increase harassment of NGOs. This includes refusing work permits and temporary entry permits for foreign (predominantly European) NGO staff and demands by the government for details of NGOs’ use of funds. The NGO bill, which passed through parliament in December 2004, was designed to stifle further NGO activity. It required Zimbabwean NGOs to register annually with a government controlled body. It banned domestic NGOs concerned with governance and human rights from receiving foreign funding, and it banned international NGOs from work in this area. The President referred the bill back to parliament in May 2005, but it has already led NGOs to circumscribe their activities and focus on how they will deal with the consequences of the bill, reducing their focus on their core functions. Unless significant amendments are made when it passes again through parliament, the implications of the bill would be severe if passed into law. It would restrict the operations of NGOs, many of whom perform vital functions in areas where the government is failing; and severely curtail freedoms of expression and association.” [13d] (chapter 2 – p.93)

(See Paragraph 6.125 for more information on the Non-Governmental Organisations Bill.)

- 6.212 Amnesty International noted in a report entitled, “Human Rights Defenders under Siege”, dated 10 May 2005, that “Since the Parliamentary elections Amnesty International has noted, with growing concern, the government’s continuing repression of human rights defenders, including numerous arbitrary arrests, serious assaults and intimidation”. The report went on to note that, despite Zimbabwe being a signatory to international laws, AI found that human rights defenders in Zimbabwe continued to be under siege. The government has attempted to undermine and curtail the work of NGOs by subjecting them to serious violations of their human rights.

“Additionally, because they are critical of the government, human rights defenders are viewed as political players and supporters of the political opposition, the Movement for Democratic Change (MDC). The Government of Zimbabwe has repeatedly expressed the view that the MDC and certain human rights organizations are being used by foreign governments to oust the Zimbabwe African National Union-Patriotic Front (ZANU-PF) from power and effect ‘regime change’. Human rights defenders have been branded as ‘subversive’, ‘foreign-controlled’ and ‘racist’” [14c] (p.3)

“Zimbabwe’s government-controlled media has become a powerful tool for intimidating human rights defenders. State newspapers, television and radio have been used to vilify both human rights organizations and individual human rights defenders. These attacks attempt to portray human rights defenders as involved in criminal or subversive activities, or as unpatriotic and undermining the image of the nation.” [14c] (p.9)

- 6.213 The *Zimbabwe Independent* noted on 22 July 2005 that “Four clergymen, including Father Barnabas of the Anglican Church and Pastor Ray Motsi of the Baptist Church in Bulawayo, were arrested and held for questioning on Wednesday night when they went to investigate reports that police were forcibly evicting people from churches where they had sought temporary sanctuary. Churches have been offering refuge to victims of Operation Murambatsvina.” In response to the report of the arrest, the Solidarity Peace Trust stated that:

“This action against church leaders is taking place at a time when church leaders from South Africa have been calling for closer collaboration between churches in Zimbabwe and South Africa to respond to the enormous humanitarian crisis that is unfolding in Zimbabwe, the trust said. ‘As such, it points towards a deliberate retribution campaign on the part of the ruling party against church and civil society leaders for offering support and refuge to those displaced by the violent destruction of their property, and for allegedly giving negative reports to the United Nations and the South African Council of Churches,’ it said.” [11t]

- 6.214 An earlier story reported by ZimOnline on 13 June 2005 stated that during Operation Murambatsvina, the Zimbabwean government had barred NGO organisations from assisting thousands of families who had been made homeless. “Senior officials at the Social Welfare Ministry, which approves humanitarian assistance, said governors of provinces have been ordered to block donor groups from distributing food and clothes apparently because Harare fears accepting such aid would be tantamount to admitting the shortcomings of its highly unpopular campaign.” [49n]

NON-GOVERNMENTAL ORGANISATIONS BILL

- 6.215 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 NGOs avoided registering under the Private Voluntary Organisations Act by stating that they were trusts. The proposed bill will widen the definition of NGOs to include trusts. [10am]
- 6.216 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)
- 6.217 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]

6.218 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." [69c] (p.1-2)

6.219 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 Mugabe'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 appointed body." [75h]

6.220 Amnesty International expressed its outrage at the enactment of a new law, which bans foreign human rights organisations 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]

- 6.221 The International Center for Non-For-Profit Law (ICNL) reported on 15 April 2005 that:

“President Robert Mugabe has refused to sign the controversial Non-Governmental Organisation (NGO) Bill in its present state and has referred it back for further consultations, the *Standard* can reveal. Sources said Mugabe felt the NGO Bill, which was crafted largely by vindictive former Minister of State for Information and Publicity in the President’s Office Jonathan Moyo and Justice Minister, Patrick Chinamasa was ‘too obnoxious’ and could portray government in bad light in the eyes of the international community.... The sources said Mugabe had tasked the Minister of Labour, Public Service and Social Welfare, Paul Mangwana, and Zanu PF spokesperson, Nathan Shamuyarira, to hold further consultations with civic organisations.... Constitutionally, a Bill lapses after 21 days of being presented to the President. The NGO Bill was passed by Parliament on 9 December 2004 and Mugabe has not signed it.” [110]

- 6.222 Reporting on developments with the lapsed NGO Bill, ZimOnline noted on 26 July 2005 that:

“The Zimbabwe government will enact new and tougher legislation to govern the operations of non-governmental organisations (NGOs) once it has finished passing into law a proposed constitutional amendment Bill that it considers more urgent, Justice Minister Patrick Chinamasa told ZimOnline.... Chinamasa said the dreaded NGO Bill, that also seeks to establish a state-appointed commission to monitor activities of civic bodies, would become law once the government was done with other more ‘urgent Bills’ before it. ‘We have not even started looking at the Bill which the President refused to sign,’ said Chinamasa. ‘t the moment we have a number of Bills to pass urgently before we start looking at the NGO Bill,’ he added.... National Association of NGOs executive director Jonah Mudewe said civic society groups had not been specifically approached for their views on whatever additions or subtractions Mugabe wants on the NGO Bill. But he said the NGOs were anxiously hoping the revised draft legislation will be ‘a more tolerable Bill.’ Critics of the NGO Bill have said it will be used to silence civic groups perceived to be anti-government in the same way Mugabe and his government have used harsh Press laws to close down four independent newspapers.” [49f]

- 6.223 On 3 August 2005, ZimOnline noted that:

“Zimbabwean non-governmental organisations (NGOs) will next month meet top government officials for talks to save the civic society, facing decimation because of a hostile operating environment. National Association of NGO executive director Jonah Mudehwe said some NGO groups were already leaving Zimbabwe because of an “unfavourable political environment” and also because of the country’s fixed exchange rate that had made it difficult for foreign funded groups to operate in the country.... Mudehwe said a seminar was scheduled for next month to lobby influential government officials to appreciate the problems the civic groups were facing. He said: “One of our initiatives would be a workshop next month that will involve senior government officials so that there is an appreciation of how the NGO community works.”” [49m]

- 6.224 On 3 August 2005, ZimOnline noted that ZANU-PF has long accused NGOs of having another agenda; of wanting to use aid to incite Zimbabweans to revolt against the government. [49m] Amnesty International noted in a report entitled “Human Rights Defenders under Siege”, dated 10 May 2005, that “Amnesty International believes that the NGO Bill was introduced in order to intimidate human rights organisations through the threat of closure.” [14c] (p.1) Reuters reported an IRIN report on 2 March 2005 noted that in the immediate lead up to the parliamentary election “The Zimbabwean government may soon de-register at least 30 NGOs for failing to provide details of donor funds channelled into the country through them last year, a senior official told IRIN”. [75i]

