

**Destructive Engagement:  
Violence, mediation and politics in Zimbabwe**



*Solidarity Peace Trust*

**Johannesburg, 10 July 2007**

## THE SOLIDARITY PEACE TRUST

The Solidarity Peace Trust is a non-governmental organisation, registered in South Africa. The Trustees of the Solidarity Peace Trust are church leaders of Southern Africa, who are all committed to human rights, freedom and democracy in their region.

- Archbishop Pius A Ncube, Catholic Archbishop of Bulawayo, Zimbabwe, is chairperson
- Bishop Rubin Phillip; Anglican Bishop of KwaZulu-Natal, Republic of South Africa, is patron

*The objectives of the Trust are:*

To assist individuals, organisations, churches and affiliated organisations in southern Africa, to build solidarity in the pursuit of justice, peace and social equality and equity in Zimbabwe. It shall be the special concern of the Trust to assist victims of human rights abuses in their efforts to correct and end their situation of oppression.

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“We are witnessing an extremely worrying turn in the rule of law situation in Zimbabwe. Mugabe’s government has escalated attacks on political dissenters in recent weeks and no effective international action is being taken to stop the flagrant violation of international law in that country. Lawyers who denounce these attacks on fundamental freedoms and defend victims are now targets.”

[Mark Ellis, Executive Director of the International Bar Association  
8 May 2007]

"When they criticise Government when it tries to prevent violence and punish perpetrators of that violence, we take the position that they can go hang."

[Pres Robert Mugabe, 15 March 2007]

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- Photo 2:* left forearm of Grace Kwinje, senior MDC official tortured in police custody after being arrested for attending the Save Zimbabwe prayer meeting. 23
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## Abbreviations

ACP-EU	Africa Caribbean Pacific – European Union
AI	Amnesty International
ANC	African National Council
CHRA	Combined Harare Rate-payers Association
CID	Criminal Investigations Department
CIO	Central Intelligence Organisation
GDP	Gross Domestic Product
HR	Human Rights
HRW	Human Rights Watch
IBA	International Bar Association
IJR	Institute for Justice and Reconciliation
IMF	International Monetary Fund
MDC	Movement For Democratic Change
NANGO	National Association of NGOs
NCA	National Constitutional Assembly
NGO	Non governmental organisation
RSA	Republic of South Africa
SADC	Southern African Development Community
SPT	Solidarity Peace Trust
WOZA	Women of Zimbabwe Arise
ZADHR	Zimbabwe Association of Doctors for Human Rights
ZANU PF	Zimbabwe African National Union – Patriotic Force
ZBC-TV	Zimbabwe Broadcasting Corporation – Television
ZCTU	Zimbabwe Congress of Trade Unions
ZLHR	Zimbabwe Lawyers for Human Rights
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police

## *Summary*

The violence of 11 March and the months following in Zimbabwe indicated increased levels of state repression against dissenting voices in the country. Against the background of an enormous erosion of the political legitimacy of the ruling party, and an economy in freefall, the state has responded with characteristic brutality and contempt for its citizenry. Several features have marked the recent human rights abuses by the Zimbabwean state:

- Targeted attacks against the leadership of the MDC and the civic movement.
- A deliberate strategy of attacking the Tsvangirai formation of the MDC while showing leniency to the Mutambara formation in order to exacerbate the existing tensions between the two groups.
- Increased attacks in the homes of the activists, thus bringing fear into the intimate spaces of opposition members.
- The sense of impunity felt by the perpetrators as they conducted their attacks both in private and public spaces.
- In 90% of the attacks the perpetrators involved government agencies such as the police, CIO, CID, and army.
- 85% of the cases reported were in Harare, one of the two major urban areas considered to be ‘opposition territory.’
- The state has continued in its attempts to criminalise the opposition MDC through accusations that it is a ‘terrorist organisation’, dedicated to ‘regime change’ as part of a global imperial strategy. Thus far the Zimbabwean state has provided little evidence to back up this claim.

In the aftermath of the violence of March 11th the SADC initiated a mediation effort led by RSA President Thabo Mbeki, in order to find a negotiated solution to the Zimbabwean crisis. As this mediation continues, there are key elements that need to be a central part of any solution to the current situation:

- There must be an end to the state-led violence if there is to be any chance of a free and fair election process in 2008.
- The discussions around a new constitution must allow for transitional justice issues around truth and justice questions, to be dealt with as early in a political transition as possible. The culture of impunity on human rights abuses in Zimbabwe must stop.
- Along with the need for broad economic reform, the human rights question must also form a central part of the process of political transformation in the country. The two issues must not be separated, nor can human rights concerns be deferred while economic development challenges are confronted.

## **1. Introduction**

All states, where they exist, rule with a combination of coercion and consent, but the degree to which a state has developed its democratic structures can be measured by the degree of reliance on the consent of its citizenry to state rule. The increasing resort by a state to violence and coercion is a key indicator of the descent of that state into authoritarian rule. The Zimbabwean state has over the last 27 years dissipated the high level of legitimacy it once held amongst its citizens, and has placed increasing emphasis on the use of force to deal with its political opposition and dissenting voices.

From a once highly regarded liberation movement ZANU PF and its President Robert Mugabe have tarnished the image of the liberation struggle by creating a destructive exclusiveness in the politics of the state and monopolising the common experiences of past suffering within a narrow party framework. An important ingredient in this domination of the political public sphere has been the demonisation of opposition and civic politics, and on the basis of this, the unleashing of state violence against what the state has labelled an ‘unpatriotic’, and ‘foreign controlled’ opposition.

Throughout the post-colonial period the language of condemnation against those considered the ‘enemy’ within, has been consistent and the response of the state, violent. From the “Gukurahundi” in the 1980s to “Operation Murambatsvina” in 2005, the image of “washing away the chaff” and “cleaning away the dirt” has been consistently applied to the “weeds” and “maggots” considered outside the sphere of ‘legitimate’ national politics. In addition entering the political sphere against the ruling party has been considered reason enough to expect violence to be visited upon such individuals by the state. Whether opposition politician, civic leader, trade unionist, or priest, entry into the political sphere has been followed by the threat, and in many cases the actuality of state violence.

State violence has thus become the currency through which the ruling party engages with the majority of Zimbabweans, ranging from the violence of the disrespect for the rule of law, and reconstructed partisan state structures, to the force of electoral coercion, the beatings and tortures against public demonstrations, and the exclusion of access to various forms of state provision on the basis of party loyalty. The language of politics itself has been seriously debased by the deployment of a range of discourses around coercion, exclusion and retaliation.<sup>1</sup> Whether it be around the land question, sovereignty, constitutional reform, elections, or the need for mediation, the response of the Zimbabwean state has been a decisive move away from reconciliation politics to the politics of confrontation, as if the very identity of ZANU PF and its belligerent Presidency was dependent on such a dispensation, and could not long withstand a new round of democratic national debate.

Moreover at the heart of the state belligerence is an economic accumulation project that has been built on elite ruling party access to key economic resources such as land, minerals, and foreign exchange. Such a model of wealth accumulation has necessitated the dissolution of structures of accountability and relies, for its continuation in the near future, on the centrality of state violence. Thus political parties, trade unions and other civic structures that have sought accountability over the use of national resources have had to confront the brute force of the cumulative greed of the ZANU PF elite.

### **11 March and its aftermath**

<sup>1</sup> Zimbabwe Human Rights NGO Forum, **Their words condemn them: The language of violence, intolerance and despotism in Zimbabwe**. May 2007.

On the 11 March 2007 the police prevented a prayer meeting organised by the Save Zimbabwe Campaign (a coalition of church and civic groups) and the MDC, from taking place in the working class area of Highfields, Harare. Leaders of the MDC and the civic movement as well as 50 other people hoping to attend the function were arrested and brutally assaulted by the police. The escalating level of public violence against high level political and civic leaders indicated the growing repressive response of the regime to the country's political crisis, as well as the sense of impunity it felt about its actions. In the immediate past the state had already given notice to turn up the "degrees of violence" against the Zimbabwean citizenry. In mid 2005 the Government of Zimbabwe carried out Operation Murambatsvina leading to the demolition of informal sector livelihoods of some 700,000 people by the state's security sector. This 'urban clearance' represented one of the worst such clearances in Zimbabwe's history, and it was initiated, according to one analyst, as a result of a combination of, the desire to punish the urban electorate for its support for the opposition as well as the potential for further mobilisation, "an ideological adherence to modernist planning and the associated image of 'modern' city, and a desire to decrease the presence of the poorest urban people, by driving them out of the towns, because of an incapacity to provide sufficient and affordable food and fuel for them."<sup>2</sup>

In September 2006 the state again showed its intolerance of any form of urban mobilisation when leading members of the Zimbabwe Congress of Trade Unions (ZCTU) were arrested for trying to organise a demonstration, beaten in public and in the police cells. In addition members of other civic groups such as the National Constitutional Assembly (NCA) and Women Of Zimbabwe Arise (WOZA) have been continuously arrested and beaten by the police in their attempts to carry out peaceful protests for a new constitution and the demand for basic economic rights. Teachers and junior doctors who went on strike in January 2007 were also subject to arrest and intimidation by the state. On the 24 February the ZCTU issued a statement noting, amongst other things, that the Government should address the economic meltdown, and urgently deal with "the concerns of the striking doctors without victimising them." The labour movement also called for a stay-away on the 3-4 April 2007.

In February 2007 as a response to the growing mobilisation by the opposition MDC, the trade unions and other civic bodies, the state imposed a three month ban on political rallies and demonstrations under section 27 of the Public Order and Security Act (POSA). This action was supposedly imposed as a result of the growing violence of the opposition MDC, and the Order issued by the Harare Central District read:

Disturbance in Harare Central District and the surrounding areas in the past week have forced me to issue this temporary prohibition order. On 16<sup>th</sup> February 2007, youths organised by the Broad Alliance comprising the Movement for Democratic Change, National Constitutional Assembly, Women of Zimbabwe Arise, and others went on a rampage in the central business district of attacking police officers and destroying property. Five police officers were severely assaulted sustaining serious injuries. Herald offices and the police base at the corner of First Street and George Silundika Avenue were stoned resulting in the destruction of windowpanes at the two premises.

On Sunday 18 February 2007, a rally organised by the Movement for Democratic Change at Zimbabwe Grounds in Highfield turned violent resulting in the destruction of property and widespread looting at Machipisa shopping centre and surrounding areas. A number of vehicles were stoned whilst some were burnt in the ensuing pandemonium.<sup>3</sup>

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<sup>2</sup> Deborah Potts " 'Restoring order'? Operation Murambatsvina and the Urban Crisis in Zimbabwe." *Journal of Southern African Studies*, Vol 32, No 2, June 2006, p291.

<sup>3</sup> Temporary Prohibition of holding public demonstrations/rallies within Harare Central district in terms of section 27 of the Public Order and Security Act [Chapter 11.17]. Zimbabwe Republic Police.



Thus by the time of events of 11 March 2007 the security apparatus of the ruling party had built up a clear momentum of violent response to MDC and civic activities. By mid 2006 the state had already established its presence as a largely repressive force. A report of civil society organisations to the African Union summarised the situation as follows:

Over the period between 1996 to April 2006 the Government has passed a series of legislative measures that have drastically curtailed many...rights and freedoms. This violates its obligations under the African Charter. The Government has criminalised dissent and protest by persons opposed to or critical of its policies. It has severely restricted freedom of speech and freedom of the media. It has made concerted efforts to compromise the independence of the judiciary. It has sought to transform the law enforcement agencies from professional, apolitical forces into forces that enforce the laws in a partisan fashion against the political opposition and brutally suppress anti-government protest.<sup>4</sup>

The international reaction to the media coverage of the state violence of 11 March was enormous. Governments, human rights organisations on the continent and in the West, and regional organisations found a consensus in condemning the violence and the nearly 200 arrests that followed. The Zimbabwean state, which had hitherto been able to make broad claims about its anti-imperialist stance, now faced a barrage of criticism over its human rights abuse of opposition and civic leaders.<sup>5</sup> On 14 March the Zimbabwe Association of Doctors for Human Rights (ZADHR) reported on the condition of key political leaders in detention:

Prolonged detention without accessing medical treatment resulted in severe haemorrhage in Morgan Tsvangirai leading to severe anaemia which warranted a blood transfusion. Injuries sustained by Sekai Holland were also worsened by denial of timely access to medical treatment which led to an infection of deep soft tissue in her leg.<sup>6</sup>

By mid April, ZADHR reported that since the 11 March 2007 at least 49 persons had required hospitalisation as a result of their injuries from the state violence, whilst an additional 175 had been treated and discharged. The injuries suffered by victims included soft tissue injuries, head wounds, fractures, gun shot wounds and others, including swelling, bruising and lacerations.<sup>7</sup> The response of Mugabe to the widely-condemned violence was characteristically callous. He observed: "If they (protest) again, we will bash them." On another occasion he confirmed this opinion: "We hope they have learned a lesson. If they have not, they will get similar treatment."<sup>8</sup> Indeed this lesson was to be inflicted on demonstrating lawyers, several of whose key figures were also subjected to a public beating in May 2007 for daring to question the unlawful manner in which their colleagues were being treated by the police.<sup>9</sup>

In response to the spiralling violence in the country the Catholic Bishops issued a Pastoral Letter that was unequivocal in its criticism of the Zimbabwe government:

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<sup>4</sup> Zimbabwe Civil Society Organisations, **African Charter on Human and Peoples' Rights: Shadow Report to the combined 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Report of the Republic of Zimbabwe.** 2007, p3-4.

<sup>5</sup> For a very useful overview of the violence of this period see Human Rights Watch, **Bashing Dissent: Escalating Violence and State Repression in Zimbabwe**, Vol 19, No 6(A), May 2007.

<sup>6</sup> Zimbabwe Association of Doctors for Human Rights, "Nature of Injuries of Tortured Civil Society Activists and Opposition Party Leaders." 14 March 2007.

<sup>7</sup> Zimbabwe Association of Doctors for Human Rights, "Update on Assaults, Torture and Health Rights Violations since 11 March 2007." 15 April 2007.

