

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: ZWE35535
Country: Zimbabwe
Date: 8 October 2009

Keywords: Zimbabwe – MDC – State Protection – Malinga – Blessing Chebundo – Teachers – Rally – Perth

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. What is the current situation for supporters of the MDC in Zimbabwe?**
- 2. Is there state protection available for supporters of the MDC in Zimbabwe?**
- 3. Please provide information about a member of the MDC and a Member of Parliament in Zimbabwe named Mr. Malinga. Are there reports of the Zanu-PF burning down Mr Malinga's house?**
- 4. Is there information on Blessing Chebundo standing for parliament in Zimbabwe?**
- 5. Are there reports of teachers in Zimbabwe who did not support the Zanu-PF being forced to resign by the Zanu-PF during 2003?**
- 6. Is there information about a rally held in Perth in early 2008 organised by Rumbidzai Tsvangirai, the daughter of the leader of the MDC?**

RESPONSE

- 1. What is the current situation for supporters of the MDC in Zimbabwe?**

An *All Africa* article dated 3 October 2009 sourced from SW Radio Africa indicates that:

Prominent human rights activist Jestina Mukoko and eight MDC activists are suing the government for a record \$500 million, after terror charges against them were dropped on Monday by the Supreme Court. The Court granted them all a permanent stay of prosecution because of their illegal detention and torture. They were facing charges of plotting to overthrow Robert Mugabe and recruiting people to train as bandits in Botswana (Sibanda, T. 2009, "Hidden Crimes' of State Security Agents to Be Exposed', *All Africa*, source: SW Radio Africa, 3 October – Attachment 1).

According to another article dated 28 September 2009 regarding Zimbabwe's Supreme Court quashing "terror charges against prominent human rights activist Jestina Mukoko and 8 others," other activists abducted during raids in 2008 "included Tsvangirai's former aide Gandhi Mudzingwa, MDC director of security Chris Dhlamini, Broderick Takawira, Mapfumo Garutsa, Regis Mujeyi, Zacharia Nkomo, Chinoto Zulu and freelance journalist Andrew Manyere" (Guma, L. 2009, 'Terror Charges Dropped Against Mukoko And 8 Others', *All Africa*, source: SW Radio Africa (London), 28 September <http://allafrica.com/stories/200909281598.html> - Accessed 7 October 2009 – Attachment 2). An article dated 30 September 2009 indicates that "Chris Dhlamini, Ghandi Mudzingwa, Concilia Chinanzvavana and Fidelis Chiramba still have cases pending before the Supreme Court" (Gonese, I. 2009, 'Zimbabwe commentary on delaying award judgment in rights activists case', *BBC Monitoring Africa*, source: newzimbabwe.com website, London, 30 September – Attachment 3).

An article dated 25 September 2009 sourced from SW Radio Africa in London refers to Zanu PF militia having "begun a fresh wave of violence, especially in the rural areas, according to a statement issued by the Crisis in Zimbabwe Coalition", with those being targeted including "members of civil society and MDC... supporters." According to the article:

The pressure group said reports from Chiweshe's Chaona area named ZANU PF supporters who are terrorising MDC activists, and telling villagers that the coalition government is 'only functional in Harare', not in the rural areas, and demanding that MDC supporters surrender their membership cards.

Villagers in Murambapfungwe are allegedly being assaulted and forced to surrender their MDC party cards. It is reported that a Mrs Machokoto and Peter Katsokonya were brutally tortured by ZANU members, resulting in Machokoto fleeing her home, while Katsokonya is receiving medical treatment in Harare ('Pressure group says ZANU-PF starts fresh wave of violence in rural Zimbabwe' 2009, *BBC Monitoring Africa*, source: SW Radio Africa, London, 25 September – Attachment 4).

An article dated 17 September 2009 indicates that "Pishai Muchauraya, the MDC-T MP for Makoni South and Manicaland provincial spokesperson," had been released on bail after being charged with "assaulting someone inside a police station." He denied the charge and "told SW Radio Africa soon after his release that he is being victimized and that some ZANU PF politicians and senior police officers in Mutare are trying to silence him" (Gonda, V. 2009, 'MDC MP Pishai Muchauraya Arrested', *All Africa*, source: SW Radio Africa, 17 September – Attachment 5).

According to another *All Africa* article dated 15 September 2009 sourced from SW Radio Africa, Edmore Marima, the MDC-T MP for Bikita East, "who had been facing charges of abusing farming inputs has been acquitted." The article also indicates that:

The MDC-T says several of their legislators are appearing in court facing false allegations that they abused the inputs scheme, established for MPs last year, and one MP, Ernest Mudavanhu of Zaka North, was convicted and sentenced to 12 months in prison

The party believes there is a systematic crackdown on MDC-T MPs and supporters despite joining the inclusive government. The MDC accuses ZANU PF and some government officials of trying to decimate its majority in parliament and its structures (Gonda, V. 2009, 'MDC Bikita East MP Acquitted of Fraud Charges' *All Africa*, source: SW Radio Africa, 15 September – Attachment 6).

An *Agence France-Presse* article dated 8 September 2009 refers to the MDC saying that “[a] member of Zimbabwe Prime Minister Morgan Tsvangirai’s party has been beaten to death by soldiers for playing a song praising the premier”. The MDC said that “Godknows Dzoro Mtshakazi was killed on August 30 in Shurugwi, 355 kilometres (220 miles) southwest of the capital Harare” (‘Member of Zimbabwe PM’s party murdered for song: party’ 2009, *Agence France-Presse*, 8 September – Attachment 7).