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LAND REFORM

- 6.225 Human Rights Watch reported in 2002, 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) However, the UN High Commissioner for Refugees noted that 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]*-
- 6.226 *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]
- 6.227 *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]

6.228 The BBC reported on 6 August 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. [3f] A further source dated 1 June 2000 noted that 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. [3as] 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. [1a] (p.1227)

6.229 However, the United Nations report of “Operation Murambatsvina” published on 18 July 2005, placed the question of land redistribution into an historical context, noting that:

“President Mugabe’s own contribution to South Africa’s independence is especially important. Apparently, had it not been for South Africa’s liberation, land acquisition might have come much earlier in Zimbabwe and independently of MDC politics. However, President Nyerere of Tanzania is reported to have prevailed over this issue, arguing that ‘a forced land take over in Zimbabwe would forever jeopardize the South African liberation project and that Zimbabweans must wait before they could get back their land’. With Nelson Mandela free, South Africa out of Apartheid and with promised donor assistance to buy back the land not forthcoming, a forced acquisition of land in Zimbabwe was inevitable.” [25] (p.18)

(For additional information see [6.182 – War Veterans](#))

6.230 In February 2003, two separate reports highlighting the difficulties that the farm workers experienced in the light of the land reform process. Famine Early Warning Systems Network (FEWS NET) warned that the number of farm workers affected had increased to one 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. 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]

6.231 The BBC reported on 21 February 2003 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 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]

- 6.232 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 31 July 2003 supported the evidence of the original audit. As a result, Mugabe ordered ZANU-PF officials to relinquish all but one of their farms within two weeks. [10av] However, this order appears to have been largely ignored. [64a]
- 6.233 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 party’s campaign to suppress the opposition. [68]
- 6.234 News24.com noted on 17 March 2003 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 article estimated that 98 per cent of all commercial farm land had been acquired by March 2003. [38h]
- 6.235 “Farmers dissatisfied with compensation offers” was the headline of an IRIN report released on 9 April 2003. It noted that some 290 white farmers stated that the sums offered by the government were insufficient. Colin Cloete of the Commercial Farmers Union (CFU) gave the example where one farm had been independently valued at Zim \$250 million, but the government offered a “mere Zim \$20 million”. [10at] allAfrica noted on 12 April 2005 that current government compensation to white farmers only amounted to the value of “improvements” such as buildings and dams etc. [50r]
- 6.236 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 government’s land reform programme. [10az]
- 6.237 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, who is believed to work for the Zimbabwean High Commission in London. [9e]

- 6.238 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]
- 6.239 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]
- 6.240 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]
- 6.241 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 Zimbabwe Independent* noted on 5 March 2004 that Clifford Mpande, the provincial manager of the Mashonaland East Farm Community Trust, claimed that 2 per cent of the acquired 11 million hectares had been allocated to former commercial farm workers, according to a report in the *Zimbabwe Independent*. [11i]
- 6.242 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 compulsorily acquire 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]

- 6.243 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. [10b]
- 6.244 On 31 July 2004, ZimOnline 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 [6.252 - Food Shortages](#))

- 6.245 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, but 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.” [10an]

- 6.246 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. [3k]
- 6.247 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]

6.248 The USSD 2004 noted that:

“Most of the remaining 500 white-owned commercial farmers entered into business agreements with blacks to protect their farms from land reform. During the year, the Government attempted to seize some farms by attacking the black business partners. The Government seized some of these farms, most notably Kondozi Farm, whose black part owner, Edwin Moyo, was vilified in the government controlled press. The Government has issued acquisition notices on most of the remaining 500, but the process was often lengthy, and acquisition has been at the rate of approximately 1 farm per week during the year. The Land Acquisition Amendment, which passed Parliament in January, scales back due process protections for property owners and expands the categories of properties that may be confiscated under the Government’s land reform program.” [2a] (Section 1f)

6.249 *The Standard* reported on 5 June 2005 that “The Commander of 3 Brigade, identified only as General Tazira, has invaded Geran Farm in Mutare taking over the tobacco crop and equipment worth more than [Z]\$10 billion after forcing the owner Hammy Hamilton, off the property, *The Standard* has been told.” [111]

6.250 The *Zimbabwe Independent* noted on 3 June 2005 that:

“In a move likely to confirm the collapse of private property rights in Zimbabwe, the ruling Zanu PF has resolved to amend the constitution to effectively nationalise land by removing courts from the compulsory land acquisition process. A confidential document of Zanu PF’s planned legislative agenda shows the ruling party will use its controversial two-thirds majority to change the constitution to give it a free hand in land seizures. ‘The constitutional amendment being proposed and recommended is to render and declare all land that has been gazetted and to be gazetted in the future for acquisition for resettlement purposes the property of the state without the necessity of going through the courts,’ the document says. ‘The constitutional amendment will be so crafted in such a manner and form to put the acquisition of land for resettlement purposes beyond legal contestation.’ The document says courts will only be limited to ‘determine disputes arising from levels of compensation for permanent improvements’.... The proposals say it will be reiterated that the obligation for compensation of seized land will forever remain the responsibility of the former colonial power.” [11s]

6.251 On 3 August 2005, *The Mail* and *Guardian* noted that the governments proposed constitutional reforms will allow the state to immediately assume ownership of farmland once a property has been officially listed for confiscation. “Lands Minister Didymus Mutasa has said the proposed amendment would remove the delays caused by legal battles launched by farmers objecting ‘not that they want the land back, but just to frustrate the programme’.” [6e] *The Mail* and *Guardian* reported on 30 August 2005 that the amendments abolishing freehold property titles had passed its first reading. [6d] (p.1) *The New Zealand Herald* followed this up on 31 August 2005 by reporting that the bill had passed its second reading. [110]

(For additional information see [6.105 – 6.107 Whites](#) and [6.110 – 6.113 Farm Workers](#) and [4.18 Land Reform](#))

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FOOD SHORTAGES

OVERVIEW

6.252 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 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 4.13 and 6.225)

6.253 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. [10a]

6.254 The *Zimbabwe Independent* reported on 14 January 2005 that:

“In its first report for 2005 titled the WFP (World Food Programme) 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]

6.255 ZimOnline reported on 4 August 2005 that around 4.3 million people in Zimbabwe were in need of food aid. The country, which has faced continued food shortages since 2001, produced only 600,000 tonnes of maize during 2004/05; well below the 1.8 million tonnes that the country consumes each year. According to the ZimOnline article, Mugabe's controversial expropriation of large tracts of land from white commercial farmers is widely blamed for the plunge in agricultural production and fuelling a six-year economic recession. [49g]

POLITICISATION OF FOOD

- 6.256 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)
- 6.257 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)
- 6.258 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]
- 6.259 Following on from the Reuters report, the *Financial Gazette* reported on the 28 April 2005 that “Zimbabwe, grappling with a serious grain deficit threatening an estimated two million people, has put the State Security Ministry firmly in charge of the importation and distribution of maize — a pointer to the gravity of the situation. Government sources said members of the Central Intelligence Organisation (CIO), the country’s secretive security agency, which falls under the State Security Ministry, were now directly involved in the day-to-day distribution of grain and other cereals.” The article went on to note the opinion of “Renson Gasela, the Movement for Democratic Change shadow minister of lands and agriculture, said: ‘Maize is now being treated like a security item where the country must be kept in ignorance. This is evidenced by the total militarization of GMB (the Grain Marketing Board).’” [37e]