<sup>8</sup> Zimbabwe Human Rights Forum, **Their Words condemn them: The language of violence, intolerance and despotism in Zimbabwe.** May 2007, p32. In response to the beating of trade unionists in September 2006 Mugabe stated: "We can't have that; that is a revolt to the system. Others are crying that we were beaten up, yes you would be beaten up. When the police say move, move. If you don't move, you invite the police to use force." Ibid, p32.

<sup>9</sup> Nokuthula Moyo, "Diary of Events." 8 May 2007. [www.zlhr.org.zw](http://www.zlhr.org.zw) 08/06/07.

Black Zimbabweans today fight for the same basic rights they fought for during the liberation struggle. It is the same conflict between those who possess power and wealth in abundance, and those who do not; between those who are determined to maintain privileges of power and wealth at any cost, even at the cost of bloodshed, and those who demand their democratic rights and share in the fruits of independence.....<sup>10</sup>

At a continental level the African Union Summit of Heads of Government in Addis Ababa, Ethiopia, in January 2007, adopted the decision of the African Commission on Human and Peoples' Rights in Communication 245/02 ( Zimbabwe Human Rights NGO Forum vs. the Government of Zimbabwe.) The African Commission found that the Zimbabwean Government was in violation of articles 1 and 7 of the African Charter, and thus the Government of Zimbabwe had violated the right to protection of the law and that it failed to put in place measures to ensure the enjoyment of these rights by Zimbabweans.<sup>11</sup>

## The Response of SADC

As a result of the huge international attention drawn to the state violence of 11 March and a growing unease about the deepening Zimbabwean crisis, the SADC called an Extra-Ordinary Summit of the Heads of State and Government in Dar-es-Salaam, Tanzania, on the 29<sup>th</sup> March 2007. The Summit was called to discuss “the political, economic and security situation in the region, with special focus on the situations in Lesotho, DRC, and Zimbabwe”, with Zimbabwe clearly the major item on the agenda. While there are varying reports of what went on behind the closed doors of the summit, the final communiqué gave President Mbeki the mandate to facilitate dialogue in Zimbabwe, even as it formally expressed continued solidarity with the Mugabe regime. As the communiqué read:

The Extra-Ordinary Summit recalled that free, fair and democratic elections were held in 2002 in Zimbabwe.

.... reaffirmed its solidarity with the Government and people of Zimbabwe.

.... mandated H.E. President Thabo Mbeki to continue to facilitate dialogue between the opposition and the Government and report back to the Troika on the progress.

....encouraged enhanced diplomatic contacts which will assist with the resolution of the situation in Zimbabwe.

....mandated the SADC Executive Secretary to undertake a study on the economic situation in Zimbabwe and propose measures on how SADC can assist Zimbabwe recover economically.

....reiterated the appeal to Britain to honour its compensation obligations with regards to land reform made at Lancaster House.

....appealed for the lifting of all forms of sanctions against Zimbabwe.<sup>12</sup>

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<sup>10</sup> Pastoral Letter by the Zimbabwe Catholic Bishops' Conference on the Current Crisis of our Country: **God Hears the Cry of the Oppressed.** Holy Thursday, 5 April 2007.

<sup>11</sup> Statement by the Zimbabwean Human Rights NGO Forum on the African Commission's Decision in Communication 245/02 (Zimbabwe Human Rights NGO Forum vs. the Government of Zimbabwe.)

<sup>12</sup> Communiqué: 2007 Extra-Ordinary SADC Summit of Heads of State and Government, 28<sup>th</sup> -29<sup>th</sup> March 2007, Dar-es-Salaam. Mugabe provided a positive interpretation of the outcome of the Tanzania summit: “And so we went to Dar es Salaam not to put up a fight but to explain to my colleagues the true situation here, and they understood the explanation. In the circumstances, what they themselves thought was the right thing to do was to support us because they realised that we were besieged, and we have been besieged for a long time.....And so, while the world thought Dar es Salaam would deal us a death blow (laughs sarcastically) it was they who were dealt a death blow.” New African, May 2007, No 462, p12.

As the mediation gets to its stuttering beginning there is much ambiguity over the possibility of its success. It is understood that both ZANU PF and the MDC have presented their position papers to President Mbeki and some initial meetings have been held between the SA mediators and the two Zimbabwean political parties. Details have emerged in the press of the MDC demands, but little is known of the ruling party position. The demands of the MDC include:

- A new constitutional order before next year's elections.
- All Zimbabweans above 18 must be allowed to vote.
- Impartial and transparent management of the electoral process.
- Full audit of the electoral processes at key stages.
- Speedy and impartial resolution of electoral disputes.
- Impartial policing during elections.
- Allow political parties to hold peaceful meetings and rallies.
- End of political abuse by the military and, intelligence agencies and Zanu PF youth militias.
- End to political abuse of food aid.
- Press freedom and equal access to media outlets by parties.
- Extensive and credible observation of the elections.
- Election agents and monitors to have free access to polling stations and vote counting centres.
- End to abuse of state resources by political parties during campaigns.<sup>13</sup>

Key elements of the international community have given their support to the SADC initiative. Outgoing British Prime Minister Tony Blair put his weight behind Mbeki during his recent fair-well visit to Africa, announcing that:

The solution ultimately is a solution that has to come from within this region of Africa and that's why we have to put our efforts behind supporting a process that President Mbeki has laid out.<sup>14</sup>

This position was amplified by the Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, Lord Triesman who added that:

The Prime Minister (Blair) and President (Mbeki) agreed that the states in the region had a key role in finding a solution to the crisis in Zimbabwe. The Prime Minister expressed his concern and reiterated the Government's support for SADC initiatives and President Mbeki's leading role.....The Prime Minister stressed that Zimbabwe's crisis was one of internal governance and that the United Kingdom remained committed to help, together with international partners, in stabilisation and economic recovery of a reformed Zimbabwe.<sup>15</sup>

It is also clear that there is a new initiative to repair relations between the EU and Africa over the Zimbabwe issue and that the Mbeki mediation is the bridge over which it is hoped that a broader re-engagement between Zimbabwe and the international community will begin. At the recent G8 summit it was reported that the current President of the EU, Germany, and President Mbeki agreed that the current strained relations between Brussels and Harare should not hinder the proposed EU/Africa meeting in Portugal later this year. The South African President noted that the German leader, Angela Merkel, told him that "the relationship between the EU and Africa is important and

<sup>13</sup> "as MDC submits roadmap for change." [www.theindependent.co.zw](http://www.theindependent.co.zw) 08/06/07.

<sup>14</sup> Clare Nullis "Blair backs Mbeki on Zimbabwe." [www.newzimbabwe.com](http://www.newzimbabwe.com) 04/06/07

<sup>15</sup> "Mbeki and Blair agree SADC key to Zimbabwe solution: UK Parliament, House of Lords." [www.zimbabwejournalists.com](http://www.zimbabwejournalists.com) 07/06/07.

ought not to be blocked by a view about a particular country....Hopefully that summit will take place without any obstacles being created.”<sup>16</sup>

Within Zimbabwe there is broad agreement within the opposition and the civic movement on the need for the mediation, even if there may be differences on the form of this mediation. For the moment both factions of the MDC and the civics have committed themselves to the mediation. However the civics are calling for a more inclusive mediation process that involves the input of civic voices. At a conference held in Pretoria at the end of May 2007 involving both formations of the MDC and leading civic groups, it was agreed that the civics would “develop a framework within which to input into the dialogue process without having an actual seat on the negotiating table.”<sup>17</sup> In the week following the conference a civic committee was established to engage President Mbeki on the mediation and to report back to civic groups. The committee is chaired by the Zimbabwe Election Support Network and includes the Save Zimbabwe Campaign, Centre for Peace Initiatives in Africa, Ecumenical Peace Initiative, Law Society of Zimbabwe, Women’s organisations, and the National Association of NGO’s (NANGO). This initiative follows previous demands by key civic groups like the NCA, WOZA and CHRA that any mediation should include the participation of civil society voices.<sup>18</sup>

However when it comes to the ruling party the signals around the mediation issue are much more contradictory. On the one hand Zanu PF has agreed to be part of the mediation effort largely as a result of pressure from SADC. However since the violence of March 11<sup>th</sup> it has carried out a concerted strategy of destroying the structures of the MDC, particularly the Tsvangirai formation. It is the violence of this process that forms the substance of this report. As the report shows the state has systematically set out to dismantle the structures of the Tsvangirai MDC on the basis that the latter is a “terrorist” organisation bent on carrying out a violent regime change agenda. In the course of this onslaught MDC leaders and ordinary members have been beaten, tortured, killed and intimidated under the cover of the fight against “terrorism”. While many of the MDC members who were initially arrested on terrorism charges have been released for lack of evidence after spending 60 days in detention, some remain in custody.<sup>19</sup> The Zimbabwean government is alleging that MDC members received “terrorist” training in South Africa and that their investigations into this allegation are continuing.<sup>20</sup>

It is clear that Mugabe is preparing for an election in 2008 by decimating the structures of the opposition. As part of the process the ruling party is reported to be recruiting 10,000 “war veterans” into the army’s structures as a “reserve force” in preparation for the presidential and parliamentary elections next year. As the provincial chair for the war veterans in Masvingo Province stated, ‘we

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<sup>16</sup> Mbeki pushes for Mugabe to attend EU/Africa summit. [www.zimonline.co.za](http://www.zimonline.co.za) 12/06/07. This is notwithstanding the statement by Portugal’s Foreign Minister Luis Amado, that Mugabe would be a “factor of disturbance” at the Summit and that the Minister personally had “no interest in Mugabe coming to Lisbon.” ‘Mugabe not welcome, says Portugal.’ [www.zimbabwejournalists.com](http://www.zimbabwejournalists.com) 19 June 2007.

<sup>17</sup> Report from the Conference organised by the Zimbabwe Institute, IDASA, and IJR on “Building a Consensus, Charting Zimbabwe’s Future.” held in Pretoria on 30-31 May 2007.

<sup>18</sup> See Combined Harare Residents Association (CHRA) **Position Paper on the Mediation Initiative by SADC**, May 2007, and the document by Women of Zimbabwe Arise (WOZA), **Talking About Talks- WOZA/MOZA’s view-ten steps to anew Zimbabwe**, 25 May 2007. At the Zimbabwe Institute/IDASA/IJR meeting in Pretoria mentioned above the Save Zimbabwe Campaign also presented their position on the mediation. It noted that “The process should be highly inclusive of all representatives of all major sectors in Zimbabwe society. It must also be transparent in order to ensure a broad ownership of the process by all the people of Zimbabwe at all levels. It is essential that the process be at all levels inclusive of all political parties and civic society.” Save Zimbabwe Campaign, **Position on the Zimbabwe Dialogue Process**. 30 May 2007.

<sup>19</sup> “6 more political detainees freed.” [www.zwnews.com](http://www.zwnews.com) 13/06/07

<sup>20</sup> Sebastian Nyamhangambiri, “Zim police search for MDC military bases in SA.” [www.zimonline.co.za](http://www.zimonline.co.za) The South African government has warned that it will not hesitate to arrest Zimbabwean investigators seeking to locate the military bases allegedly used in that country by alleged MDC “terrorists”. “S Africa threatens action over illegal ‘terror’ investigations.” [www.thezimbabwean.co.za](http://www.thezimbabwean.co.za) 21/06/07

will campaign for our patron President Mugabe as a reserve force, fitness is of great importance.”<sup>21</sup>  
Elliot Manyika, ZANU PF political commissar further clarified their role:

People are more vulnerable in the rural areas and our youths will be ready to defend them from MDC terrorists. They have to be organised to be able to withstand the violence we anticipate from the MDC.

The MDC has already been waging a war against the government and people in urban areas using petrol bombs. We have information that they want to take this violent campaign to the rural areas. They will find us waiting.<sup>22</sup>

This strategy of cutting the opposition off from the rural populace should be seen as a continuation of the violent election strategy that followed the start of the land occupations in 2000.

In addition the Zimbabwean police force has been vetting their new recruits to ensure that none have links with the MDC. A source from the Police General Headquarters is reported to have observed that:

We are under pressure to expedite the recruitment of as many police officers as we can before the elections next year but our efforts come to nought at the end of the day as PISI (Police Internal Security Intelligence) details continue to condemn some potential police officers on the grounds that they have links with the MDC.

Last month alone, we were ordered to remove the files of 15 youth from Chitungwiza who were said to be linked to Fidelis Mashu. (MDC legislator for Chitungwiza).<sup>23</sup>

While the Mugabe regime might appear to be walking softly with SADC, it is certainly carrying a heavy stick against Zimbabweans categorised as the opposition. By attempting to justify state violence through the criminalisation of the opposition, the Zimbabwean ruling party has thus far established very clearly its contempt for peaceful dialogue, and the lack of seriousness about addressing the major obstacles to free and fair elections in 2008. As the SA mediation continues the Zimbabwean state may be forced to make various concessions, but in the interim the regime will continue to show its repressive face.

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<sup>21</sup> Regerai Marwezu “Mugabe mobilises war veterans.” [www.zimonline.co.za](http://www.zimonline.co.za) 18/05/07.

<sup>22</sup> Farisai Gonye “Mugabe to banish opposition from rural areas.” [www.zimonline.co.za](http://www.zimonline.co.za) 07/06/07. It has also been reported that: “The government has ordered three quarters of the non-governmental organisations operating in Binga district, in Matabeleland North, to pull out as they are accused of influencing people to vote for the opposition.” “Government pushes out NGOs in Binga.” The Zimbabwe Independent, 14<sup>th</sup> June 2007.

<sup>23</sup> “Police shut out applicants suspected of links to MDC.” [www.thezimbabwetimes.com](http://www.thezimbabwetimes.com) 07/06/07.

