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15 March 2006

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Zimbabwe: Whether Zimbabwean citizens deported from the United Kingdom (UK) underwent interrogation or mistreatment upon arrival at Harare Airport in the lead-up to the March 2005 elections (January 2004 - March 2005)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In a 22 April 2005 article, New Zimbabwe.com reported on a failed Zimbabwean asylum seeker who claimed that, upon arrival at Harare airport from the United Kingdom (UK), she was interrogated for three hours and physically abused by officers of the Central Intelligence Organization (CIO). The asylum seeker claimed that she was released shortly after informing the officers that her uncle served in the Zimbabwean army (New Zimbabwe.com 22 Apr. 2005). This report could not be corroborated among the sources consulted by the Research Directorate within time constraints.

Several media sources noted that, in November 2004, the UK Home Office decided to repatriate an unspecified number of failed Zimbabwean asylum seekers (*The Guardian* 18 Jan. 2005; Newsquest 29 Jan. 2005; *The Herald* 17 Dec. 2004), effectively ending a ban on deportations that had been in place for fear that deportees from the UK would be mistreated or "tortured" by Zimbabwean authorities (*The Guardian* 18 Jan. 2005). According to comments made by Des Browne, British Minister for Citizenship and Immigration, and cited by United Nations (UN) Integrated Regional Information Networks (IRIN), "although 'there has not been any improvement in conditions in Zimbabwe,' removing the suspension on deportation was necessary, due to abuse of the system" (UN 17 Dec. 2004).

In December 2004, the director of the Zimbabwean Human Rights Organization (ZimRights) was quoted in IRIN as expressing his fears that Zimbabwean deportees from the UK would again be "subjected to [the] unfair treatment and harassment [they experienced] before leaving Zimbabwe" (ibid.).

In January 2005, *The Guardian* further reported that "[l]awyers, doctors and Zimbabwean exiles involved in the asylum process in the UK also claim that the Home Office is ignoring *prima facie* cases of torture and repatriating exiles who will face further maltreatment on their return" (18 Jan. 2005). Other groups who opposed lifting the ban on the deportation of failed Zimbabwean asylum seekers included the UK's National Coalition of Anti-Deportation Campaigns (Newsquest 29 Jan. 2005) and the Zimbabwe Community Campaign to Defend Asylum Seekers (Reuters 9 Mar. 2005).

On 18 January 2005, *The Guardian* announced that it had been given new information indicating that members of the opposition were facing "systematic violence, intimidation and sexual abuse" in the run-up to Zimbabwe's March 2005 elections. For instance, spokespersons from the main opposition party, the Movement for Democratic Change, alleged they were targeted by Robert Mugabe's ruling Zanu-PF party (*The Guardian* 18 Jan. 2005).

On 3 February 2005, the *Evening Gazette* reported that a petition had been organized by a local church minister to halt the deportation of a failed Zimbabwean refugee claimant, who had allegedly been threatened by a gang of Zanu-PF supporters. According to the *Evening Gazette*, the gang murdered the claimant's daughter and her husband due to the latter's speaking out against Zanu-PF (3 Feb. 2005; see also Wylde Green URC 28 Feb. 2006). The most recent and uncorroborated update on this refugee claimant was found on the Website of the Wylde Green United Reformed Church (URC), which stated that, as of 25 February 2005, the petition had garnered 17,500 signatures (*ibid.*). The Website also explained that, a year later, the claimant was still considered a "failed asylum seeker" but remained in the UK where her case had yet to undergo judicial review (*ibid.*).

Between November 2004 and March 2005, Reuters reported that some 50 Zimbabwean deportees had been sent back to their country of origin (9 Mar. 2005), although in December 2004, the UK Home Office refused to provide exact figures on the number of deportees (BBC 17 Dec. 2004) and official figures on the number of deportees sent back to Zimbabwe could not be found among the sources consulted by the Research Directorate.