FOOD AID

- 6.260 The *Zimbabwe Independent* noted on 14 January 2005 that the World Food Programme 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. [11q] 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)
- 6.261 ZWNEWS.COM reported on 11 July 2005 that the World Food Programme (WFP) had drawn up contingency plans to assist up to four million people with food aid if grain prices escalate on the international market. The article noted that "President Robert Mugabe in June accepted an offer for help from WFP chief James Morris but to date has not yet made a formal appeal for food aid, a situation that hampers efforts by the food relief body to raise help for Zimbabwe. Mugabe, whose chaotic land reforms are largely blamed for causing food shortages in Zimbabwe, has not declared a state of disaster over food, a requirement if international relief agencies are to successfully raise aid for the country. Harare, pressed for hard cash to import fuel and other basic needs, has indicated it has enough resources to ensure no Zimbabwean starves." [67k] However, a report from the BBC on 14 July 2005 noted that Zimbabwe had begun a massive programme to import food from South Africa. "The state run Grain Marketing Board said imports of 1.8m tons of maize should be enough until June next year." [3at] In addition, allAfrica.com noted on 17 July 2005 that France has pledged emergency food aid to Zimbabwe through the World Food Programme. [50p]
- 6.262 BBC News reported on 13 August 2005 that "A senior US diplomat dealing with food aid has expressed deep concern about the food situation in Zimbabwe at the end of a three-day visit. Tony Hall said Zimbabwe did not appear to have enough food for the immediate future and government policies were making the crisis worse. He said donors trying to help were being hampered by delays in getting permission for food distribution. The US is donating nearly 75,000 tons of food relief to the region.... Mr Hall, who is US ambassador to the United Nations food agencies, also complained of being stopped from visiting some of the Zimbabweans left homeless by recent government urban demolitions. Soldiers running a camp outside the capital, Harare, had said he did not have the proper paperwork. Mr Hall, however, disclosed that he had been told quietly that old people at the camp were dying." [3ay]
- 6.263 However, in what appeared to be an acknowledgment by the government that it was unable to import sufficient maize to offset widespread food shortages, IRINnews.org reported on the 22 August 2005 that the government had relinquished its grain monopoly in an attempt to ease shortages. "While requesting approval of a Zim \$6.6 trillion (about US \$377 million) Supplementary Budget on Tuesday, Finance Minister Herbert Murerwa scrapped duties on maize and wheat imports, and announced that the state owned Grain Marketing Board (GMB) would no longer enjoy a monopoly. However, Murerwa pointed out that the liberalisation measures were temporary and would be reviewed 'when necessary'." [10bm]

- 6.264 ZimOnline reported on 4 August 2005 that the World Food Programme, concerned that more vulnerable members of society would be hit particularly hard by the shortages, announced that it would focus on feeding the elderly, malnourished children, pregnant women and those unable to buy food for themselves. [49g]

HEALTH CONSEQUENCES

- 6.265 In a country where the rate of HIV/AIDS infection is one of the highest in the world, a report published by the World Health Programme (WHP) noted that lack of food leading to malnutrition was accelerating the rate at which HIV becomes full-blown AIDS. In July [2003], the WHP were attempting to alleviate such deaths through the operation of 14 clinics throughout Bulawayo. [54b]
- 6.266 A UNHCR report, dated 8 August 2004, noted that at least 125 people, including children, had died of malnutrition in Bulawayo since March 2004, casting doubt on President Mugabe's many 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 two million tons needed. Archbishop Pius Ncube claimed the government planned to use food as a weapon in the March 2005 parliamentary elections. [61a]
- 6.267 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]
- 6.268 On 15 February 2005, allAfrica.com reported 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] On 28 July 2005, Kubatana in "Development Denied: Autocratic Militarism in Post-Election Zimbabwe", reported that the Japhet Ndabeni Ncube had also recently accused the government of falsifying death records to hide malnutrition related deaths. "He claims that the Central Intelligence Organisation (CIO) is working with the registry department to supply false figures to Bulawayo City Council, since recorded burials at the cemeteries do not tally with figures coming from the Registry Offices (ZimOnline, 17 June 2005)." [55g] (p.3)
- 6.269 A report on HIV/AIDS and Poverty by the Institute for War and Peace Reporting noted on 11 April 2005 that people in one of the poorest areas of Zimbabwe were so short of food that they were signing up for HIV tests in the desperate hope of receiving supplementary food. The report noted that "The maize crop in the district [Buhera] has failed this year as a result of drought – and the hospital has seen an influx of patients suffering from kwashiorkor, marasmus and other diseases

symptomatic of malnutrition. Doctors told IWPR they know of at least 60 people who have simply starved to death in surrounding villages in the last 12 months, but they believe the total is higher.” [77g]

- 6.270 The United Nations fact finding mission report about Operation Murambatsvina noted that it took place against the backdrop of deepening vulnerability in the Zimbabwean society. “Factors fueling this vulnerability include food insecurity, HIV/AIDS and limited capacity in basic services.” [25] (p.36)

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WITCHCRAFT

- 6.271 The Zimbabwe Standard online (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]

- 6.272 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)

- 6.273 However, The Zimbabwe Situation reporting an article in the *Daily Mirror* on 27 July 2005 noted that:

“The Zimbabwe National Association of Traditional Healers has said it is not happy with the definition of witchcraft in the Criminal Law (Codification and Reform) Act of 2004, and wants it amended. Zinatha president, Gordon Chavhunduka said that his association would soon be lobbying the government to amend the definition. ‘While we applaud the government for accepting the existence of witchcraft, we are not happy with the definition of witchcraft in the Act as is not adequate,’ he said. Chavhunduka said in terms of the Act, a witch is someone who uses non-natural means to cause death or injury to or disease or disability in any person. He said this was not correct, as there were people that could use natural powers to do the same things the Act said could only be done using non-natural means.” [89b]

- 6.274 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)

- 6.275 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)
- 6.276 The 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.” [2c] (Section 3)

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

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OPERATION MURAMBATSVINA (DRIVE OUT RUBBISH)

- 6.277 On 18 July 2005, the United Nations (UN) published the findings of its fact-finding mission to Zimbabwe which found that Operation Restore Order or Operation Murambatsvina (meaning, “drive out rubbish”) began on 19 May 2005. [25] (p.7) The UN report noted that the operation resulted in 700,000 people being left homeless without access to food, water and sanitation. The UN’s Special Envoy, Anna Kajumulo Tibaijuka, found that Operation Restore Order had been conducted in an indiscriminate and unjustified way and that the targeting of illegal dwellings was undertaken with little regard to human suffering. Mrs Tibaijuka went on to note that “The humanitarian consequences of Operation Restore Order are enormous. It will take several years before people and society as a whole can recover.” [25] (p.8)
- 6.278 The Zimbabwe Information Centre reporting an article from the Associated Press on 24 May 2005, noted the comments of the government appointed Mayor of Harare, Sekesai Makwavara, who said that Operation Murambatsvina was about restoring order to Zimbabwe’s cities. Mayor Makwavara said that Harare had “lost its glow” because of illegal buildings and that the demolition of illegal structures would bring back the city’s “glow”. The article went on to note that the government had set a deadline of 20 June for demolishing all unauthorised buildings unless the residents appeal and receive a grace period. [101] (p.2-3)
- 6.279 On 9 June 2005, BBC News reported that President Robert Mugabe strongly defended the demolition of illegal houses, describing the blitz on homes and businesses as “a vigorous clean-up campaign to restore sanity” in Zimbabwe’s cities. At the state opening of parliament, President Mugabe described the areas that were being demolished as “crime ridden areas” whose existence could no longer be countenanced. The BBC went on to note that “The government says the demolitions are necessary to clean up Zimbabwe’s urban areas and crack down on those involved in illegally trading of foreign currency and scarce foodstuffs,

such as sugar.” [3n] On 10 June 2005, the *Guardian* noted that “The ruling party accuses black-market traders of sabotaging the economy”. [34i]

