

Zimbabwe

2002

The Presidential Election: 44 days to go



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SUMMARY AND CONCLUSION

The Presidential Election in Zimbabwe will take place on 9 and 10th March 2002. During election campaigns over the last two years, violations of human and democratic rights have been well documented. Furthermore, attacks on the judiciary, the media and civil society have been consistently recorded over the last two years.

The international community has, throughout this time, tried to keep a dialogue open, and to influence positive changes in the policy of the government of Zimbabwe, to enable its citizens to elect the president of their choice, in an environment that is free and fair.

Despite repeated assurances and pledges, including the signing of the Abuja Accord, the Zimbabwean government shows no convincing indication of complying with the basic human and democratic rights needed for a free and fair election. On the contrary, a new Public Order and Security Bill will undermine basic civil rights such as the rights to freedom of association, expression and speech, eg: making criticism of the president an imprisonable criminal offence.

Physicians for Human Rights, Denmark, visited Zimbabwe in January 2002, to assess the current human rights situation. Unequivocal evidence of torture was documented. Furthermore, we received statements about killings, death threats, harassments, including strategic robbery of Identity Documents needed for voting. *All documented human rights violations were reported to have been committed by supporters of the present government for political reasons, in a way that is clearly indicative of planning and strategy.*

Our findings are in accordance with observations by other national and international human rights organizations over the last two years. The pre-election period is currently extremely violent and intimidatory. *All evidence including our observations clearly indicates that politically motivated violence in Zimbabwe is widespread and increasing on a daily basis.*

The government of Zimbabwe shows one attitude to the international community, and another to the citizens of Zimbabwe. While President Mugabe has repeatedly promised in international fora that he will restore law and order, at home he describes his political opponents as “terrorists” against whom he is waging “total war”.

The international community has repeatedly urged that law and order should be restored and that the possibility of free and fair elections should be enhanced through the presence of international observers and media. Mr Mugabe’s replies have varied from a qualified agreement to these conditions, to complete rejection.

The fact is, that Zimbabwe is now days away from a crucial election, and there is yet to be any formal invitation to observers, and the new Public Order and Security Bill gives the ruling party exceptionally autocratic powers to undermine the democratic rights of the citizens of Zimbabwe.

Johannesburg, 24 January 2002

GOVERNMENT OF ZIMBABWE'S RESPONSE

TO INTERNATIONAL CONCERN

JULY 2001 TO JANUARY 2002

COMMENT

The original report released in January contained a summary of statements made by Zimbabwe officials and international commentators between July 2001 and January 2002. This clearly illustrates that the government of Zimbabwe shows one attitude to the international community, and another to the citizens of Zimbabwe. While Mr Mugabe has repeatedly promised in international fora that he will restore law and order, at home he describes his political opponents as "terrorists" against whom he is waging "total war".

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The original report has a summary of internationally accepted criteria for a free and fair election, along with examples of how every one of these criteria have been violated in Zimbabwe's pre-election period. A few examples are included here, including an overview of sections of the Public Order and Security Act that have repressive implications in the election context and beyond. The use of torture and organized violence against civilians and office bearers of the Movement for Democratic Change as part of the government's campaign strategy, is dealt with in specific detail in the section following.

Application of criteria necessary for a "free" campaign period

. The pre-election period in Zimbabwe is marked by gross infringements of all internationally accepted electoral codes of conduct listed as applying to individuals. Indeed, violations are far in excess of those that it is usually considered necessary to list in election situations, such as the life, physical safety and property of aspiring candidates should not be at risk! The issue of **Freedom of movement**

In the course of January 2002, the number of road blocks has been increasing both on main access roads around the country, and more particularly in rural districts. There are consistent reports that these road blocks are manned routinely by a combination of police, war veterans, and plain clothes men, with unofficial road blocks manned by the newly trained youth militias also having been widely reported. The reports and our own observations clearly show that the intention of these road blocks is to prevent access to rural areas of anyone from non-governmental organizations, whether human rights or development oriented, to prevent political opposition from gaining access and campaigning or

distributing literature related to voter education or MDC policy.¹ At the time of writing, there are three districts in three different provinces that are under unofficial curfew, with any access effectively not possible.

- **Freedom of speech, (for candidates, the media, voters and others), freedom of assembly, freedom of association, freedom from fear in connection with the election and the electoral campaign, absence of impediments to standing for election (for both political parties and independent candidates)**

All other criteria for a “free” election, have effectively been outlawed by recent legislation in Zimbabwe. Changes to established electoral procedures and the passing into law of a new Act have in the first weeks of 2002, given the authorities exceptional powers to undermine all democratic activity in Zimbabwe.

