

# **Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?**



*A man in Gokwe sits in the ruins of his house destroyed by youth militia and war vets in May 2008.*

**Solidarity Peace Trust**

**Durban**

**29 July 2008**

"The hope of change offered by the March 29 presidential election has been ruthlessly and systematically crushed, and all that remains is the stains of our butchered dreams."

[a Zimbabwean quoted in The Scotsman: 29 June 2008]

"I am now alone and I am angry because these people abused us and they have now left us to face the people that we tormented in the name of Mugabe."

[War veteran Misheck Gora from Masvingo province, on facing charges of malicious injury to property, 21 July 2008]

We are enveloped in the politics of hate. The amount of hate that is being preached today in this country is frightful. What Zimbabwe fought for was peace, progress, love, respect, justice, equality, not the opposite. And one of the worst evils we see today is corruption. The country bleeds today because of corruption.... Our country cannot progress on fear and false accusations which are founded simply on the love of power. There is something radically wrong with our country today and we are moving, fast, towards destruction. There is confusion and corruption and, let us be clear about it, we are seeing racism in reverse under false mirror of correcting imbalances from the past. In the process we are creating worse things. We have created fear in the minds of some in our country. We have made them feel unwanted, unsafe.... The fear that pervades the rulers has come down to the people and to the workers.

[Joshua Nkomo, 12 April 1986, at Lookout Masuku's funeral]

We the Parties to this Memorandum of Understanding...

- Dedicat[e] ourselves to putting an end to the polarisation, divisions, conflict and intolerance that have characterised our country's politics;
- Determine[d] to build a society free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality....

[Robert Mugabe, Morgan Tsvangirai, Arthur Mutambara, 21 July 2008.]

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## Abbreviations

ANC	African National Congress
AU	African Union
CID	Criminal Investigations Department
CIO	Central Intelligence Organisation
COSATU	Congress of South African Trade Unions
GSW	Gun shot wound
JOC	Joint Operational Command
MDC	Movement for Democratic Change
MOU	Memorandum of Understanding
MP	Member of Parliament
NANGO	National Association of NGOs
NCA	National Constitutional Assembly
NGO	Non governmental organisation
SA	South Africa
SADC	Southern African Development Community
SPT	Solidarity Peace Trust
UNICEF	United Nations Children’s Fund
UK	United Kingdom
USA	United States of America
WOZA	Women of Zimbabwe Arise
ZADHR	Zimbabwe Association of Doctors for Human Rights
ZANU PF	Zimbabwe African National Union - Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Electoral Support Network
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police

## **Executive Summary**

- 1.** The Presidential run-off election on the 27<sup>th</sup> June 2008 took place against the background of the worst state- led violence that Zimbabweans have experienced since the Gukurahundi massacres of the mid 1980's, and in the context of a SADC mediation that had failed to ensure a generally acceptable election process.
- 2.** This report draws upon 3320 formal interviews with victims of human rights abuses over the last three months. This figure represents a fraction of those directly affected by violence, the majority of whom are likely to have failed to access appropriate medical assistance.
- 3.** The violence of May and June 2008 differs from previous phases of election violence in that unlike previous elections the violence did not taper off in the weeks leading to the election.
- 4.** There have been 106 confirmed murders in the last three months, with clear indications that the number will grow as more information comes to light.
- 5.** The most common form of murder in every month was abduction followed by death with known activists being abducted from their homes, at road blocks or elsewhere.
- 6.** Many of these abductions followed by slow or quick execution fit the criteria for enforced disappearances, a particularly pernicious form of extra judicial killing with severe long-term consequences for families and communities. Families are left without closure, being thus deprived of the basic human right to mourn their dead, and the possibility of being forcibly ‘disappeared’ strikes terror into the hearts of communities.
- 7.** This pattern of abduction followed by assassination has not been common in Zimbabwe in the last ten years. However it was prevalent during the 1980s Gukurahundi killings in Matabeleland.
- 8.** The 100 year old pattern of impunity for state perpetrators in Zimbabwe has unsurprisingly been maintained during the violence of 2008.
- 9.** The youth militia was the overwhelmingly most common perpetrators of violence, while the Joint Operation Command (JOC) has continued to play key roles in overseeing and orchestrating the violence.
- 10.** The combined ZANU PF paramilitary forces of militia, war vets and supporters accounted for 82% of the violence, while the MDC/other category accounted for 1% of the violence.
- 11.** Most of the violence (77%) was reported in the three Mashonaland provinces and Harare. In Mashonaland East and Central in particular, wards and villages that had shown a high MDC vote were mercilessly targeted, in what can be described as both a policy of punishment for ‘betraying’ Zanu PF, and a pre-emptive strike ahead of the run-off, to turn the tide against Morgan Tsvangirai.
- 12.** 18% of victims held leadership positions in their communities, while 43% claimed MDC affiliation. 1% claimed Zanu PF affiliation. Moreover Zanu PF had a recognizable policy of attacking not just key people in the MDC leadership, but also targeting their families.
- 13.** During May and June there was a notable shift of the violence to Harare. Youth militia bases were set up across the city, in both high and low density suburbs.
- 14.** 80% of the victims were aged between 21 and 60, with 10% of the victims under 10 years old.
- 15.** Reprisal attacks by MDC members amounted to a fraction of the assaults, murders and destruction of property by Zanu PF supporters.