- 6.280 However, BBC News reported on the 9 June 2005 that opposition groups believe that Mugabe’s crack-down has more to do with driving opposition supporters back to rural areas, where they have less influence and can be more easily controlled. [3n] This view was echoed in a report published by Kubatana on 28 July 2005 that noted that many people with Zimbabwean ID cards were returned in army lorries to their province of origin, as stated on the ID card. “They were taken to the Sabhuku (sub-chief), where they were more often than not asked for their ZANU-PF party card, and without it denied land and expelled again into the wilderness.” [55g] (p.3)
- 6.281 Television New Zealand reported on the 2 June 2005 that the main opposition Movement for Democratic Change (MDC) had called the demolitions “a political vendetta against residents of its urban strongholds”. “[Morgan] Tsvangirai, [leader of the MDC] said the urban clean-up was specifically aimed at MDC supporters with an eye to eliminating all opposition. “The attacks on the urban population is part of a broad strategy to destabilise specific constituencies and to distort the voting patterns of Zimbabweans in favour of Zanu-PF,’ he said.” [102] BBC News reported on 17 June 2005 that “His [Mugabe’s] critics say it is no coincidence that opposition to his rule is strongest in urban areas – and that in March the opposition Movement for Democratic Change (MDC) won almost all urban seats for a second election in a row.” [3u] However, *The Independent* in an article dated 12 June 2005 noted that in the past, repression has tended to focus on the opposition strongholds, and the Ndebele people who are often associated with the opposition. “But the latest campaign has hit just as hard in Harare, where the majority are, like Mr Mugabe himself, part of the Nshona tribe.” [4e] Although, *The Independent’s* view was slightly at odds with that of Dr Sarah Bracking of the University of Manchester [39], who noted in a report published by Kubatana on 28 July 2005 that “However, the violence is also wanton, symbolic and punitive, signifying ZANU-PF’s determination to maintain power and social control in the face of a population who (probably) didn’t provide a majority vote for it, with areas who voted for the opposition MDC the worst affected”. [55g] (p.2)
- 6.282 As Operation Murambatsvina gathered pace, the International Crisis Group, in a Statement on the Forced Evictions published on 24 June 2005, noted that “Many individuals have been arbitrarily arrested, detained, fined, abducted and/or beaten. Such actions continue unabated, and with impunity.” [100b] Earlier in the operation, *The Telegraph* had reported (16 June 2005) that “Zimbabwean security forces armed with batons and tear gas have evicted thousands from a township outside the second city of Bulawayo.” *The Telegraph* noted that the police had fought running battles with residents of the Makokoba township after burning and bulldozing the township. [5j] BBC News reported on 24 June 2005 that at least three children had been killed during the operation. [3ag]
- 6.283 A report from BBC News on 24 June 2005 noted that since the start of the campaign 46,000 people had been arrested for trading without a licence, hoarding and illegal possession of foreign currency. [3ag]
- 6.284 The United Nations noted in its report of the fact-finding mission to Zimbabwe that “It is estimated that some 700,000 people in cities across the country have lost either their homes, their source of livelihood or both. Indirectly, a further 2.4 million people have been affected in varying degrees.” [25] (p.7) However, the UN report

noted that because of the situation on the ground, it was difficult for them to give an accurate estimate of the numbers who required assistance, noting that “Almost two months into the crisis, it has not been possible for the United Nations to conduct any comprehensive assessment of humanitarian needs in coordination with the authorities. Lack of information on the number of people affected, their profile, and their whereabouts makes programming, coordination and resource mobilization extremely difficult and onerous.” [25] (p.53)

- 6.285 Christian Aid reported on 15 July 2005 that the situation for people living with HIV/AIDS had deteriorated significantly since the commencement of Operation Murambatsvina. It specifically noted that “As a result of these evictions, many of the sick are now too far from clinics and hospitals, and many HIV positive people can no longer collect vital anti-retroviral drugs”. [7a] (p.2)
- 6.286 BBC News reported on 24 June 2005, that of those made homeless by the demolitions, “... the lucky ones have sought shelter in church halls or are camped in church grounds”. [3ae] The United Nations report noted that “Many churches are providing life saving, temporary assistance including shelter to evicted families. However, they do not have the capacity to take care of all their needs, including health care. Nevertheless, their strong links to the communities have been invaluable in reaching people with assistance in the first phase of the response.” [25] (p.51) A report from the Voice of America dated 1 August 2005, noted that South African churches in collaboration with the Zimbabwe Council of Churches had sent 37 tonnes of food and thousands of blankets to families and individuals displaced by Operation Murambatsvina. [83b] A report by Christian Aid (July 2005) noted that one of its partner organisations, Christian Care, was providing food and shelter for people living in temporary transit camps. It also noted that over the next three months it and its partners hope to reach thousands of people across the country. It noted “Activities will include providing tents, blankets, water storage tanks and toilet facilities, as well as daily meals for orphans and street children”. [7b] (p.1) A report carried by The Zimbabwe Situation (originally published by the *Daily Mirror* on 11 June 2005), noted that Operation Murambatsvina had created a shortage of accommodation in Harare. The article noted that the University of Zimbabwe was particularly concerned by the impact of Operation Murambatsvina, noting that of 13,000 students expect to enrol in August, only 4,000 could be accommodated on the university campus. A spokesman for the university noted that “This leaves more than 9,000 students facing the problem of securing accommodation. Accommodation has always been a problem but the Murambatsvina operation will make the issue a nightmare”. [89d]
- 6.287 However, CNN.com reported on 21 July 2005 that police had raided church halls in Bulawayo, kicking out and rounding up people who had sheltered there since their homes were destroyed. The report noted that “Police raided nine churches in Bulawayo overnight, arresting between 50 and 100 people at each, said the Rev Kevin Thompson of the city’s Presbyterian Church. ‘It was pretty brutal and horrific,’ he said. ‘They had elderly folk, and they were piling them onto vehicles; they were frog marching children... who had been asleep and Bulawayo is very cold at the moment.’” The report goes on to note that ‘Those removed were believed to have been taken to a transit camp known as Helensvale in Umguza, about 20 miles west of Bulawayo, Phillip said [Bishop Rubin Phillip].’ CNN also noted that police have banned church leaders from the Helensvale camp after initially giving assurances that they would continue to have access to people being held there. [8c]