Public Order and Security Act – effective from 23 January

The following is a selective summary of those clauses most likely to threaten democracy and a free and fair election in the next few weeks.

Public gatherings: in terms of sections 24 and 25, any group of people numbering *two or more*, gathered in a public place in pursuit of a common political purpose is considered a public gathering, and such gatherings have to be authorized four days in advance by the police. Any organizer who fails to seek authorization will be fined or go to jail; there is no provision for spontaneous gatherings. Police have the right to control the timing and length of such meetings, to prescribe the route to be taken to reach the meeting, and can prohibit spontaneous participation, or any people from entering any public place for such a meeting. Any appeal against a decision by the police regarding a public gathering, must be directed to the Minister of Home Affairs (the minister responsible for the police), and not to the Courts.

1. Control of meetings:

In terms of section 29, 2: the police may use all necessary force to disperse an unlawful meeting in terms of other sections, and if a person is killed by the police during dispersal, this killing shall be considered lawful.

2. Identity documents – a new “pass law”:

In terms of section 3: a police officer may at any time in a public place, ask to see your Identity Document. Under section 2, *any person who fails to produce a document on demand*, will be liable to a fine of no more than Z\$5,000 or *6 months imprisonment*. Key informants anticipate that these sections could be used to regulate and record who attends public meetings arranged by the opposition.

¹ In all Mashonaland provinces, NGOs have been unable to continue normal activities since late last year. 31 October: The Matabeleland North governor Obert Mpofu has ruled out any form of civic education in his education workshop. 40km from Bulawayo, civic educationists are abducted by a gang of war veterans and their booklets confiscated. The three were later rescued by Z.R.P. from Nyamandlovu, no one is arrested for the offence. Zimrights personnel were aggressively thrown out of the province in November 2001, and all voter education and other activities by themselves and other NGOs has halted more or less countrywide. The situation is similar in Masvingo and Midlands provinces.

In the context of the existing widespread violence against known opposition supporters, this is likely to inhibit attendance at rallies.²

3. Political campaigning against current president:

Section 16, subsection 2, b: any person who publicly makes an abusive *or* false statement that undermines the authority of the president, whether against the person or the office, has committed an offence and is liable for one year imprisonment or a fine. *This means it is possible to make a factually correct, critical statement about the president, and to be outside the law.* This law is clearly discriminatory, as it is not possible to criticize the sitting president, who is a candidate for the next presidency, but it is legal for all other candidates to be criticized.

4. “Usurping the functions of the government”:

Section 5, subsection 2, a, II: *any person who whether inside or outside Zimbabwe usurps the functions of the government of Zimbabwe, or supports or assists anybody doing so, shall be guilty of an offence and liable to prison for up to 20 years without option of a fine.*

While the application of this clause remains to be seen, the potential for controlling any kind of activity, particularly by NGOs engaged in delivery of services, for instance health (including to torture victims), education (including voter education), is clear. Persons or organization who meet with diplomats and discuss Zimbabwe’s internal affairs could also be open to prosecution in terms of this clause.

5. Detention without bail:

Section 44 amends the criminal procedure and evidence act. A person detained under section 5, can be held for 48 hours without charge, and for 7 days with no possibility of bail; no argument for bail will be allowed. According to international experience, such a section is likely to facilitate torture in custody, as assault victims can be kept hidden until their injuries have subsided.

6. Freedom of expression - publishing of statements:

Section 21: any person whether inside or outside of Zimbabwe who makes any statement or does any act or thing whatsoever with the intention, or realizing there is the risk or possibility of engendering feelings of hostility towards the police force or exposing the police force to contempt, ridicule or disesteem, is liable to a fine of Z\$20,000 or two years in jail : Section 15 – any person who makes a statement endangering public safety, undermining the authority of police, prisons or army, or damaging essential services or the Zimbabwean economy, has committed an offence whether or not the publication results in the above. Such persons will be fined up to Z\$100,000 or imprisoned for up to five years. This applies even where the statement is published in good faith and there is no intention to falsify.

The act further outlaws work stay-aways and strikes, on the ground that they damage the economy. This prevents civil disobedience of any kind, and any criticism of the authorities, as such criticism could undermine tourism and hence the economy.

² Linked to the observed deliberate politically motivated theft of ID documents currently occurring, as documented by us, this clause could severely undermine basic rights of citizens.

Electoral act amendments

The election act amendments have criminalized the distribution of political pamphlets or posters in public places or in private homes without permission. Those responsible for distributing such material, which could include placing pamphlets in letter boxes without permission of the owners, can be jailed for up to 5 years. This seriously undermines the rights of the population to diverse political information about all candidates and their policies.