## PART I:

### An overview of political events since 29 March 2008

#### **1. Introduction**

In its report on the March 29<sup>th</sup> 2008 Harmonised Election the Solidarity Peace Trust recorded the widespread state-led violence that followed the Zanu PF's electoral loss in that plebiscite, in the context of the SADC led mediation that failed to break the political deadlock in the country. The lack of an outright winner in the Presidential election, and the controversy surrounding the long delay in the announcement of result of this election, resulted in the Presidential run-off on the 27<sup>th</sup> June 2008 and after as this report shows. Whereas the period preceding the March elections was relatively peaceful the horrendous violence that marred the period leading up to the June election, completely undermined the conditions for a free and fair election. With little pretence at creating conditions for Zimbabweans to practice their democratic right to vote for a candidate of their choice, Zimbabwe's ruling party rolled out a campaign of violence, the degree of which has not been witnessed in the country since the Gukurahundi massacres in Matabeleland and the Midlands in the mid 1980s. Through a combination of over 100 extra judicial murders, systematic use of torture, widespread displacements, and a general campaign of terror, the Zimbabwean state targeted the structures and supporters of the MDC, including those who had formerly given their support to the ruling party. The country's citizens were left in little doubt that Robert Mugabe and the military cabal in control of the Zimbabwean state had no intention of losing power through the vote, stressing on several occasions the supremacy of the gun in Zanu PF's statecraft.

As the electoral crisis deepened, the broader regional and international aspects of the Zimbabwean impasse were brought into greater relief, indicating the complexity of the situation and the broad array of political players involved in the Zimbabwe crisis. Even as the Mugabe regime evoked more critical voices in SADC and the AU, the longstanding binary between the West and Africa on the Zimbabwe problem re-asserted itself, proving once again the importance of carefully negotiating the relations between the national, regional and international dimensions of the situation. As the country finally looks set to enter discussions for a negotiated settlement, there are likely to be many obstacles ahead in finding a solution to Zimbabwe's problems. Moreover SADC and the AU must confront the longer-term problem of dealing with incumbent regimes that continue to disrespect the electoral process and use their control of state power to 'negotiate' their way out of electoral losses, in the name of sovereignty and liberation legacies. The enormous controversy surrounding President Mbeki's mediation, and the challenges of presenting an alternative to it, has raised more questions about conflict resolution mechanisms on the continent. As much as any recent political challenge in Southern Africa, the Zimbabwean crisis has asked very serious questions about SADC, and the future of democratic challenges in the region. The future of Zimbabwe is delicately balanced and it is hoped that whatever political settlement emerges from the SADC mediation, will lay the basis for long-term transformation of the country's authoritarian political structures. However the mere fact that major political parties have agreed to hold talks, is an indicator that the combination of political and economic pressures on the Mugabe regime, and the lack of an alternative route to power for the MDC has necessitated the need for negotiation.

#### **2. The Presidential Run-Off Election of 27<sup>th</sup> June 2008**

From the orgy of violence unleashed by Zanu PF on the MDC and its supporters soon after the March election, it was clear that prospects for a generally acceptable June election were slim. On repeated occasions Mugabe, his supporters in the military and his wife made it clear that the pen could not

supplant the gun in deciding the future of the country. Claiming divine support for his power Mugabe declared unequivocally that:

The MDC will never be allowed to rule this country - never ever. Only God, who appointed me, will remove me - not the MDC, not the British. Only God will remove me.<sup>1</sup>

Mugabe further warned that “we are prepared to fight for our country and to go to war for it.”<sup>2</sup> Bolstering this position the Commander of the Zimbabwe Defence Forces, General Constantine Chiwenga stated:

Our comrade, Defence Forces chief, our leader President Mugabe and comrade-in-arms will romp to victory. We say so because we have no apology to make to any house nigger and puppets. So much blood was shed and this has to be known by every Zimbabwean.”