Another article dated 1 September 2009 indicates that “[a]n MDC activist, Edwin Chingami who had gone into exile in the run-up to last year’s June 27th run-off elections was murdered upon his return home at the weekend.” Bikita West MP, Heya Shoko said that Chingami had been beaten by “known ZANU PF youths” at a “funeral wake of his niece”. A “[p]rovincial police spokesperson” had “denied the murder was politically motivated, saying the suspects were drunk.” However, “MDC provincial chairman, Wilstaff Sitemere confirmed that Chingami was murdered for campaigning for the MDC, as well as standing as the party’s elections observer. He said that Chingami was told he would die if he returned” (‘MDC Activist Murdered in Fresh Political Violence’ 2009, *All Africa*, source: SW Radio Africa (London), 1 September <http://allafrica.com/stories/200909010872.html> - Accessed 7 October 2009 – Attachment 8).

An update of country information from DFAT dated 1 September 2009 includes the following information on the situation for MDC supporters in Zimbabwe:

Cable provides answers to questions in refTel, drawing on meetings with prominent MDC politicians, the Catholic Church, grassroots MDC members in a rural electorate that experienced a murder and other significant violence in April-June 2008, and several international NGOs and local civil society groups that told us they wished to remain anonymous.

R.1. Access to no go areas: can the post advise if they continue to exist and whether MDC supporters now have full access?

According to several international NGOs and local civil society groups, there are no longer any “no go” areas where MDC supporters are prevented from going by ZANU-PF members or state security forces acting under ZANU-PF orders. Local civil society groups active in human rights and constitutional reform have successfully been conducting seminars and outreach meetings in urban and rural areas around the country. The only “no go” area in Zimbabwe is the Marange diamond field, which is closed to anyone, whether ZANU-PF or MDC or non-political, who is not authorised by the authorities on behalf of President Mugabe’s political-security elite to engage in mining there.

MDC supporters now have full access to everywhere else in the country, though movement in some provinces - namely Mashonaland East, Mashonaland Central and Mashonaland West - continues to be monitored to some degree by the local authorities.

R.2. Politically motivated violence: does the post have any data on the level of violence and its location since the inclusive government and whether the data relate to both ZANU-PF and MDC supporters?

We are not aware of rigorous statistical data, but it is clear from assessments from a variety of sources spread across Zimbabwe that the level of politically-motivated violence has decreased greatly since the inclusive government was formed on 13 February 2009. It should be noted that one influential local civil society group admitted to us that it paid informants for reports

of cases of violence, thus rendering its information unreliable and systemically biased to exaggerating the number of cases. ZANU-PF's current campaign on constitutional reform has been based on small bribes for village headmen rather than physical intimidation, a strategic shift from the overt violence seen in rural areas in April-June 2008.

Violence against some white farmers continues, but this relates to greed on the part of ZANU-PF leaders seeking farming properties, not the political contest between the MDC and ZANU-PF.

R.3. MDC supporters in Harare: does the post have information concerning the likelihood that MDC supporters can live safely in Harare and other major populations centres in the country?

All information indicates that MDC supporters can live safely, that is free from politically-motivated violence, in Harare and other major population centres in Zimbabwe. The only exception might be the squatter district of Epworth on the fringe of Harare, where community violence is not uncommon and echoes of the April-June 2008 violence continued for some time last year. Epworth is also the scene of occasional, but diminishing, violence between supporters of two rival contenders for leadership of ZANU-PF's Harare organisation.

A number of MDC MPs have been charged with fictitious criminal offences in order to have them removed from the parliament, but other MDC leaders and ordinary MDC supporters are not affected by this (DIAC Country Information Service 2009, *Country Information Report No. 09/63 – CRS Request No. ZWE9736: Update of country information post February 2009*, (sourced from DFAT advice of 1 September 2009), 1 September – Attachment 9).

A report dated 24 August 2009 by the Zimbabwe Human Rights NGO Forum on political violence in Zimbabwe for June 2009 indicates that:

As intimidation and fear continue to grip many parts of rural Zimbabwe, groups of ZANU PF youths are still reported to be harassing members and suspected members of the MDC, more than a year after the disputed presidential run-off election. Retributive attacks on those who sought legal assistance and want redress for crimes committed during the 2008 electoral violence have been reported in some parts of the country. Intimidation of MDC members by state agents has also continued. This report documents how three MDC members who were part of the group of those abducted between October and December 2008, were forcibly taken from their homes to the Attorney General's Office. The violence, intimidation and mistrust across the political divide continues against the sentiments of commitment to national healing expressed publicly by the leaders of the three parties to the GPA (Zimbabwe Human Rights NGO Forum 2009, *Political Violence Report for June [2009]*, 24 August – Attachment 10).

A Human Rights Watch report dated August 2009 provides information on political violence and prosecutions against MDC activists and MDC legislators in Zimbabwe:

Despite signing a power-sharing agreement with the MDC, ZANU-PF members and supporters continue to intimidate, harass, and arbitrarily arrest MDC supporters and others perceived to be critical of ZANU-PF. ZANU-PF has also used its partisan control of the judicial system to jail human rights defenders and harass members of the media, all in direct contravention of the power-sharing agreement.

Political Violence against MDC Activists and Perceived ZANU-PF Critics

ZANU-PF and its allies, namely so-called “war veterans” and youth militia, continue to commit acts of political violence against MDC activists in Zimbabwe. For instance, they continue to operate sites throughout Zimbabwe that are used for torture, beatings, and harassment of MDC supporters. Additionally, ZANU-PF youth militia have been using schools across the country as centers for abuse, under the guise of being local Ministry of Youth “ward coordinators.”