Voter education: in terms section 14, c, subsection 4: no person other than the government appointed Electoral Supervisory Commission and political parties, shall provide voter education. This effectively outlaws NGOs from conducting voter education. This regulation in combination with the above control of political meetings and distribution of written political material gives the ruling party complete control over the electoral process and environment.

Not only are the new laws in violation of Zimbabwe's constitution, which enshrines freedom of movement, expression and association, the manner in which they were forced through Parliament was unconstitutional and in violation of Parliament's standing orders 104 and 105. In addition the Electoral Act amendments were forced through Parliament in violation of the regulation that no bill that has been defeated in Parliament shall return before the House during the same Parliamentary period.

Army threatens coup if the present president is not re-elected

The Commander of Zimbabwe's defence forces, General Vitalis Zvinavashe, said on Wednesday 9th January, that the military will only obey a political leader who participated in the 1970s war of independence. "We will... not accept, let alone support or salute, anyone with a different agenda," he said, flanked by the commanders of the army, air force, prisons and the much-feared Central Intelligence Organisation chief, all former comrades-in-arms of Mr Mugabe. The statement was significant because Mr Mugabe's main challenger in March's presidential election is Morgan Tsvangirai, a trade-union leader with broad political support, especially among urban Zimbabweans, but a man who used his free time when younger to further his studies rather than join the liberation movements.

POLITICALLY MOTIVATED VIOLENCE REPORTED TO NGOs:

AN OVERVIEW: FEBRUARY 2000 TO NOVEMBER 2001

Violence database: after the referendum result on 14th February 2000, human rights organisations and others became aware that reports of human rights violations were beginning to increase. By early April, it was clear that they were looking at a pattern of violence, and that these incidences could no longer be considered isolated or untypical. It was therefore decided that it would be useful to begin a process of systematic documentation, using as many reliable sources as possible

Such systematic record keeping also allows for retrospective analysis of trends over time and place. The database was set up to date back to 14 February, and the same spread sheet was run from 14

February to 26 June – the date of announcement of election results. Since then, new spread sheets have been opened at six monthly intervals.

Sources: information was collected from a total of 18 different sources. These can be divided into two broad groups – independent/direct/NGO sources, and the media. Every effort was made to ensure that only credible information was included in the database, but it has not been possible to ensure that all information is correct. Given the sensitive nature of the issue, together with the current political situation, such a database cannot pretend to give exact figures; its intention is rather to show trends over time.

Direct/NGO sources: these sources accounted for 65 % of all data entries, or almost exactly two thirds of all entries.

The Media as source: Nine newspapers and one radio station (BBC) were used as sources. 34 % of all data entries came from the media as source, or around one third.

Estimated numbers of victims: at times, reports from generally credible sources would not be able to supply either exact names or numbers. Estimates of people affected would then be used. A conservative formula was always used in this situation. This applied mainly to displacement of individuals.

Perpetrators and political affiliations of perpetrators: these were entered if clearly stated in the report, and were entered as “unknown” in all other cases.

Affiliation of perpetrator
For all reported politically motivated
Human rights violations

	14 Feb to 26 June 2000	27 June to 7 Dec 2000	1 Jan to 30 June 2001	1 July to 30 Nov 2001
Bodies affiliated to Government*	94,5%	93,2%	88,7%	92,1%
Others/unknown**	5,5%	6,8%	11,3%	7,9%

*ZANU-PF supporters, “war veterans”, CIO, police, army

** including MDC supporters

Interpretation of tables:

The period February to June 2000 covered a period of pre-election and election violations.

There were significantly more violations in the five month pre-election period than during the six month post-election period.

In the first six months of 2001, there is a trend of increasing violations, which appears linked to by-election related violence.

The last period of 2001 is characterized by a significant increment in most types of violations indicating a high level of pre-election related violence.

During the whole period of observation, more than 90% of all politically motivated violations have reportedly been committed by bodies or organizations affiliated to the government.

These observations are in agreement with what previously has been described by other human rights organizations, including the observation that government and its supporting organizations bear the main responsibility for the reported human rights violations.

The findings indicate a clear link between elections and human rights violations; it can be predicted that violations will continue their upward trend during the remaining weeks until the presidential election.

PHOTO 4: CASE 1



MDC MEMBER OF PARLIAMENT

Attacked by war veterans in his rural constituency on 13th January 2002

Bandage covers two incisions made with a sharp instrument, requiring stitches in a hospital: upper right back reveals scars from beatings with sjamboks by war veterans during the 2000 election campaign. For assessment of history of ill treatment, scars and injuries, see detailed account, Section 5, Case 13.