Not to be outdone Mugabe’s wife, Grace, warned Tsvangirai that he would “never set foot in State House” and that Mugabe would “only step down to give way to someone from Zanu-PF who knows how to preserve our sovereignty.”<sup>3</sup>

Such threatening utterances, located in the general violence unleashed during this period, were accompanied by the arrest of the President of the MDC Morgan Tsvangirai on several occasions in the month of the run-off, the arrest of the MDC Secretary General Tendai Biti on the charge of treason and the arrest and harassment of at least 10 MDC MP’s and 2 senators. In response to the perceived threats to his safety Tsvangirai sought refuge in the Dutch Embassy a few days before the June 27<sup>th</sup> election.<sup>4</sup> Additionally members of the US and British diplomatic missions were detained by Zimbabwean police while attempting to travel to the countryside to witness the violence being perpetrated against the population,<sup>5</sup> while the state also stopped food aid organizations, Care International, Save the Children and the Adventist Development Relief Agency, from carrying out their operations.<sup>6</sup>

The messaging of Mugabe’s Presidential campaign continued the anti-colonial theme that has characterised Mugabe’s discourse since the 2000 election. “We are now”, Mugabe noted, “an independent country and no longer under colonial rule. Zimbabwe is now for the black people.”<sup>7</sup> The slogan for the Mugabe campaign was “100% Empowerment, Total Independence,” and Mugabe warned of the future take-over of foreign firms. He also threatened to deal with “unethical businesses” noting that these would be “our number one agenda after the election.”<sup>8</sup> In response to Mugabe’s belligerent electoral messages, Tsvangirai’s campaign stressed the image of a man of peace, unwilling to “go to State House over the dead bodies of Zimbabweans.”<sup>9</sup>

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<sup>1</sup> Rowan Philip and Dominic Mahlangu, “Only God will remove me!” Sunday Times 22<sup>nd</sup> June 2008.

<sup>2</sup> Rowan Philip and Brendan Boyle, “Mugabe declares war.” Sunday Times, 15<sup>th</sup> June 2008. This position was echoed by one of his Deputy Ministers, Hubert Nyanhongo who threatened: “Voting for Tsvangirai is a vote for a return to war” Jason Moyo, “Zanu-PF is going for broke.” Mail and Guardian, 13<sup>th</sup> -19<sup>th</sup> June 2008. Similarly Major-General Martin Chedondo, the Army chief of staff told a military audience: “Soldiers are not apolitical, only mercenaries are apolitical. We should stand behind our commander-in-chief. If you have other thoughts, then you should remove that uniform.” Peter Fabricius, Peta Thorneycroft and Murray Williams, “Outcry at Tsvangirai arrest.” Cape Argus 5<sup>th</sup> June 2008.

<sup>3</sup> Charles Rukuni, “Fist Lady shows mettle for her man.” Mail and Guardian, 6-12 June 2008.

<sup>4</sup> Commenting on this action the Commissioner of the Zimbabwe Police, Augustine Chihuri noted: “We wonder whom Mr. Tsvangirai is running away or hiding from. We do not have any complaints from him or his party, of any threat of violence or attempts on his life that would cause him to fear for his safety and seek sanctuary in a foreign embassy.” ‘Tsvangirai seeks ‘refuge’ at Dutch Embassy.’ The Herald, 24<sup>th</sup> June 2008.

<sup>5</sup> “MDC activists burnt to death, envoys attacked.” Cape Times, 6<sup>th</sup> June 2008.

<sup>6</sup> Basildon Peta, “Zimbabwe halts food aid and detains Tsvangirai” Cape Times, 6<sup>th</sup> June 2008.

<sup>7</sup> Chaka Chidyamatiyo, Sydney Kawadza, and Takunda Maodza, “Leave us alone, West told.” The Herald 26/06/08.

<sup>8</sup> Ibid.

<sup>9</sup> MDC Advert: “Free and Fair Impossible.” Zimbabwe Independent, 27 June-3<sup>rd</sup> JULY 2008.

Given the onslaught of violence against the MDC structures and its supporters, Tsvangirai announced on the 22<sup>nd</sup> June 2008 that he would “no longer participate in this violent, illegitimate sham of an election process.”<sup>10</sup> This statement was followed on the 25<sup>th</sup> June 2008 with a formal letter to the Chair of the Zimbabwe Election Commission, stating that:

What has been going on in this country immediately after the elections held on 29<sup>th</sup> March 2008 is a clear testimony that the elections scheduled for 27<sup>th</sup> June 2008 cannot be held efficiently, freely, fairly, transparently and in accordance with the law.<sup>11</sup>