Recent examples show how the pattern of ZANU-PF violence has continued since the GPA [Global Political Agreement] was signed. On July 3, 2009, ZANU-PF supporters beat up MDC activist Ebba Katiyo of Uzumba, Mashonaland East, accusing her of being a member of the MDC. Katiyo was assaulted by assailants who punched her, kicked her with booted feet, and hit her with sticks. A week later, on July 12, Katiyo was again assaulted by ZANU-PF supporters at a public meeting on the instructions of her uncle, the local village headman and a ZANU-PF supporter.

On July 13, 2009, a well-organized group of ZANU-PF supporters and “war veterans” beat up scores of MDC supporters and disrupted a national constitutional conference in the capital, Harare. No arrests were made despite a heavy police presence. The police remain under the leadership of Augustine Chihuri, a self-proclaimed ZANU-PF supporter.

On July 22, 2009, a group of suspected ZANU-PF activists in Mvuma assaulted Athanacia Mlilo, the 73-year-old mother of the MDC’s international relations coordinator, Nqobizitha Mlilo. They attacked Athanacia Mlilo with iron bars, and she was admitted for urgent medical attention at Mvuma hospital.

On August 1, 2009, three soldiers assaulted Finance Minister Tendai Biti’s gardener at Biti’s home in Harare. The victim, Howard Makonza, was rushed to the hospital. While Makonza was reporting the assault at a police station, one of the soldiers who had assaulted him threatened—in the presence of the police—to assault Makonza again. The Zimbabwe Defense Forces remain under the control of generals who support ZANU-PF, and in all the above cases, police either refused or failed to investigate these attacks despite credible allegations of criminal actions. This kind of police and army misconduct is consistent with previous Human Rights Watch findings in recent years. Biti himself recently told the media that he has been the target of death threats, including having received a bullet in the mail at his home.

...Further, ZANU-PF officials in the new government of Zimbabwe have refused to drop politically motivated criminal charges (for banditry and trying to recruit people for training in banditry) against 15 human rights and MDC activists whom ZANU-PF loyalists in the government arbitrarily arrested from October through December 2008—after ZANU-PF and MDC factions signed the GPA on September 15, 2008.¹⁶ The 15 activists were unlawfully held in secret detention for periods ranging from two to eight weeks, before being brought to court. These delays are well outside the 48-hour deadline by which arrested persons must be arraigned, as mandated by Zimbabwean law.

Seven other MDC activists who were abducted in October 2008, together with the 15 mentioned above, remain missing. They are: Gwenzi Kahiya, Ephraim Mabeka, Lovemore Machokoto, Charles Muza, Edmore Vangirayi, Graham Matehwa, and Peter Munyanyi.

Politically Motivated Prosecution of MDC Legislators and Activists

Since the formation of the power-sharing government, a pattern has developed in which MDC legislators and activists are targeted for arrest by the police and the Office of the Attorney General on apparently baseless charges. This pattern points to a drive by ZANU-PF to overturn MDC's slender majority in Parliament. At the time of writing, at least 16 MDC legislators have been arrested by police on charges ranging from public violence to kidnapping and rape; seven of whom have already been tried and convicted in unfair trials in which the judges are known ZANU-PF loyalists. Of the seven already convicted, four have since been suspended from Parliament under laws that provide that members of parliament (MPs) sentenced to six or more months of imprisonment shall immediately cease to exercise their parliamentary functions.

Other MDC legislators also face charges that carry potential prison sentences in excess of six months and they too are at risk of losing their seats in Parliament. Finance Minister Tendai Biti faces a treason charge that potentially carries a death sentence. Deputy Youth Minister and MP for Nkulumane Thamsanqa Mahlangu faces a charge of stealing a mobile phone and is on bail awaiting trial. Senator Roy Bennett is charged with illegal possession of "arms of war" and is on bail awaiting trial. Blessing Chebundo, Kwekwe Central MP, faces a charge of rape and is on bail awaiting trial. Trevor Saruwaka, Mutasa South MP, faces a public violence charge and is on bail awaiting judgment.

Five MPs face charges of abusing subsidized farming inputs. They are currently on bail awaiting judgment and are: Hamandishe Maramwidze, MP for Gutu North; Heya Shoko, MP for Bikita West; Edmore Marima, MP for Bikita East; Tachiona Mharadza, MP for Masvingo West; and Evelyn Masaiti, MP for Dzivarasekwa, Harare.

These prosecutions are not only politically motivated; they are also often presided over by politicized and partisan officials loyal to ZANU-PF, making a fair and impartial hearing near impossible.

Not a single ZANU-PF legislator has been arrested or prosecuted for criminal offenses since the GPA was signed, although a number are directly implicated in last year's political violence and other serious abuses, which resulted in the killing of over 163 MDC supporters between March and June 2008. Similarly, there has been no meaningful action to charge those responsible for brutalizing thousands more MDC supporters over that period and since. And, despite overwhelming evidence, no member of the police or armed forces has been charged with abuses in the Marange diamond fields, despite evidence of serious human rights violations there, which Human Rights Watch has documented in detail.

Politically motivated prosecutions of MDC legislators and the failure to prosecute MPs from ZANU-PF implicated in violence or other serious crimes demonstrate that the Office of the Attorney General and sections of the police under ZANU-PF control continue to abuse the judicial system for political ends (Human Rights Watch 2009, *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*, August, pp. 5-8 <http://www.hrw.org/sites/default/files/reports/zimbabwe0809webwcover.pdf> - Accessed 2 October 2009 – Attachment 11).

An *All Africa* article dated 6 August 2009 sourced from *Business Day* indicates that:

After President Jacob Zuma's critical meeting with Zimbabwean Prime Minister Morgan Tsvangirai on Monday, Harare authorities have released another former opposition MP from police detention.