RESULTS OF EXAMINATIONS OF INDIVIDUALS EXPOSED

TO HUMAN RIGHTS VIOLATIONS IN ZIMBABWE

JANUARY 2002

All the interviews and examinations took place between 15th January and 18th January, 2002. more examinations were planned but had to be cancelled, because of widespread on-going violence in the towns scheduled to be visited, on the advice of people resident in those towns.

Interviews and findings

All examinations were carried out in the following manner: the history about torture (a) is compared to the examinee's description of ensuing symptoms (b) and the results of the clinical examination (c). In each individual case, it is appraised whether there is consistency between these three elements (a-c), thereby on medical ground assessing the validity of the statements of exposure to violence.

In the following case descriptions, "Previous Violence" and "Present Violence" summarise the accounts the examinees gave to us; these sections are indicated by "*" in interviews.

All examinees were supporters of the Movement for Democratic Change, the dominant opposition party in Zimbabwe.

It was considered too dangerous to approach the supporters of the ruling party to get information about possible human rights abuses committed by the political opposition; documentation of such violations has been done before on a small scale.

All examinees agreed to be interviewed and examined with a view to publishing evidence of violence committed during the pre-election period in January 2002. Furthermore they agreed that photographs of their injuries could be published as long as their faces were not exposed.

In this report, all examined persons are anonymous to protect them and their families from reprisals.

Summary of observations and conclusions of present findings

In all reported cases, **the reported motive** for attacks was clearly related to victims being affiliated to the political party in opposition to the present government, the Movement for Democratic Change (MDC). The fact that all our examinees reportedly had been repressed because of their MDC affiliation, does not mean there is no violence at all being committed by MDC; however it fits in with the statistics mentioned in Section 3, that the vast majority of political human rights violations – on average between Feb 2000 and November 2001, more than 90% - are reported as having been committed by government supporters.

In all cases, ZANU-PF members were **reported as responsible** for the violations, apart from the reported murder, where they were present while the police assaulted the victim. The police are reported as active participants in human rights violations in one further case.

Physical torture

Four of the cases (1 to 4) had without any doubt been severely physically tortured. All had lesions of remarkable shape, spread all over the body in full agreement of their account of torture. All came from the same area and we had convincing information that the torture had been performed by the same group of ZANU-PF supporters. All four were tortured consecutively the same night. All four recognised some of their perpetrators who were villagers from the same communities. The torture took place after a ZANU-PF meeting.

The perpetrators used non-sophisticated but specifically designed weapons, consisting primarily of lengths of either stripped electrical cable, or barbed wire, tied to wooden handles. All four gave a similar description of these weapons. Three reported stabs with screwdrivers. On the grounds of consistent descriptions of weapons used by at least the majority of perpetrators, the assaults cannot have been completely spontaneous since it would have taken some time to produce these weapons.

We note that some of the perpetrators were local and that the group specifically singled out well known supporters of MDC. The torture was in all cases life endangering, judged by the consistent statement from all four that they lost consciousness. Furthermore, one was stabbed very close to his eye with a screwdriver, a potentially life endangering assault, and obviously an assault which may destroy the eye, the injury thereby being very visible and stigmatising.

The torture with the described weapons resulted in lesions that everybody could recognise as torture lesions. The overall intention was thereby obviously not only to intimidate extremely the victims and their families, but also the whole community.

The motive was also clearly political, to undermine support for the opposition MDC party. This was unambiguous, as in all cases, the perpetrators referred directly to the MDC affiliation of victims as the reason for the attack. In addition, in 3 cases, index examinees and other adults in the household had their ID cards stolen, together with statements that this was to prevent them from voting in the presidential election. By law, without an ID card, you may not vote.

In addition to the specific intimidation of the victims through torture, family members were in three cases also reported to have been beaten, including a pregnant wife and a nine month old baby, who was in her mother's arms at the time. In three of the cases, minor children witnessed their parents being tortured to the point of loss of consciousness.

In the three cases where the group of perpetrators found their victims at home, it was reported that property was stolen. In two cases, homestead and possessions apart from stolen goods, were destroyed by burning. This included the clothes removed from one family at the time of the torture.

Apart from being extremely afraid of being killed if they returned to their communities in the present political situation, all four examinees expressed deep concern about the possibility of ever returning, to live as neighbours again with those that had deliberately participated in the torture.

The impact of neighbours planning and carrying out neighbourhood torture will cause serious difficulties in a future reconciliation process in Zimbabwe.