## Mugabe prepares for 2008 elections

As Mugabe prepares for elections in 2008 it needs to be noted that in addition to combining reluctant participation in the SADC mediation with violence against the opposition, his regime has also embarked on four other strategies in an effort to bring about what Henning Melber refers to as “controlled change”. The first is the introduction of the Constitution of Zimbabwe Amendment Bill (No 18.) which was gazetted on 8 June 2007. The major changes to the Constitution proposed by the Bill include:

- To shorten the term of office of the President from 6 to 5 years and to make it run concurrently with the life of Parliament.
- That Presidents will generally, as is the case at present, be elected by registered voters, but where a President resigns, dies or is removed from office, a successor to complete the departed President’s term of office will be elected by electoral college consisting of the Senate and the House of Assembly sitting jointly.
- To change the composition of the senate and the House of Assembly and to make consequential changes to the mandate of the Delimitation Commission. Under this change it is proposed that the number of Senate seats be increased from 66 to 84 and those in the House of Assembly from 150 to 210.
- The Provision for a Human Rights Commission made up of nine members appointed by the President.<sup>24</sup>

As some commentators have already observed Constitutional Amendment No 18 is an attempt to pre-empt the SADC mediation. In Morgan Tsvangirai’s words:

Pursuant to the resolution of the SADC Heads of States in their meeting in Dar-es-Salaam on 29<sup>th</sup> March 2007, Constitutional Amendment No 18 becomes both pre-emptive and contemptuous of that dialogue. The message that Zanu PF is sending out is loud and clear. It is oblivious and blind to the SADC negotiations. It is simply not ready for dialogue.<sup>25</sup>

Secondly the Zimbabwean state has embarked on a publicity offensive in Africa and internationally. At international level it is alleged to have sponsored the UK monthly New African, with the latter producing a lengthy, Special Issue on Zimbabwe in May 2007.<sup>26</sup> The Government of Zimbabwe has also produced two volumes of supposed evidence on the violence perpetrated by the MDC and the civics.<sup>27</sup> In fact much of the two volumes is a report on the legitimate political activities of the opposition, and advocacy interventions of the civics. Volume Two of the series identifies the Zimbabwe Lawyers for Human Rights as engaged in politics and a ‘regime change’ agenda because of their lobbying activities. In a menacing warning the report concludes:

Clamouring about innocence while the ZLHR is doubling and dabbling in opposition politics is self-defeating since such an entity is likely to be treated politically.<sup>28</sup>

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<sup>24</sup> Constitution of Zimbabwe Amendment (No 18) Bill, 2007. H.B. 7, 2007, Gazetted on Friday 8 June, 2007. For a summary of the main features of the Bill see Bill Watch Special, 9<sup>th</sup> June 2007, [veritas@mango.zw](mailto:veritas@mango.zw)

<sup>25</sup> Nothando Motsipe, “MDC Rejects Constitutional Amendment.” [www.zimbabwejournalists.com](http://www.zimbabwejournalists.com) 14/06/07. See also Jonathan Moyo, “18<sup>th</sup> Amendment could make or break national crisis.” Zimbabwe Independent, 8<sup>th</sup> June 2007. Moyo writes that: “In seeking to rush this Bill in cabinet and parliament, Mugabe’s henchman wanted to pre-empt and sabotage Mbeki’s SADC mediation by turning it into a meaningless exercise in assured failure. After all Mugabe had cynically interpreted the outcome of the March 29, Dar-es-Salaam summit as an endorsement of his brutality unleashed on defenceless opposition politicians in police custody on March 11.”

<sup>26</sup> New African, May 2007, No 462. The cover carries Mugabe’s picture with the caption: “Our cause is Africa’s cause.”

<sup>27</sup> Zimbabwe Republic Police, **Vol One, Opposition Forces: A Trail of Violence: 1<sup>st</sup> January 2007 to 15<sup>th</sup> March 2007; Vol Two, Opposition Forces in Zimbabwe: The Naked Truth.**

<sup>28</sup> Volume Two *ibid*, p 37.

Once again it clear that in the logic of Zimbabwe's ruling party, any views or organisations critical of the state are "political", and therefore should be prepared to face the wrath of the state. In this worldview politics is only for the ruling party, the party chosen by "history" to rule in perpetuity. The continuously asserted "correctness" of this view bears testimony to the dull compulsion of ZANU PF politics and its tedious rhetorical violence.

Thirdly the party is both attempting to extend the means of its economic patronage and trying to draw old foes into its lethal embrace. On the one hand the Mugabe regime is working on an Empowerment Bill that allegedly will compel companies in all sectors of the economy to sell 50% of their shareholding to locally owned firms or risk losing their license and registration. It will also compel the government to procure 75% of its goods and services from locally owned companies, as well as amend all laws which are perceived to be impeding indigenisation.<sup>29</sup> Even as it attempts to extend the reach of its patronage, the government is also attempting to lock the labour movement into a social contract, which lacked any substance from the moment it was signed. In early June the state, labour and business supposedly signed a document that obliged the three social partners to fight corruption and profiteering, and observe restraint over price increases and wage demands.<sup>30</sup> The ZCTU immediately distanced itself from the social contract, claiming it had only signed one of the three protocols, namely that dealing with incomes and price stabilisation. Moreover the ZCTU managed to get Zimbabwe listed for trade union rights abuses by the Standards Committee at the International Labour Organisation in June 2007.<sup>31</sup>

However both these state strategies are taking place within the context of a rapidly declining economy. Zimbabwe's inflation rate hit 4530% in May, with international aid agencies warning that this figure could reach 500,000% by the end of 2007, leading to the Zimbabwean currency becoming effectively unusable, while shops and services will "substantially cease to function."<sup>32</sup> In fact there are already signs that the Zimbabwean dollar has begun to lose its usability as a currency. By mid June it was reported that service stations in Harare had refused to accept the country's currency as payment, with one fuel dealer noting the disastrous effects of the rapidly declining value of the Zimbabwe dollar:

On Friday morning it was at Zimbabwe dollars 90,000/US\$1. By lunch time it was at 100,000/US\$1. At the end of the day it was 120,000/1. By the time I've banked the cash, it's lost its value and I've lost money. I've got fuel, but not for Zimdollars. I'm going to close my doors.<sup>33</sup>

As the currency loses its legitimacy so a central modality of authority is undermined, and the ruling party must witness one more block of its claim to sovereignty crumble. Moreover this currency collapse is taking place in the context of a dismantled agricultural sector, a manufacturing sector that is operating at only 33% capacity, with investment levels that stood at 20.2% of GDP between 1995 and 1999, declining to 7% between 2000 and 2005.<sup>34</sup> The President of the Confederation of Zimbabwe Industries has stated that:

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<sup>29</sup> Paul Nyakazeya and Shakeman Mugari, "Shock clauses in Indigenisation Bill." [www.thezimbabweindependent.com](http://www.thezimbabweindependent.com) 08/06/07.

<sup>30</sup> "Zimbabwe forecasts inflation will fall to 25%". [www.newzimbabwe.com](http://www.newzimbabwe.com) 04/06/07.

<sup>31</sup> Njabulo Ncube, "ZCTU torpedoed govt's 'smooth sailing' Contract." [www.fingaz.co.zw](http://www.fingaz.co.zw) 07/06/07.

<sup>32</sup> Jan Raath, "Aid Agencies forecasting Mugabe collapse before the year is out." [jraath@zol.co.zw](mailto:jraath@zol.co.zw) 13/06/07.

<sup>33</sup> Jan Raath, "Service stations stop taking cash for fuel as inflation rockets." [jraath@zol.co.zw](mailto:jraath@zol.co.zw) 18/06/07.

<sup>34</sup> "Zimbabwe Industries running at 33 percent capacity." [www.zimonline.co.za](http://www.zimonline.co.za) 21/06/07.

We are in a big crisis in as far as our manufacturing industry is concerned. We no longer have an industry to talk about. We have de-industrialised ourselves, we are left with just nothing and it is unimaginable for the country to recover in the near future.<sup>35</sup>

Thus Zimbabwe's sovereignty is at its most fragile since 1980, and the country is more vulnerable to the imperatives of international financial organisations than it has ever been. The ominous voice of the IMF has recently warned that: "Recent ad hoc policy changes will not resolve the crisis. Changes announced in the April monetary policy fall far short of a comprehensive package that would be needed."<sup>36</sup> The grand plans for further indigenisation and a "social contract" look decidedly vacuous in the face of such economic catastrophe. The response of the population to these empty gestures is likely to be increasing disgruntlement and the growing unease in the security forces. The Chair of the Parliamentary Committee on Defence and Home Affairs warned in May 2007 that, because of inadequate funding, the Zimbabwe Defence Force is fast running out of food, and training may have to be suspended. Moreover while Z\$134.85 billion had been allocated for salaries for 2007, 85% of this allocation had been used up by mid year.<sup>37</sup> It is therefore not surprising that there have been recent reports of a coup plot from within the Mugabe regime.<sup>38</sup>

Fourthly the ZANU PF regime has continued to devise ways of exacerbating the divisions within the MDC. As this report shows, the state deliberately selected the targets of its violence from the Tsvangirai formation, in order to feed the distrust between the two MDC formations. Mugabe emphasised this strategy in an interview condoning the violence against Tsvangirai and his party members. Commenting on the different police responses to Tsvangirai and Mutambara, Mugabe stated:

If he (Tsvangirai) had stayed at home, the police would never have gone to his home. But he chose to go to the police station, provoked them, there was a tussle, and they beat him up. So I'm saying he was wrong. He is supposed to be a leader, aspiring to be President, and he should know how to behave. Mutambara was not beaten because he knew how to behave."<sup>39</sup>

As this report shows, behind Mugabe's benign 'explanation' for the violence against opposition and civic members was an escalation of the long history of human rights abuses by the security sector of the Zimbabwe government. Moreover the impunity with which the organs of the state carried out the violence, and the additional attacks on human rights lawyers, have added to the considerable fear already instilled in the population, and made it clear to critical Zimbabwean citizens and organisations that they can expect little protection from the police force. One victim reported, as he and others were being beaten, that the perpetrators reminded them:

.....if we can beat Tsvangirai why can't we beat someone like you? You are the one who is going to tell others that ZANU PF is the party to support. Tell us how the MDC operates, how the DRCs (democratic resistance committees) work and give us the addresses of the other activists.

As the evidence in this reports shows the central objective of the violence was to target the leadership of the MDC and key civic bodies. This was done in two ways: Firstly by attacking the leadership of these structures. Of the 414 cases investigated 21% held leadership positions. Moreover threats were made such as, "we are going to take you one by one so by 2008 there will be

<sup>35</sup> "Industrialists predict doom for Zimbabwe." [www.thezimbabwetimes.com](http://www.thezimbabwetimes.com) 21/06/07.

<sup>36</sup> Sebastian Nyamhangambi, "IMF says no reforms, no rescue package for Zimbabwe." [www.zimonline.co.za](http://www.zimonline.co.za) 14/06/07.

<sup>37</sup> Clemence Manyukwe, "Soldiers go hungry." [www.fingaz.co.zw](http://www.fingaz.co.zw) 28/05/07.

<sup>38</sup> Dumisani Muleya, "Who gave away the coup plot?" [www.thezimbabweindependent.com](http://www.thezimbabweindependent.com) 15/06/07; "Soldiers arrested over alleged assassination plot on Mugabe." [www.thezimbabwetimes.com](http://www.thezimbabwetimes.com) 08/06/07.

<sup>39</sup> Interview with Robert Mugabe by Baffour Ankomah, "Mugabe: Our cause is Africa's cause." New African, May 2007, p13.



no MDC. We'll kill you all so the party doesn't succeed." Secondly the perpetrators attempted to construct the MDC as a "terrorist organisation." Repeatedly the victims were accused of being 'bombers' dedicated to a regime change agenda and their attackers demanded to know: 'Where were you trained? Where did you throw petrol bombs? What are your aims? You are selling out the country for money.' As the data in this report shows violence and an increasingly exclusionary notion of the nation have marked the politics of Zanu PF. No amount of Pan-Africanist posturing can hide the terror that has become the Mugabe regime.

## **2. Methodology**

The authors accessed information compiled from independent interviews with 414 people who reported human rights abuses that had taken place during March, April and May 2007.<sup>40</sup> While the exact number of people to have suffered violations in Zimbabwe during this time period remains speculative, the sample we used can be assumed to represent a substantial proportion of these and to therefore provide a sound basis on which to evaluate general trends in the use of torture and organised violence by the state in these three months.<sup>41</sup>

In addition to the 414 interviews with victims, key informants in civic society were also consulted for background information to events, including health professionals and church leadership.

Human rights commentators have remarked that recent state violations have targeted democratic leadership, in particular leadership of the Tsvangirai faction of the MDC, and that the violence has been justified by the state on the grounds that those targeted are "terrorists" who have thrown petrol bombs, or criminals who have looted and vandalised.<sup>42</sup>

While there were possibly several hundred people who suffered some form of political violence on or around the Save Zimbabwe prayer meeting on 11 March – ranging from random beatings, to arrests, to exposure to tear gas, as well as the highly publicised incidents of torture in custody – it was apparent that state violence had begun rising before this and continued after this with considerably less attention from the media.

The authors assessed the interviews in order to evaluate whether or not they support the above general assumptions. We were also concerned as to whether there were physical and psychological injuries consistent with claims of political violence and torture.

### **Context of political violence**

It became apparent on evaluating the data that incidents of violence were being reported in a wide range of contexts – such as in private homes, at public venues such as business centres, at civic society rallies, in MDC offices, as well as in police stations. Specific context of violence therefore became a category of interest, and proved to be very revealing of strategy by the state. The following categories were used for "context" of incidents.

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<sup>40</sup> For security reasons, precise process of interviewing will not be detailed. After events of 11 March received unprecedented media attention, there were reprisal attacks by the state against those thought to have passed on information, including the beating to death of a journalist and the torture of several others. Some torture victims believed to have talked about their experiences were also re-victimised.

<sup>41</sup> By April, it was claimed that more than 600 civilians, mainly in Harare, had been victims of police and state violence. ZADHR, *ibid*, reported more than 200 victims of political violence had sought medical treatment.

<sup>42</sup> Human Rights Watch, *ibid*, ZLHR, *ibid*, among others. As pointed out in the introduction, the state itself in its latest publicity offensive has gone to great lengths to portray the MDC as criminals

Private home:	home of victim or relative or associate.
Public venue:	incidents at business centres, in bars or restaurants, sports events, taxi ranks.
Civic society demo:	marches or gatherings.
Save Zimbabwe:	events on 11 March including arrests, tear gassing, general beatings/torture.
Funeral:	incidents during the funeral wake of activist Gift Tandare, shot dead by police on 11 March.
MDC meetings:	arrests or harassment in MDC headquarters, other offices or homes where meetings were being held.
Abduction:	victim is seized and transported away by vehicle for beatings/torture.
Police station:	victim reports torture, beatings or threats in a police station.
Other:	incident occurs at workplace (5), university (2), church (2), rural area (3).