The release of Deputy Youth Minister Thamsanqa Mahlangu, who is also a Movement for Democratic Change (MDC) legislator, on Monday shortly after Zuma met Tsvangirai, signalled a reprieve in the crackdown on former opposition MPs ahead of the Southern Africa Development Community summit later this month.

2 MDC MPs facing different charges were released on Friday.

...Mahlangu, arrested last week for allegedly stealing a cellphone from Mugabe ally Joseph Chinotimba, was released without charge.

...MDC MP Stewart Garadhi, who was arrested for playing a song said to be threatening Mugabe, was released last Friday from police custody.

...A third MDC MP, Ransome Makamure, who was accused of corruption in February, was also acquitted on Friday.

A further eight MDC MPs, seven members of the house of assembly and a senator, are facing charges carrying potential prison sentences of more than six months which would mean suspension from parliament (Muleya, D. 2009, 'Country Frees MDC Official But Many Still Face 'Charges'', *All Africa*, source: Business Day, 6 August – Attachment 12).

An article dated 22 July 2009 indicates that the MDC had issued a statement "saying scores of party supporters across the country have in recent months been victims of politically motivated violence at the hands of 'Zanu PF thugs,' despite the formation of the inclusive government in February." The article also indicates that Sekai Holland, the co-minister of National Healing, had "said that violence was still there but said it was not as bad as it was in previous years." She had "caused a stir last month when she said in a BBC interview that serious violence was continuing despite the formation of the unity government. The statements were immediately dismissed by her party leader and Prime Minister Morgan Tsvangirai" (Gonda, V. 2009, 'Government Dedicates Three Days to National Healing', *All Africa*, source: SW Radio Africa, 22 July – Attachment 13).

An RRT research response dated 1 July 2009 provides information on the level of political violence against MDC supporters in Zimbabwe (RRT Research & Information 2009, *Research Response ZWE35086*, 1 July – Attachment 14).

2. Is there state protection available for supporters of the MDC in Zimbabwe?

The Human Rights Watch report dated August 2009 includes information on instances of police not assisting MDC supporters who had been assaulted, and on the prosecution of MDC legislators and activists, often by officials loyal to ZANU-PF. It is stated in the report that:

On July 13, 2009, a well-organized group of ZANU-PF supporters and "war veterans" beat up scores of MDC supporters and disrupted a national constitutional conference in the capital, Harare. No arrests were made despite a heavy police presence. The police remain under the leadership of Augustine Chihuri, a self-proclaimed ZANU-PF supporter.

...On August 1, 2009, three soldiers assaulted Finance Minister Tendai Biti's gardener at Biti's home in Harare. The victim, Howard Makonza, was rushed to the hospital. While Makonza was reporting the assault at a police station, one of the soldiers who had assaulted him threatened—in the presence of the police—to assault Makonza again. The Zimbabwe Defense Forces remain under the control of generals who support ZANU-PF, and in all the above cases, police either refused or failed to investigate these attacks despite credible

allegations of criminal actions. This kind of police and army misconduct is consistent with previous Human Rights Watch findings in recent years. Biti himself recently told the media that he has been the target of death threats, including having received a bullet in the mail at his home.

...Since the formation of the power-sharing government, a pattern has developed in which MDC legislators and activists are targeted for arrest by the police and the Office of the Attorney General on apparently baseless charges. This pattern points to a drive by ZANU-PF to overturn MDC's slender majority in Parliament. At the time of writing, at least 16 MDC legislators have been arrested by police on charges ranging from public violence to kidnapping and rape; seven of whom have already been tried and convicted in unfair trials in which the judges are known ZANU-PF loyalists. Of the seven already convicted, four have since been suspended from Parliament under laws that provide that members of parliament (MPs) sentenced to six or more months of imprisonment shall immediately cease to exercise their parliamentary functions.

...Politically motivated prosecutions of MDC legislators and the failure to prosecute MPs from ZANU-PF implicated in violence or other serious crimes demonstrate that the Office of the Attorney General and sections of the police under ZANU-PF control continue to abuse the judicial system for political ends (Human Rights Watch 2009, *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*, August, pp. 5-8 <http://www.hrw.org/sites/default/files/reports/zimbabwe0809webwcover.pdf> - Accessed 2 October 2009 – Attachment 11).

The RRT research response dated 1 July 2009 (RRT Research & Information 2009, *Research Response ZWE35086*, 1 July – Attachment 14), refers to an interview on *National Public Radio* with Irene Khan, the Secretary General of Amnesty International, in relation to her visiting Zimbabwe. In the interview, Khan said that they had “talked to low level and middle level police officers and were told that they had been instructed by their senior officers not to take up complaints of MDC activists who had been attacked last year.” The interview includes the following:

Ms. KHAN: Well, what we found in Zimbabwe was that although the level of political violence has gone down compared to last year there remains a very fragile human rights situation. Lawyers, trade unionists, journalists, human rights defenders are being threatened. There is a climate of intimidation prevailing. Peaceful demonstrators are being arrested. And in fact, even as we were holding our press conference a group of women who were demonstrating outside parliament house were arrested. And most importantly of all, we did not find political will among all members of government to make the reform of the security sector that is absolutely essential.

...Ms. KHAN: Well, there are a number of people now both in the ZANU-PF side of the government as well as in the MDC side of the government who do acknowledge. I mean, there is open acknowledgement yes, violence took place. But there are differences of views as to what to do about it. In particular, there is very little interest in addressing impunity. And many of those who perpetrated the violence remain in power. We talked to low level and middle level police officers and were told that they had been instructed by their senior officers not to take up complaints of MDC activists who had been attacked last year. MARTIN: If I could just clarify, MDC is the Movement for Democratic Change. That is the party that had been in the oppositions, now part of the unity government, it is led by Morgan Tsvangirai. And President Mugabe leads the ZANU-PF, which has been the ruling party for sometime. So you're telling us that local police officers have been – said just ignore these complaints, just don't do anything about it?