- 6.288 A BBC News report of the 24 June 2005 noted that thousands of people from Harare who hadn't or were unable to seek assistance elsewhere were dumped on a farm by the government and left to fend for themselves without clean water, food or sanitation. "At one of the camps, Caledonia Farm, intelligence agents mingled among the dispossessed." [3ae] In a further report, the BBC reported on 24 June 2005 that "Many people are living on the streets, while others have returned to their rural homes, encouraged by the government." [3ag] allAfrica.com reported on 7 June 2005 that as houses were being destroyed, so people were building plastic shacks in their place. [50u] *The Telegraph* reported on 16 June 2005, that church and welfare groups reported that tens of thousands of the newly homeless were sleeping in the open, where night temperatures drop below freezing. [5j] *The Times* reported on 31 August 2005 that the evictions of Operation Murambatsvina have made it harder for deportees to find shelter in Harare and Bulawayo. [82e] (p.2)
- 6.289 According to *The Telegraph* (10 June 2005) some people who had left their homes in Harare North were being held in a government holding camp at a deserted farm. A local priest is reported to have visited the camp and witnessed at least 200 people being held behind a large fence and guarded by armed police. *The Telegraph* reported the priest as saying that "They have nothing: no food, no shelter and their health is declining daily." [5g] The BBC reported on 22 August 2005 Archbishop Pius Ncube, who stated that "they want total political control – they want to peasantify people like [former Cambodian leader] Pol Pot – force them into the country so they can control them". [3ak]
- 6.290 On 28 July 2005, BBC News reported Vice President, Joyce Mujuru's, announcement that "Operation Murambatsvina [Drive out Trash] is now complete". However, the BBC cautioned that "The government has made such announcements in the past but clearances have continued." [3ap] On the same day, CNN.com also reported that Operation Murambatsvina was over. CNN went on to report "Mujuru, who is acting president while Mugabe is in China, told state media the campaign was finished and asked the international community including the United Nations to help Harare build new housing for thousands of homeless." [8a]
- 6.291 However, three weeks after the official cessation of Operation Murambatsvina, the BBC reported on the 13 August 2005 that Tony Hall, US ambassador to the United Nations food agencies claimed that during a visit to Zimbabwe he had been informed that people forced to take shelter in a camp outside Harare were dying of hunger. [3ay]

AREAS OF THE COUNTRY AFFECTED BY OPERATION MURAMBATSVINA

- 6.292 Reuters Foundation (Alertnet) published a map by UNOSAT (United Nations Organisation Satellite Imagery) on 12 July 2005 entitled, "Reported Cases of Destroyed Housing during 'Operation Murambatsvina' 19 May – 9 July 2005." The following is a list of townships affected:

Region	Township	Region	Township
Bulawayo	Bulawayo	Mashonaland East	Chitungwiza
Harare Suburbs	Budiriro	Mashonaland Central	
	Dzivarekwa	Mashonaland West	Kariba
	Epworth		Kadoma
	Glen Norah		Porta Farm
	Glenview		Rimuku

	Hatcliffe	Masvingo	Masvingo
	Kuwadzana	Manicaland	Mutare
	Mabvuku	Matabeleland North	Victoria Falls
	Mbare	Matabeleland South	Beitbridge
	Mufakose		Gwanda
	Ruwa	Midlands	Gweru
	Tafara		
	White Cliff Farm		

[Source 22] (p.11)

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 6.293 News24.com reported on 17 December 2004 that Zimbabwe's Information Minister has warned that plans by Britain to deport 10,000 failed asylum seekers could be a plot to destabilise the country before next year's polls. Jonathan Moyo told the government-controlled *Herald* newspaper that the country needed to remain vigilant in case those deported were "trained and bribed malcontents" who could "cause mayhem during and after the March 2005 elections". Mr Moyo is also quoted as saying "We have the right to ask whether these would be deportees are 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 also 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, that returning asylum seekers would be viewed as accomplices of the British government and would attempt to de-stabilise the country in response to its land policies. [23a] Later, on 22 May 2005, *Scotland on Sunday* reported that "Ominously, the Zimbabwean government has warned they will regard nationals repatriated from the UK as potential 'undercover mercenaries'." [98b] Again this view was echoed by Kubatana reporting in 'Development Denied: Autocratic Militarism in Post-Election Zimbabwe' dated 28 July 2005, where it noted that 'Similarly, the policies of rejection of 'political interference' and affirmation of 'keeping our Zimbabwe' resonate with the repeated message that the British are considering reinvading, coinciding with sporadic reports of troops allegedly found at the Mozambique border, or British spies training MDC youths in South Africa to form an advanced invasion party or to unleash violence (*The Sunday Mail*, 20 March 2005). The message is of perpetual war, the "unfinished businesses" of Hammar and Raftopoulos's title, of fear and threat from the outside world requiring repulsion by the brave liberationists and their trained armed service personnel and party militias." [55g] (p.11)
- 6.294 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]
- 6.295 The Director of Amnesty International, UK, stated on 18 November 2004, "The Government's decision to start sending unsuccessful applicants back to Zimbabwe is astonishing. As government officials must know, Zimbabwe is systematically repressing all opposition – through arbitrary arrests, torture, political

killings and new legislation to curb freedom of speech and assembly. Movement for Democratic Change members, trade unionists, teachers, journalists and human rights activists are just a few of its targets.” [82d] Commenting upon the risks faced by critics of the government, Amnesty International noted in its 2005 report that “State security agents, including members of the Zimbabwe Republic Police and the Central Intelligence Organization (CIO), were implicated in numerous cases of torture, assault and ill-treatment. Victims were primarily members of the political opposition and those perceived as critical of the government.” [14k]

- 6.296 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 report went on to note that the Zimbabwean Community Campaign to Defend Asylum Seekers (ZCCDAS) stated that it feared 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)

- 6.297 *Scotland on Sunday* reported on 22 May 2005 that Archbishop Pius Ncube, an outspoken critic of the Zimbabwean government, urged the United Kingdom government to suspend all returns to Zimbabwe where he claimed that they faced “certain death” if returned. [98b]
- 6.298 Newzimbabwe reported on 23 April 2005 that previous returned failed asylum seekers had reported a “Gestapo” welcome on arrival at Harare airport. The article reported the claims of one deportee called Ratidzo (an alias) who claims that on arrival at Harare she was led to an office where state security agents were waiting for her. They shouted at her demanding that she answer a number of questions, threatening her with imprisonment in the torture chambers of Goromonzi Prison. During the interrogation, which lasted for about three hours, Ratidzo claimed that she was hit across the mouth. The interrogation only stopped once she had remembered that an uncle was serving in the Zimbabwean army. [90b]

- 6.299 In another report, *The Times* reported on the 4 July 2005 that a man called 'Usher' claims that upon arrival at Harare that he and a fellow deportee were punched in the head and neck and asked why they didn't have the right travel documents. The report went on to note that "The four agents from what we took to be the Central Intelligence Organisation appeared and we were moved to separate rooms. They kicked me and kept shouting that I was a British spy. After two days of interrogation, Usher was driven to the central prison in Harare, where he was repeatedly beaten on the soles of his feet. Over the next three weeks in custody he says that he was subjected to electric shock treatment to his chest and testicles. On the way to court, Usher claims that he took a chance to escape and spent three weeks hiding in the bush." [82b] On 5 July 2005, *The Times* reported another case of a man called "Vincent" who "When he arrived back at Harare airport last month [June 2005] he was immediately arrested and beaten during three days of interrogation. After release Vincent went to Bulawayo, where police were again waiting for him. Two more periods of brutal detention followed and his relatives were threatened so he escaped to South Africa." [82c] (p.2) On 3 July 2005, *The Independent on Sunday* reported the details of four returned asylum seekers who it said had been subject to abuse upon return to Zimbabwe. Of the four, three reported that they had been held on arrival at Harare airport and had been interrogated and or beaten. The fourth person claims that he was picked up the day after his arrival and was beaten so badly that he required immediate treatment at a hospital. It was reported that, the secret police and militia linked to ZANU-PF were responsible for the treatment inflicted upon the returnees. [4d]
- 6.300 *The Guardian* noted on 10 July 2005 the view of the United Kingdom government that it would not return failed asylum seekers to Zimbabwe if it believed that they would be in danger. The article quoted the Immigration Minister, Tony McNulty, who claimed that there had been "no substantiated reports" of abuse since deportations had recommenced in November 2004. [34h] *The Independent on Sunday* noted on 13 July 2005 that reports of abuse against returned failed asylum seekers were being investigated by human rights activists, lawyers and religious groups. However, while "Evidence compiled by the Zimbabwe Human Rights Group, the Zimbabwe Association and a Methodist preacher from the Midlands, Dr Martine Stemerick, suggests there could be at least 10 cases of refugees being persecuted.... However, tracking deported refugees in Zimbabwe is fraught with difficulty. Expatriate leaders say many asylum seekers go into hiding immediately after they return, or are too fearful of retaliation to co-operate with lawyers and opposition groups." [4d]
- 6.301 *The Times* reported on 31 August 2005 that "Human rights groups are trying to trace more than 100 Zimbabwean asylum seekers who have disappeared after being forcibly sent back from Britain. The Government pledged to ensure that the deportees were not mistreated on their return to Zimbabwe, but campaigners claim that nothing was done to protect the 130 men and women who were expelled. Diplomats in Harare, the capital, concede that they do not know what has happened to 'the disappeared'" However, "Officials in Harare say that most of those expelled went into hiding on their return and are living rough, afraid of being arrested.... Mr Mugabe's recent forced evictions of people in Harare and Bulawayo has made it harder for the deportees to find shelter." [82e] (p.1-2)