## Perpetrators

Perpetrators have been recorded as given by interviewees. At times it is difficult for people to distinguish CID from CIO as both are plain clothes units, as is Police Internal Security Intelligence (PISI).

ZRP:	referred to as “police”, and incorporating “riot police” into this general designation
CID:	Criminal Investigations Dept: plain clothes police
CIO:	Central Intelligence Organisation: plain clothes secret service
ZNA:	Zimbabwe National Army

These first four categories are referred to as “government forces”, as opposed to the following categories, which tend to be less formally constituted and less directly answerable to the state.

Z PF youth:	youth militia/ youth supporting ZANU PF <sup>43</sup>
War vets:	veterans of the liberation war
Univ sec:	university security guards (4 cases)
MDC:	violence attributed to opposition (2 cases)
Other:	bakery staff, miscellaneous individuals.

## Violations

Held by govt forces:	includes arrest, but also abductions and being detained by police/ CIO/CID other than in a police station. The term “detention” has been avoided because technically a person is only illegally detained if held for more than 48 hours without charge. There was often not enough information in the interviews to distinguish those persons released within 48 hours and those held for longer.
Assault:	assault to any part of the body with anything, including boots, batons, branches, fists, whips, pistol butt.
Tear gas:	person inhaled tear gas resulting in physical illness
Dog bite:	person bitten by a police dog
Gun shot:	person shot by police

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<sup>43</sup> Youth militia can be in uniform – the notorious green bombers – or can be less clearly identified groups of young men who may have had youth militia training at some point. Those being beaten in police custody have reported that, although in police uniform, those beating them seemed too young for regular forces: it is suspected that the “green bombers” are increasingly being used to carry out incognito violence for the state and on behalf of other units.

## Medical findings

Degree of injury varied greatly, from extremely serious, requiring lengthy hospitalisation and surgery, to fairly minor. As ZADHR has indicated, injuries included soft tissue damage, head injuries, lacerations, fractures, damage to internal organs. Outcome of political violence also very commonly included anxiety, hyper-vigilance, aches and pains, headaches, insomnia and other sleep disturbances, dizziness, nausea. For simplicity's sake, in this report, medical findings have been categorised very generally, with more specific details being quoted from time to time in the brief narratives.

Soft tissue damage: includes bruising, swelling, abrasions, lacerations  
Fracture: broken bone  
Gun shot wound: injury consistent with bullet grazing or entering body  
Aches/dizziness etc: headaches, body aches, sleep disturbances, dizziness, nausea, anxiety

## 3. Findings

### i. Demographics of victims

313 men 76%  
101 women 24%

Average age: 31.4 years  
Youngest: Infant less than one year  
Oldest: 82 years old

### Geographical location of incidents

Greater Harare <sup>44</sup> :	352	–	85%
Manicaland:	40	–	10%
Rural Mashonaland <sup>45</sup> :	19	–	4,5%
Midlands:	3	–	0,5%

### Month of incident

March:	277	-	67%
April:	88	-	21%
May:	49	-	12%

Our findings support the assertions that have been made by others, including Human Rights Watch, ZADHR and Zimbabwe Human Rights NGO Forum, that there was a general upsurge of state instigated violence in March. The findings further show that this has continued, although at a lower and reducing intensity, since then. State agents have committed acts of gross torture against individuals and have failed to lay charges against the vast majority of those they have incarcerated and ill treated. Scores have suffered extremely debilitating injuries. All those targeted have suffered fear and intimidation, and in many instances this has resulted in victims being forced into hiding or exile.

## Save Zimbabwe

<sup>44</sup> Incorporating Chitungwiza, Mabvuku and other Harare suburbs.

<sup>45</sup> Incorporating Mashonaland East (4 cases), West (6 cases) and Central (9 cases).

Those interviewed include 52 individuals from Harare and 22 from Mutare who were affected by events on 11 March, the day of the Save Zimbabwe prayer meeting.

This represents 18% of all violations: the bulk of our informants were affected by the more general clampdown that was occurring during March, and which continued to a lesser extent into April and May. The findings therefore give a broad picture of the pattern of violations that have typified these months, including but not focusing on the events of 11 March which received considerable coverage at the time.<sup>46</sup>

## ii. Violations against leadership

The current findings support the claim that there has been a general trend of targeting MDC leadership, from the most senior national level through to position holders at provincial and constituency level, with the vast majority being from Harare (87%). Among leadership reporting violations were both presidents of the MDC; Morgan Tsvangirai was brutally tortured in custody, while Arthur Mutambara was detained on two occasions. Leadership in our data group included two Members of Parliament; 21 chairpersons and 5 vice chairpersons, including national, provincial and constituency chairs; 5 treasurers; 12 organising secretaries, and a further range of persons holding positions in party structures relating to information and publicity, elections, gender, and youth.

- Out of all 414 people reporting violations, 21% held leadership positions, either within MDC (80) or within a civic organisation (6).<sup>47</sup>
- Overall, 33% of all interviewees who claimed MDC affiliation, were people in leadership positions (80 out of 243).

Considering the small number of position-holders in relation to general membership, this is indicative of the systematic targeting of the Harare leadership. While the gross number of violations has dropped during April and May, the trend of targeting leadership has become more marked over time.

In March, 18% of all violations were aimed at leadership

In April, 20% of all violations were aimed at leadership

In May, 31% of all violations were aimed at leadership

## Divide and rule

It is also clear that the vast majority of both leadership and rank and file MDC members who were targeted were from the Tsvangirai faction of the MDC. It appeared that at first this was fortuitous, but the advantage of using this as a divide and rule tactic became apparent to the state and they thereafter made it a strategy.<sup>48</sup> The Minister of Information, Sikhanyiso Ndlovu made a statement in the wake of events of the Save Zimbabwe meeting in which he referred to the Tsvangirai faction

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<sup>46</sup> See for example HRW, *ibid*, and the current authors' release of "A Criminal State" in statement and video format in late March 2007. There were at least 20 statements of outrage from national and international organisations condemning events around the Save Zimbabwe meeting, including from the International Bar Association, Amnesty International, CIVICUS, and others. Even the ANC released a guarded statement on the issue, and events led to the SADC extraordinary summit in late March.

<sup>47</sup> Civic leaders reporting violations included national director of Catholic Commission for Justice and Peace, president of the NCA, other senior NCA officials and senior officials from Combined Harare Rate Payers Association.

<sup>48</sup> Those arrested during the Save Zimbabwe prayer meeting and who ended up in Machipisa police station were brutally tortured, and those held in a multitude of other police stations generally were not: Tsvangirai was at Machipisa and Mutambara was not.

as “violent” and the Mutambara faction as “non violent”, thus justifying the different treatment the two presidents received in custody. Mugabe later made similar comments.

Key informants in Bulawayo have also indicated that while there have been high levels of violence in Harare, including a general ban on rallies and meetings, in Bulawayo there have been very few reports of political violence: Bulawayo is considered an MDC-Mutambara stronghold. Furthermore, while events by civic groups have proved difficult to hold in Harare, the churches in Bulawayo, including the Save Zimbabwe grouping, have managed to undertake three major church events with a human rights theme since 11 March, in all instances with large attendances and little or no state interference. There seems to be a clear state strategy of targeting political and church groups and events in Harare and deliberately not doing so in Bulawayo, in order to exacerbate the long standing regional and ethnic differences in Zimbabwe – which contributed to some degree to the October 2005 split in the MDC. The state is no doubt anxious to undermine current attempts to form an MDC coalition, and is fuelling existing resentments between the two MDC groups by targeting one only.

### **Context of violations against leadership**

Apart from sheer numbers, a further clear indicator of the deliberate nature of attacks on those in leadership positions is the context of violations against them. It is apparent that attacks against leadership were less random than attacks against rank and file supporters in the time period under assessment.

It is interesting to note that **leadership** were **five times more likely** to be assaulted at home (36%) than in a police station (7%).<sup>49</sup>

Violations against those *not* in leadership positions were half as likely to be at home as in the case of leadership (18% versus 36%), and twice as likely to occur in a private home as in a police station (18% versus 8%). Only 5% of non leadership reported abductions, and most of these were family members abducted because the person being sought was not at home (see ahead for details of violations against families of leadership).

*36% of all HR violations against **leadership** have taken place in private homes. 13% have taken the form of abductions and brutal beatings.*

*Together, the contexts of “private home” and “abduction” account for 49% of all violations against MDC leadership.*

The contexts of “private home” and “abduction” for non-leadership interviewees accounted for a total of 23% of all violations – less than half of the comparative total for leadership. Furthermore, some of the assaults that occurred in the private homes of ordinary members of the public were not targeted but were part of a house-to-house clamp down, as the following interview illustrates.

*33 year-old pregnant woman, unknown political affiliation:*

I was asleep on the night of 16 March at my home which is 4 blocks away from Gift Tandare’s funeral. The police came and knocked on my window at around 3 am. One police officer came into the house demanding to know why a tree had been cut and was now

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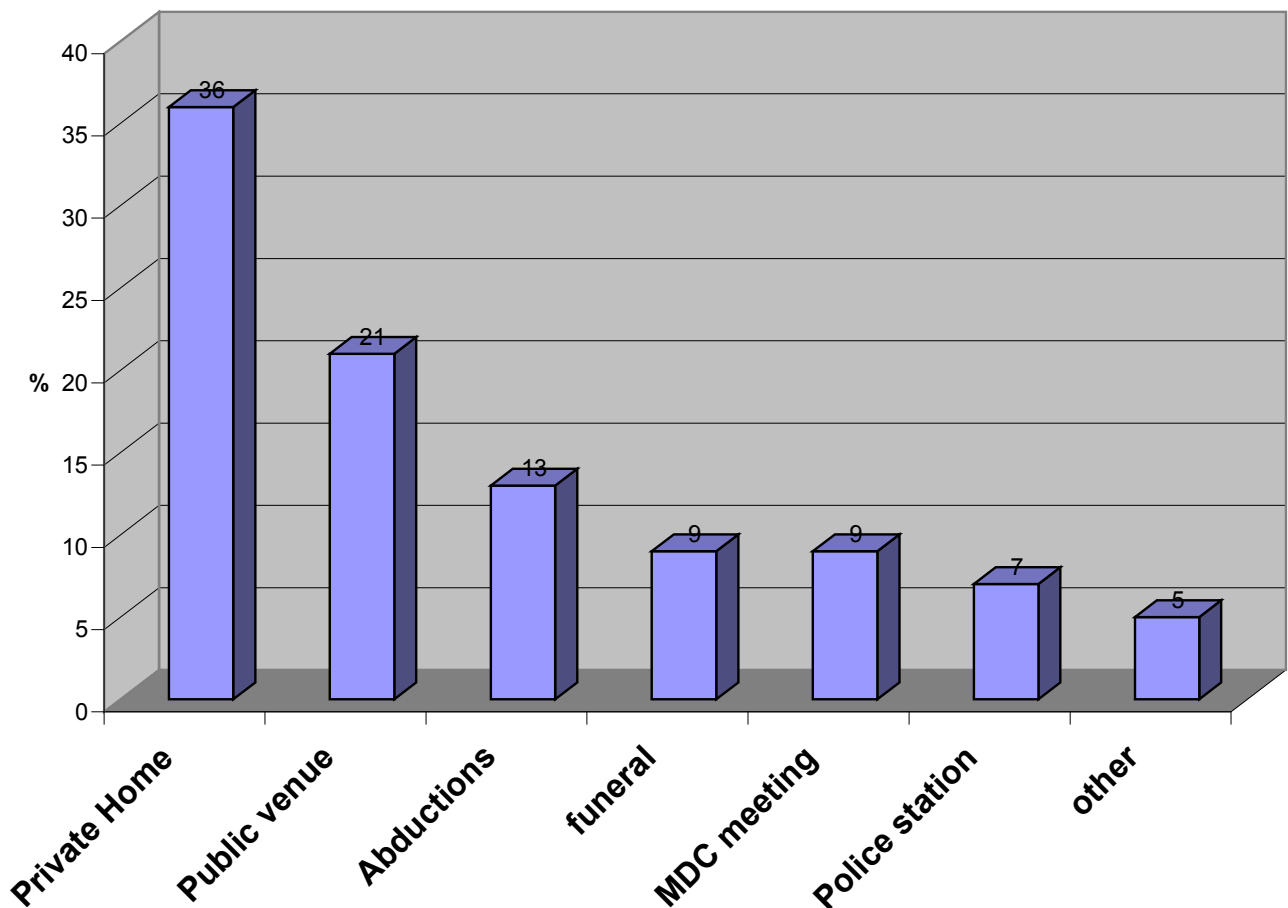
<sup>49</sup> It must be noted that around 30 MDC activists, many of them senior leadership, were in police custody for much of April and throughout the month of May, and they were therefore not part of the interview group. Most were released in June, mostly without charge. They have reported torture in police custody, but these events are outside the time frame of this report.

blocking the road and why there were stones in the road. I replied that I did not know what had happened as I was asleep. The police ordered me and my family out of the house. As I was trying to get out of the house, I was kicked twice on my back with booted feet and assaulted once with a baton stick on my right hand. Although I am obviously eight months pregnant, I was ordered to remove the stones from the road as well as the tree. We were being assaulted while we were doing this heavy work.

*Medical Assessment:* The client is 8 months pregnant, she complained of feeling ‘funny’ with abdominal pains, some discomfort and palpitations. She also complained of pain in both hips and was limping. She had tenderness on her back and on her right wrist.

