

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Is there any information on the Zanu PF Central Intelligence Operatives (or other operatives) infiltrating such internet groups and targeting participants?**
- 2. Is there any information on Zimbabwe not being able to afford to print passports in the past 12 months or so?**

RESPONSE

- 1. Is there any information on the Zanu PF Central Intelligence Operatives (or other operatives) infiltrating such internet groups and targeting participants?**

The US Department of State reported in its 2008 Human Rights Report that the Government had introduced a law allowing it to monitor the internet communications of its citizens:

In 2007 the president signed into law the Interception of Communications Act (ICA) to provide for the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other related system in the country. Civil liberties advocates criticized the ICA as repressive legislation that allows the government to stifle freedom of speech and to target opposition and civil society activists (US Department of State 2009, *Human Rights Report for 2008 – Zimbabwe*, February, Section 1 – Attachment 1).

However, the UK Home Office adds in a 2009 report that:

The law, which in theory allows the government to spy on private communications may not be fully implemented because of the high costs involved to internet service providers (UK Home Office 2009, *Country of Origin Information Report - Zimbabwe*, March - Attachment 2).

A later article in March 2009 published by the *Zimbabwe Independent* indicated that this potential obstacle for the Government had been overcome:

The telecommunications service providers are paid for helping government spy on their customers. But they must not disclose that they have been approached.

This means that the fixed network TelOne and cellular phone companies, NetOne, Econet and Telecel who survive on income from customers are being remunerated for aiding and abetting spying on the same customers.

The article added that President Mugabe's loyalists were attempting to seize control of the main functions of the Ministry of Information and Communication Technology:

Harare — PRESIDENT Robert Mugabe's political loyalists are fighting to seize the main functions of the Ministry of Information and Communication Technology under Minister Nelson Chamisa to exercise a free rein in snooping on people's communications.

Last week Media, Information and Publicity minister Webster Shamu tried to invade Chamisa's ministry by visiting state entities under his control, leading to a clash between the two. It is understood the main issue is spying on citizens with the help of TelOne and cellular phone networks. Mugabe and MDC leader Morgan Tsvangirai have resolved the issue, although Mugabe's loyalists want to make yet another back-door bid to control the flow of information arising from the Interception of Communications Act ('Zimbabwe: Mugabe Loyalists Fight to Spy On Citizens' 2009, *Zimbabwe Independent*, 6 March <http://allafrica.com/stories/200903060785.html> - Accessed 19 August 2009 – Attachment 3).

The UK Home Office report describes the Zimbabwean Central Intelligence Organisation's capabilities in terms of monitoring:

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.

...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 (UK Home Office 2009, *Country of Origin Information Report - Zimbabwe*, March - Attachment 2).

A search of the sources consulted did not find information to assess the Zimbabwe Government's specific capabilities with regard to monitoring internet activity on servers outside the country.

The International Freedom of Expression Exchange reported in July 2009 that another bill had been adopted allowing for further interception of internet communications:

The controversial Information and Communication Bill was adopted by the National Assembly on 16 July 2009 and will soon undergo legislative review by the National Council. The bill provides for an interception of, among others, e-mail, short messaging services (SMS), Internet banking and telephone calls ('Communication bill adopted by National Assembly' 2009, International Freedom of Expression Exchange website, 24 July

http://www.ifex.org/namibia/2009/07/24/communication_bill_adopted/ - Accessed 20 August 2009 – Attachment 4).

In regard to identifying and targeting individuals as a result of such monitoring, the above US State Department report discusses a case of a newspaper editor suspended and then terminated after allegedly insulting the President in private email messages:

There were no government restrictions on the Internet; however, the ICA permits the government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.

In September local media reported that Justin Mutasa, CEO of Zimpapers, the state-run media, had put all of his editors under surveillance during the year. In an October Zimpapers internal disciplinary hearing against Bhekinkosi Ncube, editor of the Ndebele-language newspaper Umthunywa, Mutasa suspended Ncube for insulting the president in emails. The Zimpapers information manager stated that he had accessed the editors' private emails using password cracking software between August 3 and 15. Ncube's lawyers questioned the legality of the manner in which the evidence was obtained. Ncube's lawyers argued that the e-mail searches were in violation of the ICA, as Zimpapers had accessed a private and secure email address without the owner's consent or a warrant. The disciplinary committee ruled in Ncube's favor, but Zimpapers' management prevented him from returning to work. Ncube was subsequently terminated (US Department of State 2009, *Human Rights Report for 2008 – Zimbabwe*, February, Section 2 – Attachment 1).