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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.
- 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'.
December: 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.
- 1980** **February:** 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 three seats and Rhodesia Front wins all 20 seats reserved for whites
April: 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.

- 1990** **March:** 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.
- 1990** **August:** 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.
- 1995** **April:** 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.
October: Sithole charged with conspiracy to assassinate Mugabe.
- 1996** **March:** Mugabe wins Presidential elections with nearly 93 per cent of the vote, but turnout less than 32 per cent.
- 1997** **July:** Criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee.
December: Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal.
- 1998** **November:** 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.
- 1999** **July:** Vice-President Joshua Nkomo dies.
September: Movement for Democratic Change formed.
- 2000** Reverend Ndabaningi Sithole, leader of ZANU-Ndonga, dies
May: Former President Canaan Banana ordered to serve a year in prison for sexually assaulting a male bodyguard.
June: 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
November: ZANU-PF holds Marondera West in by-election.
- 2001** **January:** ZANU-PF wins Bikita West in by-election from MDC; campaign marred by violence.
January: Canaan Banana reportedly released from prison.
April: 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: ZANU-PF holds Bindura in by-election with increased majority; violent campaign and MDC candidate detained by police.
September: 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.
- 2002** **March:** 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.

March: Zimbabwe suspended from Commonwealth for one year because of election fraud and violence.

March: Introduction of the Access to Information and Protection of Privacy Act.

September: Local council elections. Won by ZANU-PF after a campaign. condemned by rights groups.

September: ZANU-PF are also victorious in the Hurungwe West by-election, but similar criticisms are levelled at the ruling party.

October: Learnmore Jongwe, MDC MP and spokesperson dies in Harare prison.

October: Last of Zimbabwe's troops are withdrawn from DRC.

2003 February: The trial of Tsvangirai, Ncube and Gasela starts. They are charged with plotting to assassinate Mugabe.

March: Commonwealth continues sanctions until a reassessment takes place in December 2003.

March: National stayaway organised by the MDC. Deemed a success, which brought violent reprisals from the state and its agents.

March: By-elections in Kuwadzana and Highfields. Both won by the MDC.

April: ZCTU strike over massive rises in the price of fuel.

June: 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.

June: Tsvangirai charge with treason. This means Tsvangirai has two charges of treason outstanding against him.

August: 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.

September: Simon Muzenda, one of Zimbabwe's two vice presidents, dies.

November: Kadoma by-election. ZANU-PF win the seat from the MDC.

2004 January: Tsvangirai takes the stand at his treason trial.

February: ZANU-PF retain the seat of former Vice-President Muzenda in the Gutu North by-election.

February: Tsvangirai trial ends on 24 February 2004. The judgement was scheduled to be handed down on 29 July 2004, but was subsequently postponed indefinitely.

February: Cabinet reshuffle.

March: ZANU-PF win the Kadoma by-election.

May: ZANU-PF win Lupane by-election by 883 votes amid evidence that election was rigged.

May: 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: Verdict in Tsvangirai trial postponed indefinitely when two lay assessors insisted they be fully consulted by trial judge.

July: Tsvangirai subject of assassination attempt.

July: Executive summary of Southern Africa Development Council report on human rights in Zimbabwe published.

August: MDC announce boycotting all elections until electoral reforms in place.

August: Government published bill to restrict operation of human rights NGOs.

August: The Non-Governmental Organisations Bill (NGO Bill), requiring the registration of all NGOs and also restricting the activities of NGOs, approved by parliament.

September: ZANU-PF recapture Seke constituency following the MDC's earlier decision to boycott all elections.

October: Morgan Tsvangirai acquitted on two charges of treason. The acquittal was delivered by the High Court on 15 October.

October: ZANU-PF retains Masvingo constituency. The by-election was called following the death of Eddison Zvogbo, a founding member of ZANU-PF.

November: Zimbabwe Supreme Court rules that the law used to seize white-owned farms is 'legal'.

December: 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.

2005

January: 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.

January: 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.

January: 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.

February: President Mugabe announces that the 2005 parliamentary elections will take place on 31 March; he promises to abide by SADC guidelines.

February: President Mugabe announces that war veterans and traditional chiefs would receive pay increases of 1,400 per cent.

February: MDC announce that they will participate in the March 31st parliamentary elections.

31 March: After a relatively peaceful election campaign, ZANU-PF wins two-thirds of the votes in the parliamentary elections. MDC and International community condemn the election as rigged. South Africa and other African states hail the election as free and fair.

April: Archbishop Pius Ncube stated that the Zimbabwean government was refusing to sell food to suspected opposition supporters in parts of southern Zimbabwe. The Archbishop claimed that in these areas, agents of the government held lists of people thought to support the opposition.

May: Operation Murambatsvina – Tens of thousands of shanty dwellings and illegal street stalls are destroyed as part of a "clean up" programme.

June: Opposition and civil society groups call on Zimbabweans to support a nationwide two-day strike. The government warned that it would come down hard on any gathering of people or disturbances. However, *The Telegraph* reported that the strike had flapped, undermined by poor organisation.

July: The UN send a fact-finding mission to Zimbabwe to report on Operation Murambatsvina, the subsequent report estimates that the clear-up operation has left about 700,000 people homeless. Access to food and medical treatment for those who have been evicted is described as precarious.

28 July: Vice President, Joyce Mujuru announces that "Operation Murambatsvina is now complete".

2 August: Prosecutors drop remaining treason charges against opposition leader Morgan Tsvangirai.

13 August: Three weeks after the official cessation of Operation Murambatsvina, the US ambassador to the United Nations food agencies

claimed that people who had been caught up in Operation Murambatsvina were dying of hunger.

August: Constitutional Amendment Bill passed by parliament. The proposed Bill will reintroduce a second parliamentary chamber (Senate) and fast track all future land seizures removing a landowners' right to appeal in to the courts. The Bill will also allow the government to prevent Zimbabweans from leaving the country; commentators believe that this will be used to confiscate opposition members' passports.