**Figure 1:**

**HR violations against LEADERSHIP: percentage occurring in different CONTEXTS, March, April, May 2007**





*Photo 2: left forearm of Grace Kwinje, senior MDC official tortured in police custody after being arrested for attending Save Zimbabwe prayer meeting.*

### **iii. Abductions and targeted home assaults**

To hunt down an activist in his/her home, or to abduct him/her is a very deliberate act, requiring prior intelligence and intentionality. Agents arrive at the home of a known activist or his/her relative and ask for the victim by name, after which the person is assaulted in the home in front of family, neighbours or fellow lodgers. In the case of abductions, activists are taken from their home, workplace, or nearby business centre: a car draws up and the wanted person is kidnapped. These abductions invariably lead to brutal beatings and interrogations, often in a remote place, after which the victim/s are abandoned.

The following account is a summary of an interview with a 25 year old male, who holds a leadership position in the MDC;

On Sunday 25 March I visited my father's home and at around 9 pm when I was on my way home with my uncle we were approached by two men who said they were selling leather. When we tried to question them as to why they were doing business at odd hours, 4 other men appeared armed with pistols and forced us into a Nissan Navara twin cab with no registration plates. We were handcuffed and blind folded and were driven to a far place where we were made to disembark. The armed men then accused me of being the M who was the chairman of the MDC. They began assaulting me with open hands and booted feet. Some other guys appeared and began making noises with metal rods. They told the others that they had finished digging the pit that they had been assigned. I resisted going to the pit

and one of the men suggested that they should just shoot us dead. We were then driven to another place by the lady who was calling herself Queen Sheba and with the other men some miles away. We were forced to remove our clothes and we were beaten with fan belts, iron rods and batons. I was beaten on my backside, under my feet and on my hands, and they took turns to jump on my genitals with booted feet. They told me to tell my father that they were coming back and that they would bomb his car and silence him forever. They threatened to cut off our limbs and I screamed. As I screamed I was rolling around naked. I eventually managed to remove the cloth from my eyes and also the cuffs. I then realized that there were now 2 cars but could not figure out the model of the car. The armed men took away my cell phone, clothes and shoes, cash \$35000 and Rand 800, and they left. I walked with the others about 10km until a Samaritan gave us tattered clothes. We approached a police base who took our details.

*Medical Assessment:* the client complained of headache, neck pain and genital pain. He had linear abrasions on his arms, haematomas and pain on the buttocks and feet. His fingers were swollen and painful.

Many of the assaults resulting after car abductions have been extremely severe. Media has reported the death by beating of journalist Edward Chikomba after his abduction in a car with no number plates.<sup>50</sup> Individuals interviewed by the authors reported being tortured and left for dead, often long distances away from the point of abduction.

### **Families of leadership**

In March a further 10% of all HR violations (21 cases) involved immediate family or fellow lodgers of leadership, who were beaten (14 cases) or even abducted and then beaten (5 cases) because the wanted person was not at home. In a further 2 cases, relatives were threatened and manhandled.

In the following summary, *a sixteen year-old girl relates how she and her mother were abducted because her father was not at home.*

I was with my mother on the night of 19 March, when we were abducted by suspected CIO agents who came to our home looking for my father. They came at 10 pm, and we were quickly abducted and blindfolded. We were driven into the bush and at around 1 am we were shoved into different cars. There were about 4 cars. We were finally taken into an open truck and were driven further into the bush after the perpetrators had a brief meeting. They were arguing about what to do with us. On the way we were accused of being a part of WOZA and MDC hooligans, and were also assaulted. I was slapped twice in the face, and was booted on the back on several occasions. One of the perpetrators stepped on my shoulder and another one on my back while I was bending my head low. My mother was also slapped in the face and booted. The perpetrators were arguing about whether we should be left or taken back. My mother managed to convince them that she was from the communal area and had come to order some soap for resale. I repeated the same story and eventually it was decided that we would be left in the bush at around 2 am. They took our blindfolds off and drove away. We walked and ran, not knowing where we were going. We came to what seemed like a farm compound where we asked for help but no one responded. We kept going until we saw a sign post near by where some workers were painting some poles around 3 am. After explaining our story we were eventually given a lift and taken to Z

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<sup>50</sup> His body was found in late March 2007; he was an accredited journalist who worked for ZBC-TV from time to time and it is believed his murder is linked to images that made it into the international media, of MDC leadership who were beaten after arrest on 11 March. Persecution of journalists is relentless, and two other journalists who were taken into custody and tortured in the last few months are part of the current interview set.



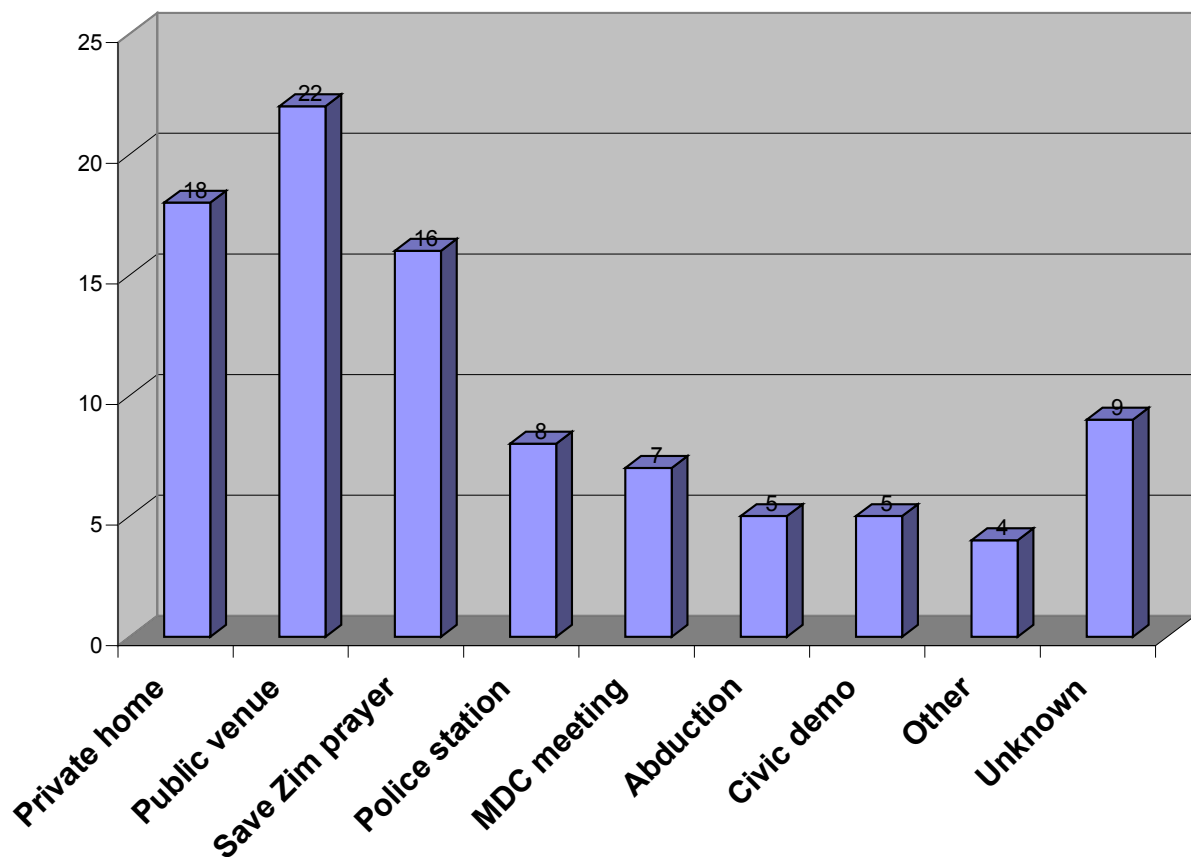
and were dropped off near our home in Harare. We waited until dawn and then went home and arrived around 07:00hrs.

#### iv. Significance of state abuses in private homes

State abuse in the home is a shocking form of violation, as it is inevitably witnessed by family, which can include young children, as well as neighbours or other lodgers. Attacks in the home undermine the most fundamental basis of personal security, resulting in disruption of family units, insomnia and panic attacks for family members, and exile for primary victims. Interviews with victims indicate that abuse in the home invariably sends them into hiding for periods of time ranging from a few days to weeks or longer. Some reported that the police beating them told them to flee to South Africa, and said that if police came back to their homes and found them there, then next time they would be more severely dealt with. Some interviewees report that police have in fact come back subsequently to check that they have not returned home. Interviews with key informants in South Africa have indicated a recent influx of MDC leadership into Johannesburg, seeking asylum as a result of the latest clampdown.<sup>51</sup>

Figure 2:

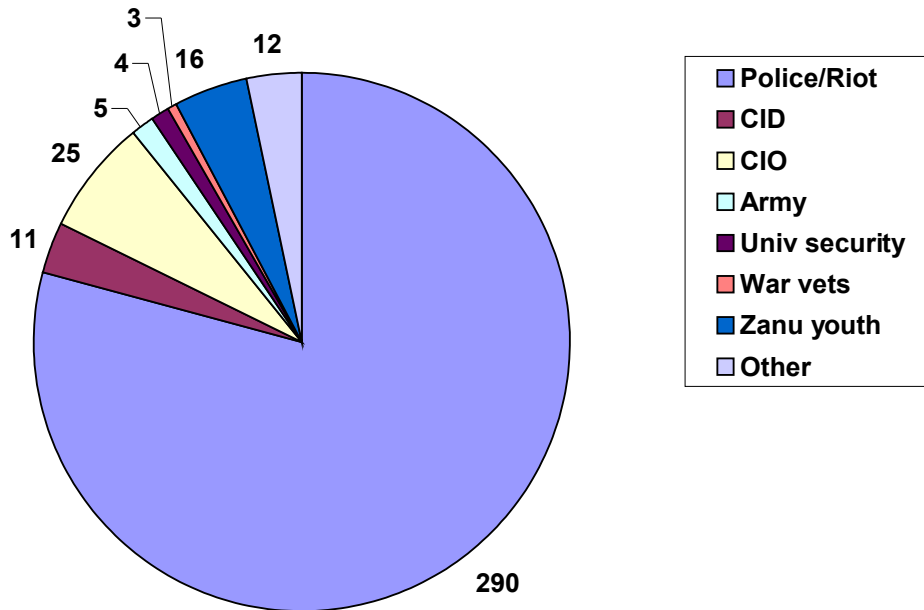
**HR violations against all interviewees - excluding leadership - percentage occurring in different CONTEXTS: March, April, May 2007**



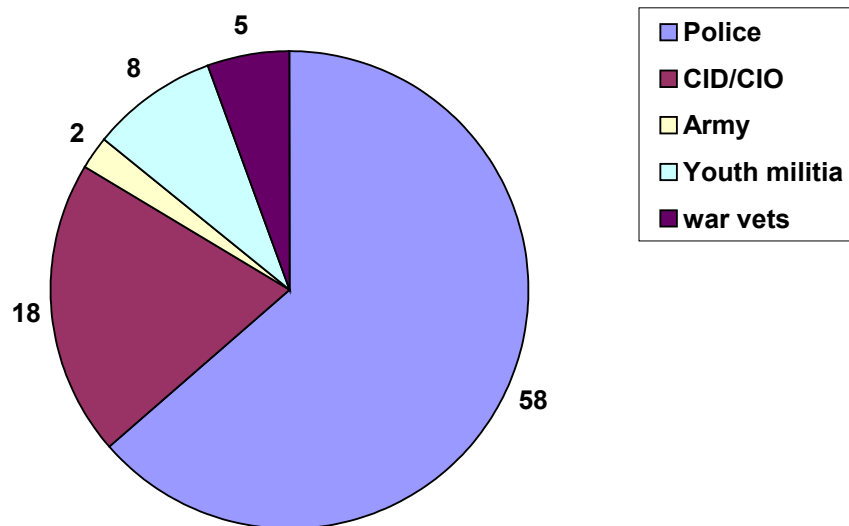
Figures 3 and 4:

<sup>51</sup> Crisis in Zimbabwe Coalition, Johannesburg, South African Women in Migratory Affairs, and the authors' own South African office have been inundated by an influx of Zimbabweans, including leadership, in the last three months.

**TOTAL number of HR violations attributed to different groups**



**PERPETRATORS of violations in PRIVATE HOMES:  
March, April, May 2007**



The state strategy of assaulting people, in particular MDC leadership, in private homes, and then threatening them with further assaults if they do not flee, points to a coherent strategy aimed at destroying the capacity of the political opposition. By sending key members of the leadership into exile, or by keeping them on the run and afraid of being seen to be taking part in political activities because of possible consequences to themselves and their families, government forces are obviously intending to undermine the functional capacity of the political opposition.

Over the last seven years in Zimbabwe, it has not been unusual for those perceived to be opposed to the state to be targeted in their own homes.<sup>52</sup> However, during high levels of political violence linked to elections, for example the presidential election of 2002 and the parliamentary election of 2005, acts of politically motivated assault in homes were primarily carried out by war veterans or youth militia as opposed to police units, and in terms of election based violence, activists in rural areas have been more likely than those in urban areas to be targeted at home.<sup>53</sup>

## v. Public places

Individuals apart from leadership reported public venues as the most likely context in which an assault occurred, with 22% of all incidents in public. For leadership, assaults in public were the second most common context of violation, at 21%, (with private homes first at 36%).

33% of public assaults took place in business centres  
11% were in bars/night clubs  
8% were during civil society public gatherings

The balance of public assaults took place in a variety of settings, including taxi terminals, sports events, outside blocks of apartments, and other general urban contexts.

Less than 1 in 10 reported violations in public took place in the context of a civic demonstration, pointing to a high level of random assaults.<sup>54</sup> The government has on repeated occasions indicated that people who live in urban areas are “maggots” or “totemless” – they are considered not to support the ruling party and as such it is acceptable state behaviour for urban civilians to be targeted, particularly in the high density suburbs, in random contexts such as the ones illustrated in the interviews following:

### **Random assaults on beer halls:**

#### ***38 year old male, unknown political affiliation:***

On 14 March, I was at Machipisa Shopping Center in a beer hall and the neighbourhood security guards came in to warn us about the arrival of the riot police at the center. Everyone in the hall rushed outside only to fall into the hands of the riot police who were beating up people accusing them of beating the police. As I ran out of the hall one policeman beat me with a baton. I was beaten on my right elbow joint, all over my back and on the calf. A police dog bit me on the right knee. I then fell to the ground and they continued beating and kicking me.