While no information was found on Zanu PF Central Intelligence Operatives infiltrating Facebook groups in particular and targeting participants, general information was found on alleged infiltration of Facebook by other politically motivated organizations for spying purposes:

Israel's internal intelligence service urged the public today to exercise caution when using Facebook, saying Arabs are trying to recruit spies on the popular social networking site.

The Shin Bet security agency warned Israelis against answering unsolicited messages or sharing telephone numbers and other sensitive information over the Internet. It said there have been numerous incidents recently in which violent groups tried to recruit Israelis through Facebook and other networking sites.

...Facebook is open to any person, group or business that wants to sign up for an account. It does prohibit content that is hateful or threatening, and users are barred from doing "anything unlawful, misleading, malicious, or discriminatory." But, like elsewhere on the Internet, Facebook does not hand-screen all the content on the site before it is posted (Deitch, I. 2009, 'Israel warns of Facebook 'spies'', *The Independent*, 18 May <http://www.independent.co.uk/news/world/middle-east/israel-warns-of-facebook-spies-1687139.html> - Accessed 20 August 2009 – Attachment 5).

2. Is there any information on Zimbabwe not being able to afford to print passports in the past 12 mths or so?

The Zimbabwean reported on 19 August 2009 that last year there had been a backlog in passport applications due for processing which had peaked at 500,000. This year the figure was down to under 100,000, with Government claims that the backlog would soon be cleared.

BULAWAYO - A passport backlog that last year reached a peak of 500 000 has been reduced by the inclusive government to less than 100 000, co Home Affairs Minister, Giles Mutsekwa revealed.

Mutsekwa said a move by the government to allow the struggling Registrar General (RG's) office to charge in foreign currency had assisted the government department to purchase materials used in the processing of passports, resulting in the drop in the backlog.

The RG's office last year blamed its failure to process the much needed travel documents on the lack of foreign currency to purchase materials, resulting in the backlog skyrocketing to 500 000 in December 2008.

The failure of the RG's office to issue passports last year mirrored the ravaging economic crisis that had at the time knocked all government departments to their knees.

“The problem of foreign currency to source some of the consumables that are used to manufacture passports has since been attended to since the RG's office started charging in foreign currency in February.”

“The backlog will be cleared soon,” Mutsekwa noted. “At present, the backlog stands at minus or plus 90 000” (Hove, N. 2009, ‘Passport Backlog drops to 90,000’, *The Zimbabwean*, 19 August <http://www.thezimbabwean.co.uk/2009081923758/public-services/passport-backlog-drops-to-90000.html> - Accessed 21 August 2009 – Attachment 6).

The *New Zimbabwe* reported in February 2008 that at the time, the Zimbabwean authorities had had to stop issuing passports due to a lack of funds;

Registrar-General Tobaiwa Mudede sent a circular to all passport offices, ordering them to suspend operations in the same week he told a parliamentary committee that his office had “no cent in our account” (‘Zimbabwe stops issuing passports over cash squeeze’ 2008, *New Zimbabwe*, 12 February <http://www.newzimbabwe.com/pages/registrar.15096.html> - Accessed 18 August 2009 – Attachment 7).

Another article from the online newspaper published on the same date claimed that there had been a backlog of 300,000 applications for passports with no resources to process them (‘Zimbabwe has passport backlog of 300,000’ 2008, *New Zimbabwe*, 12 February <http://www.newzimbabwe.com/pages/registrar3.16016.html> - Accessed 18 August 2009 – Attachment 8).

An article dated 7 December 2006 published by IRIN reports that the Zimbabwean Registrar-General's Department had stopped producing passports “because the cost of importing the special paper required has become unaffordable”. The article also claims that there was a four-year backlog for passports at the time (‘Zimbabwe: No legal way out’ 2006, *IRIN*, 7 December <http://www.irinnews.org/report.aspx?reportid=62376> – Accessed 18 August 2009 – Attachment 9).