Annex B: Prominent organisations

ZANU-PF

The Economist Intelligence Unit Country Profile 2005 noted that:

“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 to bolster his own position. These rivalries have been particularly intense, as a vice presidential post, which is seen as an important stepping stone to acquiring the presidency, became vacant in September 2003 with the death of Simon Muzenda. Although Mr Mugabe initially seemed content of allow campaigning within the party for the post, he acted quickly when this threatened to get out of control in early 2004 by launching a high-profile anti-corruption campaign. Several high-ranking party officials were jailed, and the former finance minister, Chris Kuruneri, continues to face charges. In the run-up to the annual ZANU-PF congress in December 2004 Mr Mugabe moved to reassert his power over the party by manoeuvring Joyce Mujuru, the water resources minister, into the vice-presidential post and retaining the other vice-president, Joseph Msika, thus sidelining the ambitions of Emmerson Mnangagwa, who had long been considered his heir apparent. Neither vice-president is expected to challenge Mr Mugabe. Ms Mujuru will not be taken seriously as a candidate for the president because she is a woman, and, at 81, Mr Msika is in poor health.

“The increased radicalisation of the party is evident in the decision announced in November 2004 to increase the number of training camps for the notorious youth militia, known as the “Green Bombers”, from six to ten. The militia is blamed for thousands of incidents of murder, torture, rape and brutalisation across the country. Given that the youth militia was an important element in the strategy to win the 2002 presidential election, the expansion of the camps provides a strong indication that ZANU-PF is planning to increase its use for the forthcoming parliamentary elections in March 2005. Meanwhile, the war veterans, a strategic ally of ZANU-PF, who proved critical in ensuing Mr Mugabe’s re-election in 2002, are seeing their power wane within the party. However, they will still be used to mobilise support for the party in the March 2005 election.” [24b] (p.9-10)

Movement for Democratic Change (MDC)

The Economist Intelligence Unit Country Profile 2005 noted that:

“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 has faced a huge political challenge, as the government has made a concerted effort to undermine its parliamentary representatives: many are facing harassment and have been periodically arrested on spurious charges, and three senior leaders are being tried for treason. The MDC now holds only 51 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 also divisions within the party over whether it should contest the March 2005 poll, which it expects will not be a fair contest. In mid-2003 several more radical groups apparently emerged in Zimbabwe, claiming that they would use military means to overthrow the government, although little has been heard from them in 2004.” [24b]

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 eight.

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 per cent 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 June 2000; died in June 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 from 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 June 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 Zvinvashe (General)

Commander of Zimbabwe Defence Forces, 1994–2003.

Pius Ncube (1956 -)

Is the Roman Catholic Archbishop of Bulawayo, Zimbabwe, widely known as a human rights advocate and an outspoken critic of President Robert Mugabe. Heads a multi-denominational church coalition that seeks to improve the conditions of Zimbabweans. Has received a Human Rights Award from Human Rights First on 23 October 2003, for speaking out against torture and confronting the Mugabe government.

Annex D: Parliamentary Election Results – March 2005

On 7 April 2005 the Zimbabwe Election Support Network (ZESN) published the final results of the Zimbabwe parliamentary elections held on 31 March 2005. The following is a list of winning candidates published by ZESN.

Province	Constituency	Candidate	Party
Masvingo	Bikita East	Kennedy Matimba (M)	ZANU-PF
	Bikita West	Claudius Makova (M)	ZANU-PF
	Chiredzi North	Celine Pote (F)	ZANU-PF
	Chiredzi South	Aaron Baloyi (M)	ZANU-PF
	Chivi North	Enita Maziriri (F)	ZANU-PF
	Chivi South	Charles Manjange (M)	ZANU-PF
	Gutu North	Josaya Tungamirai (M)	ZANU-PF
	Gutu South	Shuvai Mahofa (F)	ZANU-PF
	Masvingo Central	Tongai Matutu (M)	MDC
	Masvingo North	Stan Mugdenge (M)	ZANU-PF
	Masvingo South	Walter Mzembi (M)	ZANU-PF
	Mwenezi	Isaya Shumba (M)	ZANU-PF
	Zaka East	Tinos Rusere (M)	ZANU-PF
	Zaka West	Mabel Mawere (F)	ZANU-PF
Midlands	Chirumanzu	Edwin Muguti (M)	ZANU-PF
	Gokwe Chireya	Leonard Chikomba (M)	ZANU-PF
	Gokwe Nembudziya	Flora Bhuka (F)	ZANU-PF
	Gokwe	Lovemore Mupukuta (M)	ZANU-PF
	Gokwe Kana	Max K. Machaya (M)	ZANU-PF
	Gokwe Sengwa	Esther Nyauchi (F)	ZANU-PF
	Gweru Rural	Josphat Madubeko (M)	ZANU-PF
	Gweru Urban	Timothy Mukahlera (M)	MDC
	Kwekwe	Blessing Chebundo (M)	MDC
	Mberengwa East	Rugare Gumbo (M)	ZANU-PF
	Mberengwa West	Jorum Gumbo (M)	ZANU-PF
	Mkoba	Amos Chibaya (M)	MDC
	Shurungwi	Francia Nhema (M)	ZANU-PF
	Silobela	Abednigo Malinga (M)	MDC
Zhombe	Daniel M. Ncube (M)	ZANU-PF	
Mashonaland East	Chikomba	Tichaona Jokonya (M)	ZANU-PF
	Wedza	Aeneas Chigwedere (M)	ZANU-PF
	Marondera East	Sydney Sekeremayi (M)	ZANU-PF
	Marondera West	Ambrose Mutinhiri (M)	ZANU-PF
	Uzumba Marambe	Kenneth Mutiwekuziva (M)	ZANU-PF
	Mutoko North	David Chapfika (M)	ZANU-PF
	Mutoko South	Olivia Muchena (F)	ZANU-PF
	Seke	Phineas Chihota (M)	ZANU-PF
	Mudzi West	Aqualina Katsenda (F)	ZANU-PF
	Mudzi East	Ray Kaukonde (M)	ZANU-PF
	Murehwa North	David Parirenyatwa (M)	ZANU-PF
	Goromonzi	Herbert Murerwa (M)	ZANU-PF
	Murehwa South	Joel Matiza (M)	ZANU-PF
	Zvishavane	Obert Matshalaga (M)	ZANU-PF
Mashonaland West	Chegutu	Webster Shamu (M)	ZANU-PF
	Chinhoyi	Faber Chidarikire (M)	ZANU-PF
	Hurungwe East	Reuben Marumahoko (M)	ZANU-PF
	Hurungwe West	Ceicilia Gwachirwa (F)	ZANU-PF
	Kadoma	Editor Mutamisa (F)	MDC
	Kariba	Jonathan Chandengenda (M)	ZANU-PF
	Mhondoro	Sylvester Nguni (M)	ZANU-PF
	Manyame	Patrick Zhuwawo (M)	ZANU-PF
	Makonde	Leo Mugabe (M)	ZANU-PF
	Ngezi	Bright Matonga (M)	ZANU-PF