*Medical Assessment:* The client complained of headache, pain in shoulder, pains in legs, including feet, backache, difficulty in falling asleep and early wakening. He has:

A swollen and tender right elbow; a swollen right knee with 5 scattered puncture marks; tenderness over the buttocks; a 5cm laceration over the dorsum of the right foot and anterior

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<sup>52</sup> Of course, the demolitions of 2005 targeted more than half a million people in their urban homes, but the demolitions occurred in a different context: this paper is focusing on politically motivated assaults in the private home setting, rather than the ultimately politically indiscriminate destruction of property that occurred in 2005. MDC supporters have been displaced from their homes in previous election periods, but this has tended to be more prevalent in rural than in urban settings. Almost all of the current cases are from Harare.

<sup>53</sup> Physicians for Human Rights, Denmark, **The Presidential Election: 44 days to go**, Jan 2002; Physicians for Human Rights, Denmark, May 2002, **We'll make them run**; Solidarity Peace Trust, **Shaping Youth in a Truly Zimbabwean Way: National Youth Service Training in Zimbabwe**, 2003; Solidarity Peace Trust, **Out for the Count**, 2005.

<sup>54</sup> Demonstrations by NCA or WOZA are routinely the subject of police brutality, but constitute less than 10% of our reported cases from “public” contexts.

part of the sole due to dog bite; an ulcer on the dorsum of the right forearm proximal to the elbow joint. These injuries resulted in massive cellulites of the right elbow and forearm, which necessitated the client's admission into hospital.

***40 year old man, unknown political affiliation:***

At 8 pm on 20 March: I was at Gwentyambira Tavern Bar in Mufakose when the police came into the bar and told everyone to lie down. I tried to run out of the bar, but some police who were waiting for us outside started beating me on the back using baton sticks. I was also beaten on the forehead which split my head, and I fell down. When I fell down the police kicked me in the ribs. I tried to run away but ran straight into another group of policemen who continued to beat me using batons. I eventually managed to get home, where I fell unconscious for about 10 minutes.

*Medical Assessment:* The client complained of extreme headache, dizziness, impairment of memory, impairment of hearing, numbness, pins and needles in arms and legs, pains in shoulders, pains in legs including feet, backache, chest pain, palpitations, loss of consciousness. The following was noted; difficulty in falling asleep – disturbed sleep, nightmares; a painful haematoma on the right shoulder; pain over the anterior aspects of both thighs; painful tram track lesions on the back; pain in the fingers of the left hand.



*Photo 3: victim of assault by government forces, March 2007. Swelling on forehead is consistent with blow from a blunt object. Lesions on torso consistent with beatings with an electrical cable or sjambok.*

**Random assault on shoppers**

*32 year old male, unknown political affiliation:*

Just as the shop was closing around 8 pm, four vehicles full of police officers in anti-riot gear arrived at the shop. They jumped out and the officers shouted ‘nyama’ (meat) pointing at us. I am employed in the shop and our manager told us not to flee as others were doing so that he could reason with the police. However, the police ordered everyone there to sit down, and then we were beaten. I was beaten with batons and booted feet and the police stamped on my right leg, as well as both of my arms. I was also kicked on the left knee. The police accused us of being MDC supporters while they were beating us – because of the red colour on the shop logo.

*Medical Assessment:* the client complained of pain in shoulders and arms and backache. When examined he had; chest pain and difficulty in falling asleep, showing psychological trauma; extensive bruising on the back and shoulders; swelling of both upper arms; bruising on both shins.

## **vi. Funeral wake of Gift Tandare**

Activist Gift Tandare was shot dead by police in Highfield on 11 March. The state was determined not to allow his death to be a gathering point for the opposition, and the home of his family was besieged night after night for the next week to prevent the building up of mourners. Harassment by the state included tear-gassing the home, stealing goods from mourners, assaulting mourners repeatedly, and on two consecutive nights, shooting at the mourners. This resulted in two mourners being shot and wounded, one of them twice.

The current data set reflects *31 reports of assault and harassment* during the week of the funeral wake, which is an indication of events but not a comprehensive record. 11% of all violations reported in March occurred in the context of this funeral wake.

The police ultimately seized the body of Tandare from the funeral home and buried him under police guard in his rural home, to prevent a Harare funeral attended by large numbers of mourners. The following account is typical of those made to the authors:

*Female, 28, MDC supporter*

We were gathered at the funeral of Gift Tandare. I arrived there at around 1 pm and we were singing funeral songs up to midnight. The riot police arrived around 2 am when I was outside in a friend’s car trying to put my baby to sleep. I was pulled out of the car and was beaten up by many police officers. I was whacked on the back and when I was about to be beaten by a baton I shielded myself with my 5 month old baby twice, thinking they would not beat the child, but they did. I was kicked on my backside by booted feet. I ran to seek shelter at a nearby house and lost my child’s nappies and clothes, which were taken by the police. The following day I attended the funeral gathering again and the police dispersed us again. They fired teargas and also fired guns. I am still feeling weak and afraid because of this. I panic all the time now. My baby passed dark urine for two days after the attack. My child wasn’t feeling well for 2 days. He no longer wanted to play and is still coughing.

*Medical Assessment:* the client complained of headache, dizziness and impaired concentration. When examined, the client was fearful and suffering from an acute stress reaction.

## **vii. Attacks on lawyers**

Over the last seven years there have been scores of assaults and attacks on lawyers: defending those who have been arrested or tortured for political motives is a dangerous task in Zimbabwe.<sup>55</sup> Lawyers are often manhandled in police stations, assaulted, detained, and vilified. Events of the last few months have once again illustrated this. From the time activists were arrested on 11 March, lawyers defending them faced threats and intimidation. A lawyer was assaulted with a baton when he went to Machipisa police station to inquire about detainees on 11 March: in the following ten days, five lawyers were threatened with assault and arrest in the course of their duties. This led to the International Bar Association (IBA) releasing a statement of protest on 21 March:

The IBA would like to draw attention to the provisions of the *Basic Principles on the Role of Lawyers*, which guarantee the right of all persons to be assisted by a lawyer to protect their rights and to defend them in all stages of criminal proceedings.... Governments are obliged to ensure that lawyers shall not suffer or be threatened with sanctions for any action as part of their professional duties. In situations where the security of lawyers is threatened as a result of discharging their duties, they must be adequately safeguarded by the authorities.

It is evident that the Government of Zimbabwe is not protecting but violating the rights of its lawyers in violation of the Basic Principles. The IBA calls on the Government of Zimbabwe to take immediate steps to ensure that these rights are protected and that lawyers are able to perform their role without fear of violence or intimidation.

In the first week of May 2007, two human rights lawyers, Alex Muchadehama and Andrew Makoni were arrested when they arrived at the Harare courts to defend their clients, who are senior members of the MDC. The lawyers were charged with presenting affidavits with false information to the courts, and were locked up for the next three days and were themselves denied access to legal representation. The police defied two court orders for their release, and the families of the lawyers also received threats by telephone.<sup>56</sup>

Coinciding with these unlawful arrests, on 7 May 2007, the Zimbabwe Lawyers for Human Rights decided to undertake a march to protest this harassment of lawyers who are merely carrying out their duties as enshrined in the constitution of Zimbabwe. This group of lawyers were themselves rounded up by the police, taken to an open field, and beaten.

**Beatrice Mtetwa**, one of Zimbabwe's most forthright and well respected human rights activists and lawyers, relates what happened in an interview on **8 May**:

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<sup>55</sup>Solidarity Peace Trust and IJR, **Policing the State**, Dec 2006, describes incidents of attacks on HR lawyers: see also statements from IBA, AI and others following arrests of lawyers in May 2007. The collapse of separation of powers, and abuse of the legal system has been comprehensively dealt with by a variety of other authors and will not be covered here: see Tsunga, A, "Operating Environment of the Legal Profession in Zimbabwe in 2003", Zimbabwe Lawyers for Human Rights, January 2004. See also K Saller **The Judicial Institution in Zimbabwe** (Cape Town 2004) and **Justice in Zimbabwe** a report of the Legal Resources Foundation (Harare 2002) and **The State of Justice in Zimbabwe** A report of the Bar Councils of England, Wales and Ireland. Stephen Irwin, QC, Chairman of the Bar of England and Wales after visiting Zimbabwe in April 2004: "What is happening here is the destruction of a once fine, working justice system ... in order to hold on to political power." The government has of course on countless occasions also behaved in blatantly illegal ways, repeatedly defying court orders and acting illegally even in terms of their own draconian AIPPA and in relation to amendments to the Land Acquisition Act.

<sup>56</sup> SWRadio Africa, "Human Rights Lawyers Finally Released on Bail", 7 May 2007.

“It (the march) was just to protest against the harassment that lawyers have been subjected to in the course of their duties. You will be aware that in addition to the state media vilification of lawyers who do human rights work, the police have been denying lawyers access to their clients, they have been physically restraining lawyers from seeing their clients at police stations, lawyers have been chased and assaulted out of police stations and of course last weekend you saw that lawyers were arrested for no other reason than presenting their clients’ case – under the spurious allegation that they had given false information in affidavits. Everybody knows that lawyers act on instructions – what you put in your affidavit is what your client would have said to you. And it is for the court to decide whether there is anything false in that – and they find against your client. But to have a lawyer locked up for merely carrying out their work is clear harassment of lawyers and it means that Zimbabweans who need legal assistance will be unable to access it for no other reason than that lawyers are scared. So this was a protest petition to say “Allow lawyers to do their work.” The constitution allows lawyers to do their work, the legal structures give them authority to do their work. The African Charter and the UN Charter both specifically have protections that people can only have protection of the law if they have lawyers of their own choice. And there are principles that have been enunciated saying what conditions should exist for lawyers to be able to discharge their duties.

That’s all we were doing – “Stick to what is internationally acceptable for lawyers to perform their duties. Give us the protection we require to be able to do our work.” And of course the protection we got was baton sticks on our bodies.

When we congregated outside the High Court I was the first to arrive there. There were about 6 riot police officers. I spoke to them specifically to find out if they had instructions to stop us from marching or not. They said they were not at liberty to disclose whether they were coming to stop us or they were coming to escort us – and that their superiors were the ones to determine that. They’d just been instructed to be there. As the lawyers congregated the officer commanding the Harare district arrived and asked me whether I’d received any correspondence from his office. I said I hadn’t and he said no, he had sent correspondence to our offices and I said well could he give me a copy because I had not received it. So he went to the car and I believed he was going to get a copy of that but when he came back he came back with a loud hailer. And he said “I’m asking you to disperse, I’ll count to three and if you do not disperse my officers will deal with you.” And people starting dispersing – but they still got beaten anyway. So we were all walking away, because my office is towards where the Attorney General’s is, so we were walking up that way. But when we saw the police following us we went into the building – the Ministry of Justice building, thinking they wouldn’t ... They came and dragged us out of there, threw us into the back of a truck, took us to that vlel in Eastlea, told us to disembark, to lie on our stomachs and then they started assaulting us and then they abandoned us there.

[These events] say that Zimbabwe is a police state. They physically took us not with the intention of taking us to any court but with the intention to take us out of town, to beat us up – basically meting out instant justice. And then they said you can now proceed to do your petition when you are swollen....”



*Photo 4: lawyers in Harare try to stage a peaceful march in solidarity with arrested colleagues, May 2007.*

*Photo 5: Beatrice Mtetwa, HR lawyer, together with colleagues, was forced into a vehicle by police while taking part in the march shown above. She was beaten in a field: her arm shows bruising as a result of beating with a baton stick. [full interview above]*





## **‘Punishment’ – not the role of the police**

The choice of the police to beat human rights lawyers in an open field, rather than to take them into a police station and charge them with an offence, is in keeping with the pattern of violations we have recorded during recent months. The police were aware that no crime had been committed: their actions were not about preserving the rule of law, but were rather designed to instil fear in those who would stand up for the rights of political victims – to punish those perceived not to support the government, and to do so publicly.

The behaviour of the police in Zimbabwe illustrates the collapse of separation of powers. It is not the role of the police to administer either justice or punishment – yet in his recent comments, Pres Mugabe has not only given the police the right to “bash” them, but also the right to punish them (see comment on page 3 of this report). While riot squads might over zealously – and illegally - “bash” somebody who, for argument’s sake, is being riotous, “punishment” implies an action that is deliberate and premeditated: it is not the role of the police in any nation to punish people. It is the role of the police to investigate crime. It is the role of the Attorney General to prosecute, and it is the role of the courts – and only of the courts - to punish.

### **viii. Perpetrators**

The policy in previous pre-election periods has been to hide the raw hand of the state, by resourcing para-military groups such as war veterans and youth militia to carry out the state policy of a generalised persecution of the opposition.

The current data is therefore consistent with the more blatant trend in state oppression that has been emerging in the last two years:

- In more than 90% of cases, violations against all those interviewed took place in contexts other than in a police station
- yet in 90% of all cases, government forces (police, CIO, CID, army) were alleged to have been responsible for the violations
- In 70% of all cases the police were implicated, and they were implicated in 90% of violations in “public places”.
- 78% of home-based violations were at the hands of police, CIO or army personnel.
- A further 8% of home-based violations were at the hands of youth militia, and in two thirds of such incidents, they were accompanied by police.
- Only 5% of these violations were by war veterans or unknown persons ie by persons not obviously linked to government forces.

It is significant in and of itself that 85% of all political violence reported in this time period has been in Harare, with only a handful of cases being reported from rural provinces: during previous pre-election periods, most violence has taken place in the rural context, in order to protect the ZANU PF strongholds in rural Mashonaland. Once more, this points to a clear intention to smash the Tsvangirai opposition structures in *their* stronghold, Harare, well ahead of next year’s elections.

### **ix. State-instigated assaults outside of police stations**

What is noteworthy about all violations in the current period, over 90% of which did **not** occur in police stations, is that over 90% of them were attributed to government forces. This is a phenomenon worth considering.