Ms. KHAN: Exactly. Police officers have been told to ignore it and the victims that we spoke to told us that when they went to complain to the police nothing was happening. So there's a fair amount of anger and frustration at the level of those who had suffered last year, that there's very little change ('Amnesty International Investigates Civility in Zimbabwe' 2009, *National Public Radio: Tell Me More*, 25 June – Attachment 15).

3. Please provide information about a member of the MDC and a Member of Parliament in Zimbabwe named Mr. Malinga. Are there reports of the Zanu-PF burning down Mr Malinga's house?

An *All Africa* article dated 14 March 2008 sourced from SW Radio Africa, refers to "[t]he MDC MP for Redcliff in the Midlands province, Abedenico Malinga," being killed "in a car crash along the Gweru to Kwekwe highway." Malinga, a "legislator from the Mutambara faction" was "the third parliamentary candidate and the second sitting MP from the faction to die in the space of three weeks." The article indicates that:

According to police Malinga, who was driving, tried to avoid a head-on collision and seemed to have lost control as the vehicle veered off the road and smashed into a tree.

The MP survived the initial impact. He was rushed to hospital with multiple injuries but died an hour after being admitted. [Professor Welshman] Ncube said Malinga's death has traumatised so many of their members that they still cannot believe he has died.

'The man was a hardworking, charming, disciplined and principled MP. As with the other two deaths we expect the Redcliff election to be postponed to a later date,' Ncube said (Sibanda, T. 2008, 'Redcliff MDC MP Abedinico Malinga Dies in Car Crash', *All Africa*, source: SW Radio Africa, 14 March – Attachment 16).

A list of the candidates for the House of Assembly for the harmonised elections in Zimbabwe in 2008 indicates that Mate Abedinigo Malinga was the MDC candidate in Redcliff constituency in Midlands province (Zimbabwe Electoral Support Network (undated), 'Results of Nomination Court for the Harmonised Elections 2008', Zimbabwe Electoral Support Network website http://www.zesn.org.zw/publications/publication_145.pdf – Accessed 2 April 2008 – Attachment 17).

A spreadsheet providing details of earlier Zimbabwe election results in June 2000 refers to Abednigo Malinga as the successful MDC candidate in the constituency of Silobela in Midlands province ('Zimbabwe Election Results – June 2000' (undated), Zimbabwe Situation website <http://www.zimbabwesituation.com/results.html> – Accessed 15 October 2004 – Attachment 18).

According to an *All Africa* article dated 9 February 2006 sourced from *The Herald*, Abednigo Malinga had been appointed to the portfolio of rural housing and social amenities for the MDC faction then headed by Mr Gibson Sibanda. The article refers to a split in the MDC between a faction led by Mr Sibanda and a faction led by Morgan Tsvangirai (Zvayi, C. 2006, 'MDC Parliamentarians Hold Separate Caucuses', *All Africa*, source: The Herald, 9 February – Attachment 19).

Another *All Africa* article dated 14 January 2006 sourced from *The Herald*, indicates that “MDC Member of Parliament for Silobela constituency, Abednigo Mate Malinga,” had “appeared before Mr Oliver Mudzongachiso at Kwekwe Magistrates’ Court” for allegedly abusing “the parliamentary vehicle loan scheme by importing a car duty-free from South Africa on behalf of a relative”. Malinga and his relative “were facing charges of contravening a section of the Customs and Excise Act” and were remanded out of custody on bail (‘MDC MP Malinga Appears in Court’ 2006, *All Africa* source: *The Herald*, 14 January – Attachment 20).

A search of the sources consulted did not locate reports of the ZANU-PF burning down Mr Malinga’s house. Information was found in relation to attacks on Mr Malinga and vehicles belonging to him by ZANU-PF supporters.

A report dated March 2004 commissioned by The Zimbabwe Institute in Johannesburg provides accounts of human rights abuses experienced by opposition Members of Parliament and opposition election candidates in Zimbabwe, including Abednigo Malinga. It is stated in the report that:

Malinga, Abednigo: Silobela

On February 5, 2002 at the Torwood Tennis Court, Mr. Malinga was ambushed by ZANU-PF youths who shot at his vehicle with catapults. A report was made to the police, but there was no investigation.

Also in February 2002 the Kwekwe MDC offices were attacked by ZANU-PF youths and Mr. Malinga’s vehicle was stoned and all the windows smashed.

In March 2003, Malinga, the MP for Silobela was attacked by seven suspected ZANU PF supporters in a fuel queue at a service station in Kwekwe. Malinga said the youths emerged from a ZANU PF militia base behind a service station owned by ZANU PF councillor in the Kwekwe City Council and told him to refuel his car in Britain. The ZANU PF supporters barred him from filling his car claiming Morgan Tsvangirai, the MDC president had called from sanctions against Zimbabwe. He said one of the supporters smashed an empty bottle on his head and he sustained a deep cut. The MP said while the car was under police guard, the ZANU PF attackers smashed the front windscreen and tried to set it alight with petrol.

Mr. Malinga’s vehicle was burnt beyond repair by the ZANU-PF youth. A report was made to the police but there have been no arrests or charges to date (The Zimbabwe Institute 2004, “Playing with fire”, SW Radio Africa website, March <http://www.swradioafrica.com/pages/fire.htm> - Accessed 7 October 2009 – Attachment 21).