On 2 January 2006, Worldpress.org reported allegations that Zimbabweans who had been deported from Britain in 2005 had disappeared. According to the article, deportees had not been heard of by their families in Zimbabwe or in the UK since arriving in Harare and being taken away by the CIO, Zimbabwe's "secret police" (Worldpress.org 2 Jan. 2006). Further or corroborating information on the fate of UK deportees once back in Zimbabwe could not be found among the sources consulted by the Research Directorate within time constraints.

While refugee groups claimed that "anyone deported to Zimbabwe could face persecution," the British Broadcasting Corporation (BBC) also noted that there were mixed messages coming from the government of Zimbabwe (BBC 17 Dec. 2004). One minister said the deportees would be "welcomed back" to Zimbabwe (*ibid.*). According to the Information and Publicity Deputy Minister of Zimbabwe, Bright Matonga, Zimbabwean deportees are "welcome" to return to Zimbabwe and "no one will be punished" (Newsnet n.d.). The minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, reportedly echoed these statements (*The Herald* 16 Dec. 2004; Reuters 16 Dec. 2004).

Another minister, however, accused the UK of repatriating "Blair's mercenaries" in a plot to disrupt the March 2005 elections (BBC 17 Dec. 2004). Zimbabwean Minister of Information Jonathan Moyo claimed that the UK might be "sending 'trained and bribed malcontents'" in an effort to upset the elections (*ibid.*; *The Herald* 17 Dec. 2004). Consequently, the treatment of deportees from Britain would depend on whether they were considered "mercenaries of regime change or plain law-abiding Zimbabweans returning home after having been abused and dehumanised in Britain" (*ibid.*; BBC 17 Dec. 2004; New Zimbabwe.com 22 Apr. 2005). More recently, on 2 January 2006, Worldpress.org stated that the Mugabe government "has become increasingly hostile to and

suspicious of Zimbabweans who return to the country after long stays abroad."

Zimbabwean media claimed that a total of 10,000 Zimbabweans would eventually be deported by the UK (Reuters 16 Dec. 2004; *The Herald* 25 Jan. 2005).

In late 2005, Kubatana.net, "an online community for Zimbabwean activists" (Kubatana.net 9 March 2006) posted the decision by the UK Asylum and Immigration Tribunal concerning an appeal case heard between 5 and 7 October 2005 (UK 2005, 1). The case involved a Zimbabwean citizen who appealed the decision of the secretary of state for the Home Department, which had refused a fast track procedure for asylum and decided to have him removed as an "illegal entrant" (ibid.).

In its decision to allow the appeal, the Asylum and Immigration Tribunal said that the UK Home and Foreign Offices' fact-finding mission to Zimbabwe to investigate the treatment of returning asylum seekers (ibid., 41) "reveal[ed] nothing of the actual process which returned asylum seekers go through on their arrival at Harare airport" (ibid. 42). In its conclusion, the Tribunal decided to grant the appellant refugee status since "the process by which the United Kingdom Government enforces the involuntary return of rejected asylum seekers to Zimbabwe exposes them to a risk of ill-treatment at the hands of the CIO" (ibid., 46). Further or corroborating information to this effect, however, could not be found among the sources consulted by the Research Directorate within time constraints.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral Sources, including: Human Rights Trust of Southern Africa (SAHRIT). Neither the Zimbabwe Human Rights Association (ZimRights) nor Zimbabwe Lawyers for Human Rights (ZLHR) responded to requests for information within time constraints.

Internet Sites, including: The Amani Trust Organization, Amnesty International (AI), *The Economist* [London], European Country of Origin Information Network (ECOI), Freedom House, Human Rights Trust of Southern

Africa (SAHRIT), Human Rights Watch (HRW), Kubatana.net, Radio Free Europe/Radio Liberty (RFE/RL), Solidarity Peace Trust, *The Star* [Johannesburg], United States Department of State, World Organization Against Torture, Zimbabwe Human Rights Association (ZimRights), *The Zimbabwe Standard* [Harare].

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