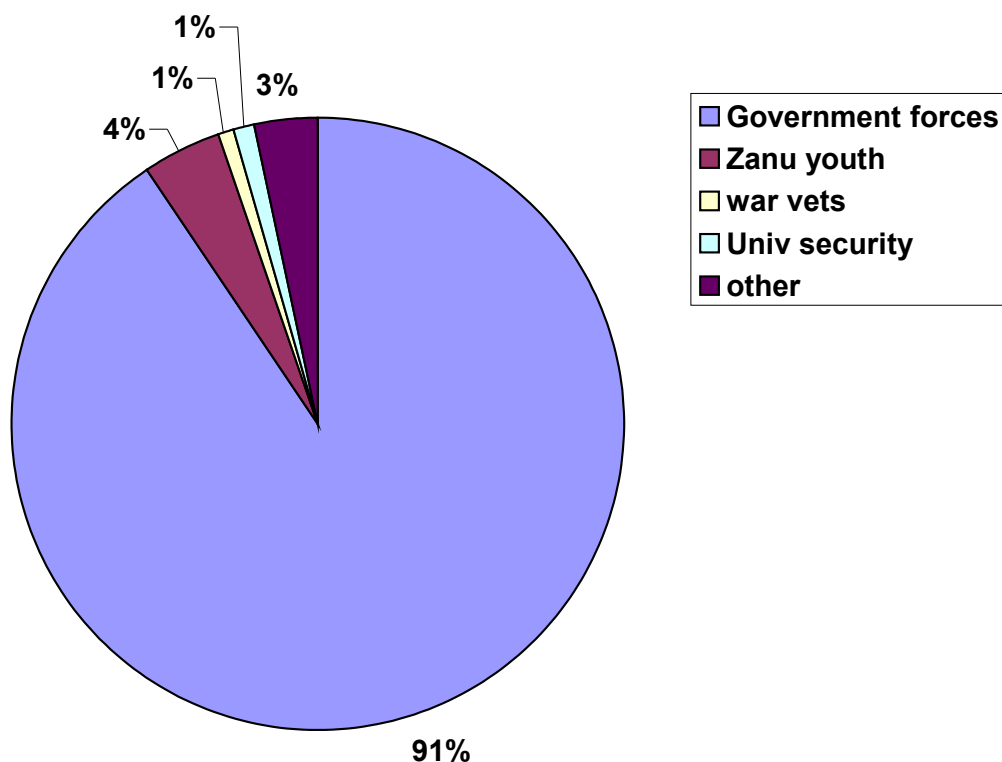
## Fear instilled in large numbers

State instigated political violence in public places is more **random** in terms of who it affects: its intention is different to targeted violations such as those in the “private home/abduction” contexts. The intention of state violence in public places is to send a general message of repression and control, to leave civilians in areas believed to be opposition strongholds in a state of fear and insecurity, so that social drinking, or attending football, or going shopping become activities that could result in being beaten – as can simply being in your own home. This lowers morale and makes people disinclined to be linked to opposition politics, as these beatings are invariably accompanied by insults against the opposition.

Such incidents will be generally well witnessed, which serves the purpose of terrorising a large number of people apart from the direct victims. This sends a salutary lesson to those who either are beaten or who witness such beatings and who might aspire to be active or to be a position holder in the opposition, that this fate or worse awaits them.

**Figure 5:**

**Government forces: chart showing percentage violations attributed to government and to other groups: March, April, May 2007**



## Assumption of impunity

Precisely because such incidents are well-witnessed, their high prevalence indicates a high level of assumed state impunity. The fact that it has proved virtually impossible for victims of state instigated violence or torture in Zimbabwe to achieve either justice or compensation has been well

noted before, and is noted again here.<sup>57</sup> Impunity is continuously reinforced at the highest level in Zimbabwe; President Mugabe himself announced in March that “police have the right to bash them” – since when the police have done precisely that, in the most blatant of ways.<sup>58</sup>

### **No international observers**

However, while national impunity for state torturers is a reality, international censure of torture in Zimbabwean police stations reached unprecedented levels following events on 11 March. Therefore, if the police can “bash them” without having to then bring them before the courts either for release or arraignment, in which case lawyers, diplomats and journalists can witness the direct result of what happens to those in police custody, it creates less international embarrassment for government. Even government’s old allies in SADC were shocked on 13 March by the appearance from police custody of the tortured leadership of the MDC and civil society.

If people are dealt with quickly and ruthlessly in their own homes or local shopping centres, while neighbours and family will observe the assaults and suffer the intended outcome of fear and intimidation, the international community and journalists will not witness and will most likely never hear about the incident. Such “hit and run” attacks on the opposition, even by police in uniform, will also result in most perpetrators not being individually identified, thus further ensuring their already assumed impunity.

### **Charges seldom laid**

A further very significant reason for not taking people to a police station is that the police are fully aware that the people they are targeting have not committed any crime and there is no possibility of conviction if formal charges are laid against them. Assaulting people in public contexts metes out a kind of extra-legal street justice simply on the basis that those targeted are perceived not to support the ruling party. Even in instances in which activists are taken into custody, the police often do not lay formal charges, and where charges are laid, activists are almost never found guilty as charged.<sup>59</sup>

However, a handful of those who have reported violations in the last few months have also been charged with offences, and in view of the prevailing efforts by government to portray the MDC as a terror organisation, the current data set was evaluated for any evidence it might have on this issue.

## **x. MDC: “terror” activities**

In its recent propaganda offensive, the government has sought to portray the MDC as a group bent on violence and acts of terror. During the first few months of 2007, there have been some acts of looting and vandalism in public shopping centres, including the possible petrol bombing of a policewoman’s home.<sup>60</sup> There were a significant number of arrests of activists during March, on

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<sup>57</sup> The pattern of impunity became established under colonial rule and continued after independence: for example, the massacre of more than 10,000 civilians in Matabeleland, by the Zimbabwe army, resulted in an amnesty rather than prosecutions and compensation in 1987: see AI, 2002, and numerous reports by International Crisis Group, Crisis in Zimbabwe Coalition, Human Rights Watch and others over last seven years, documenting violations and accompanying impunity.

<sup>58</sup> More than three hundred Zimbabweans have died in political violence at the hands of the State in the last 4 years, and almost no successful prosecutions have taken place even though in many instances the murders were well witnessed. (There have been a few prosecutions for murder and culpable homicide – see for instance the case of *S v Nhongo & Ors* HH 2003).

<sup>59</sup> **Policing the State**, *ibid*, evaluated nearly 2,000 political arrests over five years: more than 1,700 of these were never brought to trial, a further 256 resulted in no conviction – there were only 4 convictions out of 2,000 arrests!

<sup>60</sup> There have been counterclaims that the two policewomen were burnt when a paraffin stove exploded. “Trail of Violence” *ibid*, produced by the Zimbabwe government, documents acts of looting and vandalism attributed to MDC,

charges of possession of explosives and other terror-linked activities. However, most of those initially arrested on these grounds have been subsequently released without charge – and after being tortured in police custody. A handful of individuals have been charged, and in the course of their trials, the evidence against them will become more apparent.

Where evidence is made available of violence and vandalism by the opposition, it is incumbent on both the civic organisations and the MDC to make a principled stand on the importance of non-violence, especially in the context of state repression and thuggery. This is a difficult task for the democratic forces but one which is imperative in the current political context.

### **Charges laid: current data set**

Out of the 414 individuals interviewed, 28 reported some kind of legal process against them – 7%

- In 19 of these 28 cases, Admission of Guilt fines were paid
  - 11 fines paid for taking part in an “illegal gathering”<sup>61</sup>
  - 3 fines paid for distributing flyers advertising civic events
  - 2 fines paid for public nuisance
  - 3 fines paid but persons do not know what for

The paying of Admission of Guilt fines is standard in Zimbabwe as the quickest route out of a police cell, and does not in any way indicate that an offence has actually been committed.<sup>62</sup> The following two interviews illustrate this:

#### *42 year old woman, affiliation unknown*

On 8 March, I was in town looking to buy material for sewing which I do for a living. I was in 1<sup>st</sup> street near the police post. I saw a bunch of women and police with dogs. I stopped with my daughter to see what was happening as people were screaming. All of a sudden someone grabbed me from behind and said that I was under arrest. I was taken to the police post. A police car came to pick us up and I was taken to Harare Central Police Station. When we got there our names were taken. I tried to explain that I was not part of the NCA demonstration, which they did not listen to. I was put in the cells and in the evening I was assaulted by police under my feet with a baton; they gave me 8 strikes. After this I went back to the cells where I had to stay for the night. I was released the next day at around 3 pm after paying a fine.

*Medical Assessment:* the client complained of pain in her feet, headache, numbness in arms and backache She has difficulty in falling asleep and disturbed sleep. She showed signs of blunt force trauma, falanga and depression.

#### *31 year old widow: MDC member*

9 March: I was taking an afternoon nap when six police officers in uniform came to my home and told me I was wanted at the Police Station to answer charges laid against me. I had been asleep when they came to my house because I was not feeling well. We went together, when I got there the officer in charge, charged that he was taking me for distributing fliers on the alliance rally on the following Sunday. I denied the charges because I was honestly innocent. The officer in charge ordered that I be put in cells. I had taken my baby to the police station with me as I had no one at home to leave him with. The officer in

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including the burning of several vehicles, assaults on 3 policemen and destruction of shop fronts.

<sup>61</sup> “More than one” person meeting without police permission constitutes an illegal gathering in Zimbabwe.

<sup>62</sup> See **Policing the State**, *ibid*, page 30, for longer discussion of admission of guilt fines and more background on political use and abuse of the law by Zimbabwe’s police.

charge booted me on the right hip as I was getting into the cells. I spent Saturday and Sunday in the cells and on Monday was taken to Police Central where the police officers returned me to the original police station because my papers had nothing to warrant a charge. The officer in charge ordered that I remain in the cells until something was found as evidence. However when the officer in charge left for home the junior police made me pay a fine of \$2500 for 'conduct likely to provoke the breach of peace' and I was released because by now my baby was coughing badly and I wanted to take him to the clinic.

*Medical Assessment:* the client complained of headache, pains in legs including feet, backache and disturbed sleep. Tenderness noted over right hip. The baby presented with cough and discharge from both ears.

Of the remaining 12 cases in which individuals were charged:

- 1 person was charged with theft of a cell phone, was tortured in custody – and acquitted after a trial.
- 7 people were charged with public looting: 1,7 %
- 1 person was charged with assaulting a policeman: 0,25 %

*A total of around 2% of all those interviewed were ever charged with an offence that might be viewed as an act of "terror" – if public looting and assault can be considered thus.*

They were released after warned and cautioned statements, and it remains to be seen if the state actually has any provable cases against them.

## **Looting**

The following interview makes it clear that looting has occurred in Harare in recent months: it also illustrates the way in which street justice is meted out with police collusion.

*25 year old male: MDC member*

On 3 March I went to attend an MDC rally. When I got to S Shopping Centre, we asked the vendors where the rally was actually taking place. The vendors started shouting that we were thieves who had come to cause trouble in the area. I denied this saying that I was only an MDC activist. Staff from a bakery at the shopping centre came out and started accusing us of looting and destroying their bakery, since earlier MDC and ZANU PF supporters had clashed there and caused damage to property. We started walking away, but we realised that the bakery staff were following us. We were stopped and the bakery staff started assaulting everyone calling us MDC thieves. I tried to explain that we had not been involved in the looting and that I was only trying to attend a rally. Two security guards from Fawcett came and stopped the assault. However, the bakery staff continued to follow us. We went back towards the shopping centre and as I was walking I was assaulted on my back with booted feet, fists and sticks after which I passed out. I was carried by my colleagues to the shopping centre where I was again assaulted. I tried to get into the shopping centre as there were police there. When the gate to the shopping centre was opened I was assaulted on my face and my whole body. I passed out and came around to find I had been dragged into a room in the bakery. I was left in a room with a police officer; a plain clothes officer instructed the officer to take me to Z Police Station.

The police and the owners of the bakery went away to talk while I was being put into the police car. I was then taken out of the car and again brought into the bakery where two men wearing masks started assaulting me, accusing me of looting. My head was put into a toilet chamber, and I was forced to nearly drown in the water, while a police officer took my wallet and money (\$150 000.00). The officer continued assaulting me, asking about the MDC leadership. I was then taken to Z Police Station, where I was given my wallet but it now only had \$14 000.00. I was then taken to Y Police Station and only released on the 6 March after going to court.

*Medical Assessment:* the client complained of a massive headache, and rash which he got in detention, back and chest pain. Bruising on right knee and swollen right foot. Disturbed sleep showing signs of anxiety.

### **Violence during demonstrations**

One person interviewed claimed to have suffered injuries as a result of being caught up in a violent MDC demonstration:

*47 year old male, affiliation unknown*

On 2 March I was driving from Norton to Harare when I was along Cameron street, in the city center. I found myself caught up in a demonstration by MDC members, and they were throwing stones. I was stoned on the right side of my head, through the open car window. I lost consciousness for about 5 minutes and my friend who was also in the car, drove on to our work place in Avondale, and the company brought me to hospital. I am very worried about other cars that I bumped into as my car lost control when I was briefly unconscious.

*Medical Assessment:* the client complained of headache and had a 3 cm laceration on the right side of his head.

Looting and all forms of violence by the opposition must be condemned: innocent people including shop keepers and passers by have suffered losses and injuries as a result of this. However, what must also be condemned is the gratuitous violence at the hands of, or with the collusion of the police that has occurred against those members of the opposition who are suspected of looting or other crimes. Any person accused of a crime has the right to a free trial and to be interrogated without the use of torture.

This lack of due process and state impunity has created a great deal of frustration and anger amongst civic and MDC activists, and it would not be surprising if this led to angry responses from such activists. It should not be forgotten that at the heart of the politics of violence in Zimbabwe is the repression and culture of violence of ZANU PF and the state.

## **xi. Reported violations and medical findings**

Out of 414 interviewees:

- **331 reported a physical injury => 80%**
  - 304 reported assaults and /or torture => 74%
    - **122 reported torture => 30%**
    - 182 reported assaults => 44%
  - 4 reported being bitten by police dogs => 1%
  - 4 reported being shot by the police => 1%
  - 16 reported being engulfed by tear gas => 4%
  
- 137 reported being held by government forces => 33%

Government forces were reported as the perpetrators in 85% of assaults and torture cases. ZANU PF youth were reported in 9% of cases, and war vets in 2% of cases. MDC and university security guards were each reported in 1% of cases.