	Sanyati	Zakaria Ziyambi (M)	ZANU-PF
	Zvimba North	Ignatius Chombo (M)	ZANU-PF
	Zvimba South	Sabina Mugabe (F)	ZANU-PF
Harare	Harare Central	Murisi Zwizwai (M)	MDC
	Harare North	Trudy Stevenson (F)	MDC
	Harare South	James Mushonga (M)	ZANU-PF
	Harare East	Tendai Biti (M)	MDC
	Budiriro	Gilbert Shoko (M)	MDC
	Chitungwiza	Fidelis Mhashu (M)	MDC
	Dzivarasekwa	Edwin Muchoriwa (M)	MDC
	Glen Norah	P. Mushihairambwi-Mushonga (F)	MDC
	Glen View	Paul Madzore (M)	MDC
	Hatfield	Tapiwa Mashakada (M)	MDC
	Highfield	Pearson Mungofa (M)	MDC
	Kambuzuma	Willis Madzimure (M)	MDC
	Kuwadzana	Nelson Chamisa (M)	MDC
	Mbare	Gift Chimankire (M)	MDC
	Mufakose	Pauline Mpariwa (F)	MDC
	St Mary's	Job Sikhala (M)	MDC
	Tafara-Mabvuku	Timothy Mubhau (M)	MDC
	Zengeza	Goodrich Chimbaira (M)	MDC
Bulawayo	Bulawayo East	Welshman Ncube (M)	MDC
	Bulawayo South	David Coltart (M)	MDC
	Pelandaba	Milton Gwetu (M)	MDC
	Nkulumane	Gibson Sibanda (M)	MDC
	Pumula-Luveve	Esaph Mdlongwa (M)	MDC
	Lobengula-Magwegw	Fletcher D. Ncube (M)	MDC
	Makokoba	Thokozani Khuphe (F)	MDC
Matabeleland South	Matobo	Lovemore Moyo (M)	MDC
	Gwanda	Abednico Ncube (M)	ZANU-PF
	Beitbridge	Kembo Mohadi (M)	ZANU-PF
	Insiza	Andrew Langa (M)	ZANU-PF
	Bulilima	Moses M. Ndlovu (M)	MDC
	Mangwe	Edward T. M. Mkhosi (M)	MDC
	Umzingwane	Nomalanga M. Khumalo (F)	MDC
Matabeleland North	Binga	Gabuza J. Gabuza (M)	MDC
	Bubi-Unguza	Orbert Mpofo (M)	ZANU-PF
	Tsholotsho	Jonathan Moyo (M)	IND.
	Nkayi	Abedinico Bhebhe (M)	MDC
	Hwange East	Theminkosi Sibindi (M)	MDC
	Hwange West	Jealous Sansole (M)	MDC
	Lupane	Njabuliso Mguni (M)	MDC
Manicaland	Buhera North	William Mutomba (M)	ZANU-PF
	Buhera South	Kumbirai Kangai (M)	ZANU-PF
	Chimanimani	Samueal Undenge (M)	ZANU-PF
	Chipinge North	Morris Sakabuya (M)	ZANU-PF
	Chipinge South	Enock Porisingazi (M)	ZANU-PF
	Makoni East	Shadreck Chipanga (M)	ZANU-PF
	Makoni North	Didymus Mutasa (M)	ZANU-PF
	Makoni West	Joseph Made (M)	ZANU-PF
	Mutare Central	Innocent Gonese (M)	MDC
	Mutare North	Giles Mutsekwa (M)	MDC
	Mutare South	Freddy Kanzama (M)	ZANU-PF
	Mutare West	Christopher Mushohwe (M)	ZANU-PF
	Mutasa North	General M. Nyambuya (M)	ZANU-PF
	Mutasa South	Oppah Muchinguri (F)	ZANU-PF
	Nyanga	Paul Kadzima (M)	ZANU-PF
Mashonaland Central	Bindura	Elliot Manyika (M)	ZANU-PF
	Guruve North	David Buntu (M)	ZANU-PF
	Guruve South	Edward Chindori-Chininga (M)	ZANU-PF
	Mazowe East	Chen Chimutengwende (M)	ZANU-PF
	Mazoe West	Margaret Zinyemba (F)	ZANU-PF
	Mt Darwin North	Joyce Mujuru (F)	ZANU-PF

	Mt Darwin South	Saviour Kasukuwere (M)	ZANU-PF
	Muzarabani	Luke Mushowe (M)	ZANU-PF
	Rushinga	Sandra Machiro (F)	ZANU-PF
	Shamva	Nicholas Goche (M)	ZANU-PF

The following link provides a more in-depth view of the results. www.zesn.org.zw/ [103]

Annex E: MDC Leadership and Shadow Cabinet

LEADERSHIP OF THE MDC:

President:	Morgan Tsvangirai
Vice President:	Gibson Sibanda
National Chairman:	Isaac Matongo
Secretary General:	Professor Welshman Ncube
Deputy Secretary General:	Gift Chimankire
Treasurer General:	Fletcher Dulini Ncube

SHADOW CABINET:

President of the MDC, Morgan Tsvangirai, reshuffled the shadow cabinet on 13 July 2005. The Shadow Cabinet Ministers are:

Industry and Commerce	Milton Milford Gwetu
Lands, Agriculture and Natural Affairs	Edward Mukosi
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	Trudy Stevenson
Energy transport and Communication	Murisi Zvizvayi
Mines	Joel Gabhuza
Environment and Tourism	Edwin Mushoriwa
Gender Youth and Culture	Editor Matamisa
Information	Paul Themba Nyathi

[12c]

COMMITTEE SECRETARIES

Secretary General: [Prof. Welshman Ncube](#)
 Secretary for Information and Publicity: [Paul Temba Nyathi](#)
 Secretary Economics: [Tendai Biti](#)
 Secretary for Labour & Social Security: Gertrude Mthombeni
 Secretary Security & Defence: [Dr Augustus Tichawona Mudzingwa](#)
 Secretary for International Relations: [Paurina Mpariwa](#)
 Secretary for Policy & Research: [Trudy Stevenson](#)
 Secretary of Finance: [Fletcher Dulini Ncube](#)
 Secretary for Lands & Agriculture & Natural Resources: Nicholas Mudzengerere
 Secretary for Organising: [Esaph Mdlongwa](#)
 Director of Elections: [Remus Makuwaza](#)
 Secretary Education: [Fidelis George Mhashu](#)
 Secretary for Legal Affairs: [David Coltart](#)
 Secretary of Health: [Blessing Chebundo](#)
 Secretary of National Integration and Reconciliation: Steven Mudenda
 Secretary Transport, Logistics and Welfare: [Thokozani Khupe](#)
 National Chairperson of the Women's Assembly: [Lucia Matibenga](#)
 National Chairperson of the Youth Assembly: [Nelson Chamisa](#)

[12d]

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: Government Cabinet list – August 2005

President

Robert Gabriel Mugabe

Vice-President

Joseph Msika

Vice-President

Joyce Mujuru

MINISTERS AND MINISTERS OF STATE

Finance

Herbert Murerwa

Home Affairs

Kembo Mohadi

Foreign Affairs

Simbarashe Mumbengegwi

Defence

Sydney Sekeramayi

Justice, Legal and Parliamentary Affairs

Patrick Chinamasa

Agriculture and Rural Resettlement

Joseph Made

Tourism

Francis Nhema

Transport and Communications

Christopher Mushohwe

Local Government

Ignatius Chombo

Health

David Parirenyatwa

Public Service

Nicholas Goche

Higher Education and Technology

Stanislaus Mudenge

Education, Sports and Culture

Aeneas Chigwedere

Energy and Power Development

Michael Nyambuya

Mines

Amos Midzi

Water Resources and Infrastructural Development

Munacho Mutezo

Economic Development

Rugare Gumbo

Youth Development and Employment

Ambrose Mutinhiri

Industry and Trade

Obert Mpofo

State Enterprises, Anti-Monopolies and Anti-Corruption

Paul Mangwana

Rural Housing and Social Amenities

Emmerson Mhangagwa

Science and Technology

Olivia Muchena

Land and Resettlement Programs

Flora Bhuka

Information and Publicity

Tichaona Jokonya

Policy Implementation

Webster Shamu

National Security

Didymus Mutasa

Indigenisation and Empowerment

Josiah Tungamirai

Women's Affairs, Gender and Community Development

Oppah Muchinguri

Governor, Reserve Bank of Zimbabwe

Gideon Gono

Minister without Portfolio

Elliot Manyika

[95]

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