While the Government had faced difficulties over the last few years in producing passports due to a lack of resources, information was also found which suggested that the non-issuing of passports for certain applicants may be a result of them being targeted by the Government. The previously mentioned US State Department report discusses the denial of a passport to MDC leader Morgan Tsvangirai. The Zimbabwe Government had claimed that this was due to having insufficient resources:

Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the government and to deny the renewal of some individuals' passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, authorities seized passports and prevented citizens from leaving the country during the year. For example, in May Morgan Tsvangirai applied for a new passport since the pages of his previous passport were filled. Although an emergency passport could typically be issued within two days, the registrar general's office stated it could not issue a passport due to a lack of material and instead gave Tsvangirai three different short-term emergency travel documents between June and November. However, the press reported that thousands of other passports were issued during that period. The government also did not issue Tsvangirai a passport until December 25, despite his position as prime minister-designate and repeated requests to travel on the document for SADC-sponsored power-sharing negotiations.

It adds that:

The registrar general continued to deny passports based on his interpretation of the Citizenship Act. The act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period.

However, it also stated that there were no reports of the Government forcibly exiling people:

The constitution prohibits forced exile, and there were no reports that the government used it. A number of persons, including former government officials, prominent businessmen, human rights activists, MDC members, and human rights lawyers, left the country and remained in self-imposed exile (US Department of State 2009, *Human Rights Report for 2008 – Zimbabwe*, February, Section 2 – Attachment 1).

The Australian Department of Foreign Affairs and Trade (DFAT) provided the following advice dated 6 December 2005 on whether a known MDC supporter would have difficulty obtaining a Zimbabwean passport lawfully:

Would a known or reputed MDC supporter have difficulty obtaining a Zimbabwe passport lawfully?

Yes, such a person might have some difficulty, but not necessarily (Department of Foreign Affairs 2005, *DFAT Report No. 428 – Zimbabwe: RRT Information Request: ZWE23768*, 6 December – Attachment 10).

List of Sources Consulted

Internet Sources:

Government Information and Reports

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

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

United Nations (UN)

UN Office of Humanitarian Affairs – IRIN News <http://www.irinnews.org>

Region Specific Links

All Africa <http://allafrica.com>

Africa Daily <http://africadaily.com>

Africa Confidential <http://africa-confidential.com>

International News & Politics

International Freedom of Expression Exchange <http://www.ifex.org/>

The Independent <http://www.independent.co.uk>

The Zimbabwean <http://www.thezimbabwean.co.uk/>

New Zimbabwe <http://www.newzimbabwe.com/>

Search Engines

Google <http://www.google.com.au/>

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

Databases:

FACTIVA

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)

List of Attachments

1. US Department of State 2009, Human Rights Report for 2008 – Zimbabwe, February, Section 1.
2. UK Home Office 2009, *Country of Origin Information Report - Zimbabwe*, March.
3. ‘Zimbabwe: Mugabe Loyalists Fight to Spy On Citizens’ 2009, *Zimbabwe Independent*, 6 March <http://allafrica.com/stories/200903060785.html> - Accessed 19 August 2009.
4. ‘Communication bill adopted by National Assembly’ 2009, International Freedom of Expression Exchange website, 24 July http://www.ifex.org/namibia/2009/07/24/communication_bill_adopted/ - Accessed 20 August 2009.
5. Deitch, I. 2009, ‘Israel warns of Facebook ‘spies’’, *The Independent*, 18 May <http://www.independent.co.uk/news/world/middle-east/israel-warns-of-facebook-spies-1687139.html> - Accessed 20 August 2009.
6. Hove, N. 2009, ‘Passport Backlog drops to 90,000’, *The Zimbabwean*, 19 August <http://www.thezimbabwean.co.uk/2009081923758/public-services/passport-backlog-drops-to-90000.html> - Accessed 21 August 2009.
7. ‘Zimbabwe stops issuing passports over cash squeeze’ 2008, *New Zimbabwe*, 12 February <http://www.newzimbabwe.com/pages/registrar.15096.html> - Accessed 18 August 2009.
8. ‘Zimbabwe has passport backlog of 300,000’ 2008, *New Zimbabwe*, 12 February

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9. 'Zimbabwe: No legal way out' 2006, *IRIN*, 7 December
<http://www.irinnews.org/report.aspx?reportid=62376> – Accessed 18 August 2009.
10. Department of Foreign Affairs 2005, *DFAT Report No. 428 – Zimbabwe: RRT Information Request: ZWE23768*, 6 December.