An *All Africa* article dated 11 March 2002 sourced from *The Daily News* in Harare indicates that ZANU-PF supporters had attacked “[a] Mazda B2200 belonging to Silobela MP Abednigo Mathe Malinga”, which was “burnt beyond repair.” According to the article:

ZANU PF supporters went on an orgy of violence on the eve of the first day of the election here, where two vehicles carrying MDC polling agents were attacked in separate incidents on Friday night.

A Mazda B2200 belonging to Silobela MP Abednigo Mathe Malinga was ambushed at Tiger Reef Mine, 10km outside Kwekwe, and burnt beyond repair. The vehicle was carrying six MDC polling agents to their respective polling stations at Crushers and Broomsgrove School. The Zanu PF youths ambushed the car and started throwing stones, forcing the MDC polling agents to flee the scene (Mudzingwa, Z. & Tamborinyoka, L. 2002, ‘Zanu-PF Youths Run

Riot On Eve of Presidential Poll', *All Africa*, source: The Daily News (Harare), 11 March <http://allafrica.com/stories/200203110288.html> - Accessed 5 October 2009 – Attachment 22).

4. Is there information on Blessing Chebundo standing for parliament in Zimbabwe?

The list of the candidates for the House of Assembly for the harmonised elections in Zimbabwe in 2008 refers to Blessing Chebundo being the MDC Tsvangirai candidate in Kwekwe Central constituency in Midlands province (Zimbabwe Electoral Support Network (undated), 'Results of Nomination Court for the Harmonised Elections 2008', Zimbabwe Electoral Support Network website http://www.zesn.org.zw/publications/publication_145.pdf – Accessed 2 April 2008 – Attachment 17).

The spreadsheet providing details of the earlier Zimbabwe election results in June 2000 indicates that Blessing Chebundo was the successful MDC candidate in the constituency of Kwekwe Central in Midlands province ('Zimbabwe Election Results – June 2000' (undated), Zimbabwe Situation website <http://www.zimbabwesituation.com/results.html> – Accessed 15 October 2004 – Attachment 18).

According to a recent *All Africa* article dated 11 September 2009 sourced from The Herald, "Kwekwe Central legislator Blessing Chebundo" had pleaded not guilty to a charge of raping a teenage girl "when his trial opened this week before regional magistrate Mr William Bhila" ('Chebundo's Trial - Policeman Testifies' 2009, *All Africa*, source: The Herald, 11 September – Attachment 23).

The Human Rights Watch report dated August 2009 indicates that MDC legislators who "face charges that carry potential prison sentences in excess of six months and... are at risk of losing their seats in Parliament" include "Blessing Chebundo, Kwekwe Central MP," who "faces a charge of rape and is on bail awaiting trial" (Human Rights Watch 2009, *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*, August, pp. 7-8 <http://www.hrw.org/sites/default/files/reports/zimbabwe0809webwcover.pdf> - Accessed 2 October 2009 – Attachment 11).

An *All Africa* article dated 21 May 2009 sourced from SW Radio Africa (London), refers to "[t]he Member of Parliament for Kwekwe, Blessing Chebundo from the Tsvangirai MDC," being "arrested on charges of raping a 13-year old girl." According to the article:

A complaint was filed by a young girl, who alleges that the MP raped her in his car on the banks of the Sebakwe River between Kadoma and Kwekwe. It's been reported that the incident happened in January, but has only been re-ignited after Chebundo questioned the two Home Affairs Ministers in parliament over the arrest of two Zimbabwe Independent journalists. One of the Ministers, Giles Mutsekwa, had been forced to admit they were detained on the orders of the Attorney-General, Johannes Tomana.

Party spokesman Nelson Chamisa confirmed Chebundo was still in police custody Thursday afternoon. He described the incident as unfortunate, vowing they would carry out their own investigation. Chamisa said it was important for them not to 'jump the gun' and to inspect the veracity of the case. Similar problems have erupted in the past with cases being concocted against their members he said (Guma, L. 2009, 'Kwekwe MDC MP Arrested on Rape Charges', *All Africa*, source: SW Radio Africa (London), 21 May <http://allafrica.com/stories/200905210629.html> - Accessed 5 October 2009 – Attachment 24).

An *All Africa* article dated 8 April 2009 sourced from The Herald, indicates that “Kwekwe Member of the House of Assembly Mr Blessing Chebundo (MDC-T)” was the leader of the parliament portfolio committee of Transport and Infrastructural Development (‘Parly Portfolio Committees Begin Meetings’ 2009, *All Africa*, source: The Herald, 8 April <http://allafrica.com/stories/200904080099.html> - Accessed 5 October 2009 – Attachment 25).

An RRT research response dated 5 April 2007 includes information on a split in the MDC in 2005 (RRT Country Research 2007, *Research Response ZWE31560*, 5 April, (Question 1) – Attachment 26). The research response refers to a UK Home Office report that indicates that Blessing Chebundo was a member of the pro-Senate faction of the MDC led by Arthur Mutambara in September 2005 (UK Home Office 2007, *Country of Origin Information Report: Zimbabwe*, 21 February, Annex E – Attachment 27).

An *All Africa* article dated 28 April 2006 sourced from the *Zimbabwe Independent*, indicates that Blessing Chebundo was one of a number of top officials in the Mutambara faction who had defected to the Tsvangirai faction of the MDC in the previous two weeks (Matikinye, R. 2006, ‘Tsvangirai Piles Pressure On Rump Mutambara Group’, *All Africa*, source: Zimbabwe Independent, 28 April <http://allafrica.com/stories/200604280636.html> - Accessed 6 October 2009 – Attachment 28).