We only had access to examination of one *group* of villagers, but we have had unconfirmed reports from many other communities of similar events. Our planned further examinations in two other

districts of possible similar cases were cancelled, because there was very sudden and serious escalation of politically motivated violence, preventing any access at all to these communities. In one district, the key contact persons were discovered to have been arrested hours before our intended arrival in a town, meaning last minute changes to our plans.

On the grounds of our observations, unconfirmed reports we have received, the statistics in the table given in section 3, and the observation that politically motivated violence in Zimbabwe consistently increases during election periods, particularly when the ruling party risks losing, we infer that similar incidents will be widespread during the next weeks and months.

Ill-treatment

Four of the examinees gave accounts of ill-treatment and three had non specific lesions accordingly.

In Case 13, the examinee was a **Member of Parliament for MDC**: the beatings resulted in loss of consciousness (concussion), and he had two lesions on his back clearly caused by a sharp instrument. We note that two lesions from a sharp instrument on the back can only be inflicted intentionally. Based on information from the hospital and on the basis of his general state of health, we infer that the sharp lesions were relatively superficial and we hesitate to call it a deliberate murder attempt. However, if the injuries had been approx 4 to 5 cm deep, they might have caused life threatening internal bleedings. We find it remarkable that a Member of Parliament is attacked for obvious political reasons, but our finding is consistent with numerous similar reports of assaults on MPs in Zimbabwe, including several murder attempts (*see section 2*).

Murder and murder attempts

Two persons gave consistent statements of a young MDC supporter being killed by police. Furthermore, one MDC organiser gave detailed description of war veterans attempting to kill him with an axe, in addition to an earlier attempted abduction by a group of war veterans. A third person gave detailed account of what is believed to be a murder attempt by poisoning of a school teacher, who has also been harassed for two years for his MDC affiliation.

Harassment: destruction of property, death threat

In the case of one examinee married to a civil servant, the husband has been harassed to the extent that he had to leave his job for a while and now is looking for other employment. A schoolteacher reported that he had been forced to resign after death threats. Two schoolteachers who spoke out on human rights, were also forced into exile after subsequent death threats. The majority of examined persons reported that they had had property stolen or destroyed. Two of them had had their homes and their belongings burnt during the violence this year. One of these examinees gave a consistent account of death threats.

Harassment of school children

Two examinees reported that harassment also takes place among children in schools: children of MDC supporters reportedly can be subjected to verbal and physical harassment and have their shoes stolen on the grounds that their parents are known MDC supporters. It was reported that schoolchildren can also be forced to attend ZANU-PF rallies during school hours.

Observations about role of the police in current political violence

In 10 out of 13 incidents reported here, the cases were reported to the police by the victims or their relatives.

Only in the case of the Member of Parliament was police action taken.

In all other cases, the police did not file official reports.

We had one report of direct threats from the police towards family members if they pursued inquiries into the involvement of the very police implicated in the murder of their brother.

In three cases, the police issued documents apparently necessary at any hospital in this particular district in order for health staff to be allowed to administer treatment to people who arrive with obviously politically motivated injuries. In one case in this district they refused to write the needed letter, resulting in 24 hour delay of treatment at the hospital. Treatment was eventually given only as the result of the victim having a relative on the hospital staff.

One of our examinees reported that the police intervened when war veterans tried to abduct him. He is convinced that this intervention saved his life.

CONCLUSION OF OUR FINDINGS

Our team consisting of two health professionals from Physicians for Human Rights, Denmark, examined victims of torture, serious ill-treatment, murder attempts, and harassment. For the safety of our contact persons and the victims and informers, no names are given in this report.

In total, fourteen persons were interviewed. The mission was intended to last two weeks, but was cut short to a few days in Zimbabwe, owing to the increasingly unstable situation and the high risk to persons if data already to hand was seized by the authorities.

We documented four clear-cut cases, with unequivocal physical signs of torture.

We further examined an MDC Member of Parliament, whose history of severe assault was highly corroborated by the findings of two incision wounds on his back.

A further two informants gave accounts of a killing of an MDC youth by the police.

An MDC activist reported escaping an abduction, and also a subsequent murder attempt.

Further cases included ill-treatment and harassment of civil servants and school children.

All human rights violations observed by us were reported to have been committed by supporters of the ruling party and government. Similarities in the four torture cases clearly indicate planning and organisation of torture. This together with the reported robbing of ID documents necessary for voting, various types of harassment, including destruction of properties, and threats including killings, point to deliberate strategies to undermine democratic processes in the current pre-election context.

PHOTO 5: CASE 2



PHOTO 6: CASE 3