In 96% of all assaults, government or those aligned to government were reported as being responsible. MDC was responsible for 1% of reported assaults.

An evaluation of medical findings shows that in all cases of claimed violations, there was some evidence of corresponding physical injury:

- Out of 307 claimed assaults, soft tissue damage was noted in 304 cases.
- 22 victims out of the 307 had fractures.
- All 4 interviewees claiming gun shot wounds had physical corroboration
- 250 victims showed symptoms that included body and headaches, nausea, sleep disturbances and psychological disturbances including anxiety or depression.

This last group included those affected by teargas, as well as those detained and threatened but not assaulted. It also included large numbers of assault and torture victims.

It was the conclusion of the authors that there was generally a close correlation between claims of victims and medical findings.

## **xii. Torture**

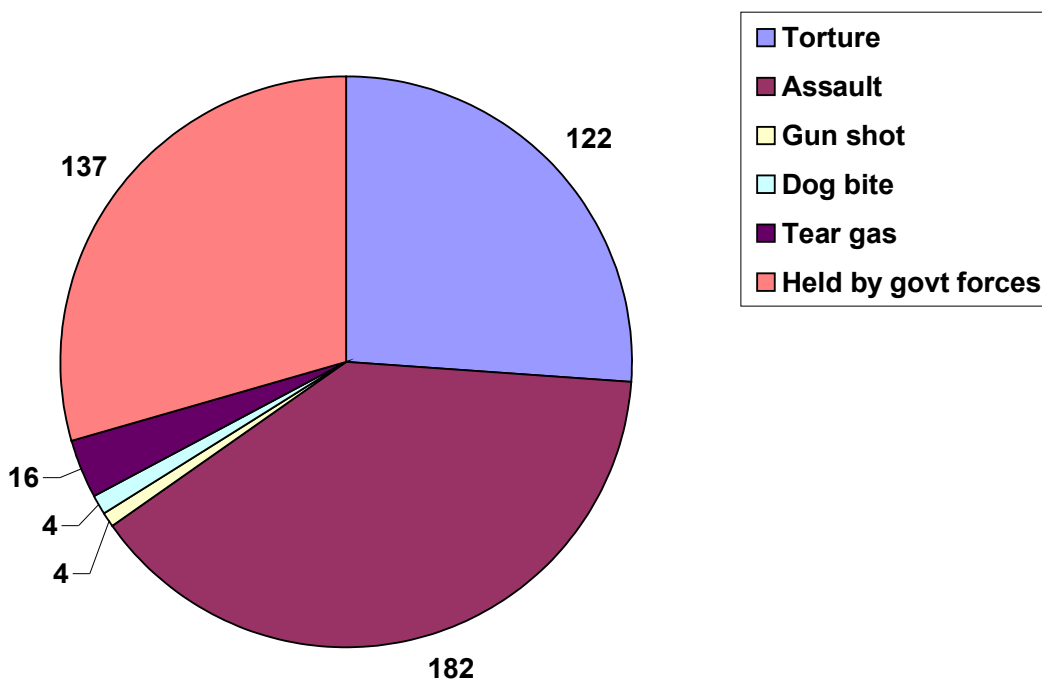
According to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, **torture** is defined as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as: obtaining information or a confession; punishing that person; intimidating or coercing that person; for any reason based on discrimination of any kind.”

In terms of the current data set, a person who becomes caught up in a police raid on a beer hall, and who is beaten randomly by policemen, is *not* a victim of torture, as he is not being specifically targeted, but is rather a victim of political violence.

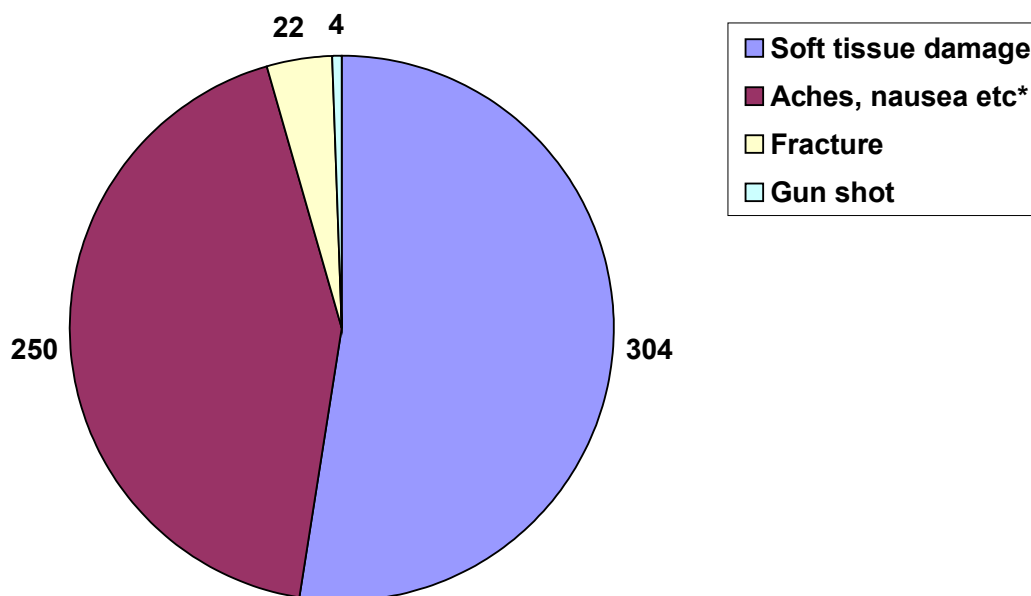
Figures 6 and 7:

**HR VIOLATIONS reported by 414 persons over three months**



[NOTE – “held by government forces” does not necessarily mean detained in police station – could be held in course of abduction, or in business centre etc.]

**Medical findings for 414 individuals reporting HR violations:  
March, April, May 2007**



\*Aches, nausea, dizziness, sleep disorders, anxiety, depression.



However, someone who **is held by government forces and is deliberately harmed in a systematic way** whether in a police cell, an office, a field, or in the process of abduction, is considered to have been tortured. The most common forms of torture in Zimbabwe, as evidenced by narratives in this report, are:

- beating of people with batons, whips, branches, cables;
- kicking people with booted feet; trampling on them;
- forcing people to maintain unusual positions for long periods of time;
- suspending or tying people in painful positions;
- electro shocks;
- blindfolding people during torture adds to the terror of the victim and also to the severity of the injuries, as victims cannot anticipate and shield their bodies against assaults;
- stripping people naked is a common and severe form of psychological torture, and is often accompanied by assaults on genitalia or sexual insults;

Out of 414 individuals interviewed, 30% or 122 reported torture: this is a shockingly high figure, yet it represents the tip of the iceberg in Zimbabwe. Apart from politically motivated torture, torture of those arrested on suspicion of having committed a criminal offence is routine in Zimbabwe. The following account describes torture in a police station during March this year.

*20 year old male: MDC supporter*

On 28 March, I went to Harvest House (MDC headquarters) to see my cousin who works for the youth assembly. Around 11:30am riot police arrived and forced us all out of the offices and made us lie on our stomachs. They beat us using batons all over the body. After about 3 hours, we were taken to Harare Central Police Station. On Thursday evening I was called around midnight and taken from the cell for interrogation. I was suspended with chains by my legs and then beaten up with rubber coated metal whips and batons. I was released two days later; no charges have been laid against me.

*Medical Assessment:* client has bruises on the neck, and the back of head was swollen and tender. There were lacerations on both wrists and abrasions on left knee and both calves, with further laceration on the middle of the back and pain and bleeding under the feet.

A senior member of the MDC leadership from Midlands province, related his abduction and torture in May this year at the hands of state agents: his torture was not in a police station, but in some other unknown place, as has been common during the period under review. The interview was conducted five weeks after events, at which point the victim was still walking with pain and a pronounced limp, had extremely painful shoulders with reduced movement and strength, and was showing signs of anxiety.

**On 18 May 2007:** I was coming home from work when I noticed I was being followed by a car. Then two guys came up to me and greeted me by name. I said “who are you?” then they grabbed me and forced me into their vehicle. They wrapped up my face and head and we drove for about 50 minutes. Where we stopped it seemed to be near a beer hall, because there was noise of people drinking and of bottles being moved. They asked me questions and after a while they said I was not telling the truth and they would have to torture me. They started beating me with what I believe was a pick handle and electrical cable. After a while, they asked me more questions. One guy connected electricity to my toes and the pain was unbearable. I passed out. When I came round they started torturing me again. They made me do press ups and they beat me as I did so. Then they moved me to another place. They said I was arrogant and so they stripped me naked and beat me with electrical cable. Then they said “lie down”. They tied my hands to two different tables so that my chest was raised off the ground. Then they started putting 50 kg bags of what I think was sand onto

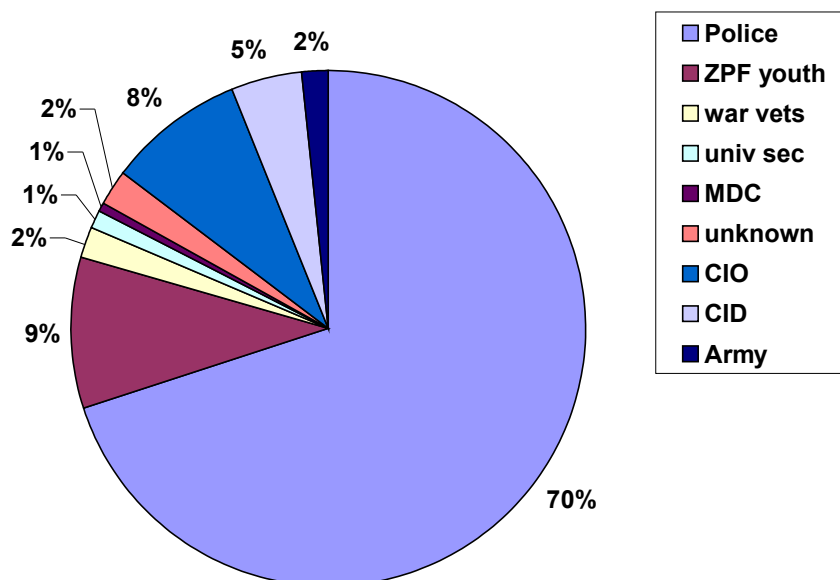
me. It would take two of them to swing the bags on to me. They put one on my legs, two on my backside and one on each of my shoulders. I said “guys, you are killing me!” the pain was terrible. They sat on top of the bags so my shoulders were forced on to the ground and the pressure on my chest was so great that I could hardly breathe. The pain in my arms was terrible. I thought I would die. Then they removed the bags and shocked my toes again. That is the last thing I remember. I woke up in a forest. It was night and I could not work out where I was or where was north or south. I could not stand up. My body was numb, my legs and arms would not work. Eventually I used a stick and was able to follow the tyre tracks until I came to a business centre that I recognised as being not far from Shangani. I then slept in the bush until dawn. I then crawled to the tar road, and a car stopped for me. I told the driver I was ill as I did not want to scare him off by saying I had been tortured. This man gave me a lift to Bulawayo.

I was treated by doctors and spent a week in hospital. I insisted on returning to Gweru after this, although family advised me against it. I have been unable to return to work because I am still too ill, and every day, a Mazda with government number plates parks outside my house for ten or fifteen minutes, just to remind me that I am still under surveillance. I am afraid, but I also do not want to be forced out of my home.

*Medical findings:* the client reported aches and pains in his arms, legs and torso. His feet were swollen and painful and unable to bear his body weight without limping. Both shoulders were swollen and sensitive to the touch, with reduced movement and strength. The patient showed hyper vigilance and anxiety.

**Figure 8:**

**ASSAULTS/TORTURE: Chart showing percentage attributed to different perpetrators**



Zimbabwe is in violation of the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights, both of which prohibit torture, and both of which Zimbabwe is signatory to. The continued use of torture by government forces in Zimbabwe must be once more condemned in the strongest terms, as must the impunity given to those perpetrating such acts.

## 4. Conclusion

For nearly three decades Zimbabwe's ruling party has been taking liberties, and these belong to the people of Zimbabwe. The abuses detailed in this report are the latest in a grisly catalogue of post-colonial state repression that has included the Gukurahundi massacres in the mid 1980s, persistent electoral violence, state sponsored violence around the land occupations, the structural dislocation of Operation Murambatsvina, and the continued human rights abuses against members of the political opposition and civic movement. Thus it is clear that violent responses by the state to dissent is not an occasional feature of state politics in Zimbabwe, but the central form through which the Mugabe regime conducts its relations with the country's citizenry.

The most recent violence and human rights abuses that constitute the substance of this report, exemplify the escalation and spread of the repressive reach of the state, as well as the growing sense of impunity that has accompanied these actions. The increase in the number of violations in private homes and public spaces, and the attacks on civic and political leaders at various levels indicate a clear intent to both destroy such structures, and spread a general atmosphere of fear throughout the country.

It is also instructive that such a repressive environment should pervade the Zimbabwean polity in the midst of a SADC mandated mediation to find a way out of the current crisis. For it is in such an atmosphere that ZANU PF has felt most comfortable about "negotiating" with its opponents. As the Mbeki-led mediation proceeds it is imperative that both SADC and the international community should take heed of the following recommendations that have been made by both the MDC and the civic movement:

1. An essential part of any conditions for a free and fair election in Zimbabwe must include the end to state violence and human rights abuses, as well as the repeal of repressive legislation that restricts the rights of Zimbabweans to organise, meet and speak freely.
2. Discussions on a new constitution must allow for transitional justice issues, such as accountability for human right abuses, and the truth about such abuses, to be placed on the political agenda at the earliest possible stage of a political transition. This is particularly an issue that civil society groups should take up, given that the MDC will be severely constrained in the mediation process.
3. It must be recognised, in particular by the SADC mediation process, that the protection of human rights is one of the central issues in resolving the political crisis in Zimbabwe. The Zimbabwean state has caused enormous damage to the political culture in the country, and any long-term reconstruction of the economy must be premised on the grounding of human rights issues at the centre of Zimbabwe's political transformation.