According to an *All Africa* article dated 8 October 2002 sourced from *The Daily News* in Harare, Blessing Chebundo was “the MDC shadow minister of health” at that time (‘MDC calls for audit into looted AIDS funds’ 2002, *All Africa*, source: The Daily News (Harare), 8 October – Attachment 29).

An Amnesty International document dated 24 July 2000 in relation to attacks and death threats against MDC members and supporters following the 25 June 2000 parliamentary election in Zimbabwe, indicates that in the period leading up to the 2000 election, “the MDC MP for Kwekwe, Blessing Chebundo, was severely intimidated and his house totally destroyed by fire” (Amnesty International 2000, *Zimbabwe: Death threats and violence against opposition continues*, 24 July, AFR 46/026/2000 – Attachment 30).

5. Are there reports of teachers in Zimbabwe who did not support the Zanu-PF being forced to resign by the Zanu-PF during 2003?

RRT research responses dated 23 May 2007 (RRT Country Research 2007, *Research Response ZWE31745*, 23 May – Attachment 31), and 12 July 2006 (RRT Country Research 2006, *Research Response ZWE30332*, 12 July, (Question 2) – Attachment 32), include information on the treatment of teachers in Zimbabwe. The research responses refer to a UK Home Office operational guidance note on Zimbabwe dated 13 January 2006, which indicates that:

- 3.7.2 **Treatment.** Teachers have, since the foundation of the MDC, been targeted because of their real or imputed support for the MDC. There have in that time been credible reports that teachers have been murdered, raped, abducted, assaulted, forced from or suspended from their posts, unlawfully detained, forced to take part in ZANU-PF activities and to undertake National Service.

- 3.7.3 There appeared to be a slight improvement in the situation in 2003 when the United States State Department (USSD) was able to report 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.” However, in 2004 the USSD reported that teachers among others were still “...singled out for assault or intimidation by ruling party supporters.” and there continued to be reports that schoolteachers had their employment terminated because they supported the MDC (UK Home Office 2006, *Operational Guidance Note – Zimbabwe*, 13 January, p. 6 – Attachment 33).

A copy of the US Department of State report on human rights practices in Zimbabwe for 2003 is attached. In addition to the information mentioned above, the report indicates that “[u]nlike in the previous year, there were no reports that ruling party supporters attacked teachers suspected of supporting the opposition.” The report also indicates that “[m]any 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”. Also, “[o]ther IDPs [internally displaced persons] were persons, often teachers and civil servants, forced to leave their homes by government supporters because of perceived support for the opposition” (US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Zimbabwe*, February, Sections 1(c) & 2(d) – Attachment 34).

The US Department of State report on human rights practices in Zimbabwe for 2004 is also attached and indicates that “[t]here continued to be reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC” (US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Zimbabwe*, February, Section 2(a) – Attachment 35).

The earlier US Department of State report on human rights practices in Zimbabwe for 2002 refers to several schools being “shut down as teachers who supported the MDC were tortured and told they were not allowed to work as long as they did not support ZANU-PF and the President” (US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Zimbabwe*, March, Section 5 – Attachment 36).

6. Is there information about a rally held in Perth in early 2008 organised by Rumbidzai Tsvangirai, the daughter of the leader of the MDC?

An article in *The Australian* dated 20 June 2008 indicates that Rumbidzai Tsvangirai, a “22-year-old economics graduate, who left Zimbabwe in 2004 to study at Perth’s Murdoch University,” was to “appear for the first time at a public rally in Perth to support a free and fair Zimbabwean election” on that weekend. According to the article:

“I came to a point where I said to myself that the time was right to speak out about my dad, the MDC and (the plight of) everyone in Zimbabwe.” She said more aid was needed for Zimbabweans suffering extreme food shortages and homelessness.

She will also call on the Australian Government to put further pressure on African leaders to speak out against the Mugabe regime. “They should be told not just to watch what’s happening, but do something about it.”

The Tsvangirai family is scattered on three continents -- son Garikai, 27, lives in Canada while another daughter, Vimbai, 25, lives in Sydney and works for the Sydney City Council. Mr Tsvangirai’s wife, Susan, has spent the past two months in South Africa with twins

Millicent and Vincent, 14, and 30-year-old son Edwin, after threats escalated against her husband (Laurie, V. 2008, 'Tsvangirai's daughter speaks out', *The Australian*, 20 June – Attachment 37).

It is stated in a further article in *The West Australian* dated 23 June 2008 that:

The daughter of Zimbabwe opposition leader Morgan Tsvangirai addressed a rally in Perth yesterday just hours before her father announced he was pulling out of the presidential run-off poll.

Rumbidzai Tsvangirai said she hoped her decision to speak at the rally outside Wesley Church in the city would help focus international attention on the crisis in her homeland.

More than 150 people crowded around to hear the 22-year-old — who came to Perth to study at Murdoch University in 2004 — speak out in support of her father for the first time (Hatch, D. 2008, 'Daughter breaks her silence in plea for help for homeland', *The West Australian*, 23 June – Attachment 38).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

International News & Politics

BBC News <http://news.bbc.co.uk>

Topic Specific Links

Region Specific Links

All Africa <http://allafrica.com/>

Search Engines

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. Sibanda, T. 2009, 'Hidden Crimes' of State Security Agents to Be Exposed', *All Africa*, source: SW Radio Africa, 3 October. (FACTIVA)
2. Guma, L. 2009, 'Terror Charges Dropped Against Mukoko And 8 Others', *All Africa*, source: SW Radio Africa (London), 28 September
<http://allafrica.com/stories/200909281598.html> - Accessed 7 October 2009.
3. Gonese, I. 2009, 'Zimbabwe commentary on delaying award judgment in rights activists case', *BBC Monitoring Africa*, source: newzimbabwe.com website, London, 30 September. (FACTIVA)
4. 'Pressure group says ZANU-PF starts fresh wave of violence in rural Zimbabwe' 2009, *BBC Monitoring Africa*, source: SW Radio Africa, London, 25 September. (FACTIVA)
5. Gonda, V. 2009, 'MDC MP Pishai Muchauraya Arrested', *All Africa*, source: SW Radio Africa, 17 September. (FACTIVA)
6. Gonda, V. 2009, 'MDC Bikita East MP Acquitted of Fraud Charges' *All Africa*, source: SW Radio Africa, 15 September. (FACTIVA)
7. 'Member of Zimbabwe PM's party murdered for song: party' 2009, *Agence France-Presse*, 8 September. (FACTIVA)
8. 'MDC Activist Murdered in Fresh Political Violence' 2009, *All Africa*, source: SW Radio Africa (London), 1 September <http://allafrica.com/stories/200909010872.html> - Accessed 7 October 2009.
9. DIAC Country Information Service 2009, *Country Information Report No. 09/63 – CRS Request No. ZWE9736: Update of country information post February 2009*, (sourced from DFAT advice of 1 September 2009), 1 September. (CISNET Zimbabwe CX232614)
10. Zimbabwe Human Rights NGO Forum 2009, *Political Violence Report for June [2009]*, 24 August. (CISNET Zimbabwe CX232507)
11. Human Rights Watch 2009, *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*, August
<http://www.hrw.org/sites/default/files/reports/zimbabwe0809webwcover.pdf> - Accessed 2 October 2009.
12. Muleya, D. 2009, 'Country Frees MDC Official But Many Still Face 'Charges'', *All Africa*, source: Business Day, 6 August. (FACTIVA)
13. Gonda, V. 2009, 'Government Dedicates Three Days to National Healing', *All Africa*, source: SW Radio Africa, 22 July. (FACTIVA)
14. RRT Research & Information 2009, *Research Response ZWE35086*, 1 July.

15. 'Amnesty International Investigates Civility in Zimbabwe' 2009, *National Public Radio: Tell Me More*, 25 June. (FACTIVA)
16. Sibanda, T. 2008, 'Redcliff MDC MP Abedinico Malinga Dies in Car Crash', *All Africa*, source: SW Radio Africa, 14 March. (FACTIVA)
17. Zimbabwe Electoral Support Network (undated), 'Results of Nomination Court for the Harmonised Elections 2008', Zimbabwe Electoral Support Network website http://www.zesn.org.zw/publications/publication_145.pdf – Accessed 2 April 2008.
18. 'Zimbabwe Election Results – June 2000' (undated), Zimbabwe Situation website <http://www.zimbabwesituation.com/results.html> – Accessed 15 October 2004.
19. Zvayi, C. 2006, 'MDC Parliamentarians Hold Separate Caucuses', *All Africa*, source: The Herald, 9 February. (FACTIVA)
20. 'MDC MP Malinga Appears in Court' 2006, *All Africa* source: The Herald, 14 January. (FACTIVA)
21. The Zimbabwe Institute 2004, "Playing with fire", SW Radio Africa website, March <http://www.swradioafrica.com/pages/fire.htm> - Accessed 7 October 2009.
22. Mudzingwa, Z. & Tamborinyoka, L. 2002, 'Zanu-PF Youths Run Riot On Eve of Presidential Poll', *All Africa*, source: The Daily News (Harare), 11 March <http://allafrica.com/stories/200203110288.html> - Accessed 5 October 2009.
23. 'Chebundo's Trial - Policeman Testifies' 2009, *All Africa*, source: The Herald, 11 September. (FACTIVA)
24. Guma, L. 2009, 'Kwekwe MDC MP Arrested on Rape Charges', *All Africa*, source: SW Radio Africa (London), 21 May <http://allafrica.com/stories/200905210629.html> - Accessed 5 October 2009.
25. 'Parly Portfolio Committees Begin Meetings' 2009, *All Africa*, source: The Herald, 8 April <http://allafrica.com/stories/200904080099.html> - Accessed 5 October 2009.
26. RRT Country Research 2007, *Research Response ZWE31560*, 5 April.
27. UK Home Office 2007, *Country of Origin Information Report: Zimbabwe*, 21 February.
28. Matikinye, R. 2006, 'Tsvangirai Piles Pressure On Rump Mutambara Group', *All Africa*, source: Zimbabwe Independent, 28 April <http://allafrica.com/stories/200604280636.html> - Accessed 6 October 2009.
29. 'MDC calls for audit into looted AIDS funds' 2002, *All Africa*, source: The Daily News (Harare), 8 October. (CISNET Zimbabwe CX68458)
30. Amnesty International 2000, *Zimbabwe: Death threats and violence against opposition continues*, 24 July, AFR 46/026/2000. (CISNET Zimbabwe CX46132)

31. RRT Country Research 2007, *Research Response ZWE31745*, 23 May.
32. RRT Country Research 2006, *Research Response ZWE30332*, 12 July.
33. UK Home Office 2006, *Operational Guidance Note – Zimbabwe*, 13 January.
34. US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Zimbabwe*, February.
35. US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Zimbabwe*, February.
36. US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Zimbabwe*, March.
37. Laurie, V. 2008, 'Tsvangirai's daughter speaks out', *The Australian*, 20 June. (FACTIVA)
38. Hatch, D. 2008, 'Daughter breaks her silence in plea for help for homeland', *The West Australian*, 23 June. (FACTIVA)