The decision not to participate was supported by the major groups in civil society who urged the SADC, AU and UN to work with political parties, civil society, churches and people of Zimbabwe “to facilitate the holding of fresh elections under a new democratic constitution.”<sup>12</sup> On the 24th June the UN Security Council issued a statement regretting that “the campaign of violence and the restrictions on the political opposition have made it impossible for a free and fair election to take place” and observed that the results of the 29<sup>th</sup> March elections “must be respected.”<sup>13</sup> At the insistence of the SA government this statement was watered down to prevent it calling Mugabe’s election illegitimate. Additionally President Mbeki made a last ditch attempt on the 18<sup>th</sup> June to persuade Mugabe to cancel the run-off and begin talks on a negotiated settlement. The ruling party were somewhat taken aback with the decision, with different messages emerging from the state, but also stressing that Tsvangirai was legally bound to participate.<sup>14</sup>

The June election subsequently went ahead as a one man race with Mugabe ‘winning’ a ‘landslide victory’ recording 2,150,269 to Tsvangirai’s 233,000 votes. Given the widespread reporting and lobbying on the violence in the country and the increasingly critical voices emerging amongst the African countries, it was apparent that for the first time Mugabe would not receive the same uncritical support he had come to expect from the African organizations in the past. The SADC position on the election was that it “**did not represent the will of the people of Zimbabwe,**” and recommended a continuation of the SADC mediation.<sup>15</sup> The Observer Mission of the African Union added its censure by stating that the “Election process fell short of accepted AU standards,”<sup>16</sup> while the Pan African Parliamentary Mission concluded that “the current atmosphere prevailing in the country did not give rise to the conduct of free, fair and credible elections,” and called on the SADC leaders working together with the African Union to “engage the broader political leadership in Zimbabwe into a transitional negotiated settlement.”<sup>17</sup> The latter recommendation reflected a growing unease within sections of the African community with the Mbeki led mediation. Unsurprisingly the G8 leaders meeting in Japan declined to “accept the legitimacy of any government that does not reflect the will of the Zimbabwean people.”<sup>18</sup>

After the sham run-off election Mugabe was hastily inaugurated before going off to the AU heads of state meeting in Egypt. He also began to send out the message that as he once again considered himself the legally elected president he was willing to engage in a dialogue with the MDC, something he refused to do before the election. At his inauguration Mugabe thus initiated his post election strategy:

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<sup>10</sup> MDC Press Statement on the Presidential Run-Off. 22<sup>nd</sup> June 2008.

<sup>11</sup> Letter from MDC President Morgan Tsvangirai to the Chair of the Zimbabwe Election Commission, 25<sup>th</sup> June 2008.

<sup>12</sup> “Civil Society Press Statement on the 27<sup>th</sup> June Presidential Run-Off.” 26<sup>th</sup> JUNE 2008; see also the minutes of the “Crisis in Zimbabwe Coalition Meeting to reveal MDC’s Run-Off Pull out decision.” 23rd June 2008.

<sup>13</sup> United Nations, “Zimbabwe: UN Security Council Presidential Statement.” New York 24<sup>th</sup> June 2008.

<sup>14</sup> “Tsvangirai can’t pull out.” The Herald 25<sup>th</sup> June 2008.

<sup>15</sup> SADC Election Observer Mission: Preliminary Statement.” 27<sup>th</sup> June 2008.

<sup>16</sup> “Preliminary Statement of the African Union Observer Mission.” 29<sup>th</sup> June 2008.

<sup>17</sup> “The Pan-African Parliament Election Observer Mission to the Presidential Run-Off and Parliamentary By-Elections in Zimbabwe: Interim Statement” 29<sup>th</sup> June 2008.

<sup>18</sup> “G8 Leaders Statement on Zimbabwe.” June 2008.

The elections have come and gone.....it is my hope that sooner rather than later, we shall, as diverse political parties, hold consultations towards such serious dialogue as will minimize our differences and enhance the area of unity and cooperation.<sup>19</sup>

Mugabe also sent out a clear message to other African leaders before setting out to the AU conference in Egypt, warning that he would not accept criticisms from leaders he considered ill suited to judge him on the issue of democratic electoral standards. He declared defiantly:

Some African countries have done worse things and when I go to the AU meeting I am going to challenge some leaders to point out when we have had worse elections. I would like some African leaders who are making these statements to point at me and we would see if those fingers would be cleaner than mine.<sup>20</sup>

This salvo was in response to criticism from leaders like Raila Odinga, Kenya's Prime Minister who in early June had lambasted other African leaders for not criticising their counterpart in Zimbabwe:

It is my view that it is a big embarrassment for Africa. It is hypocritical for African leaders to talk about democracy and human rights and to be silent when these things are happening in Zimbabwe.<sup>21</sup>

### **3. The SADC Mediation and International Pressures**

Since the SADC meeting in Zambia called to discuss the aftermath of the March 29<sup>th</sup> election in Zimbabwe, there have been growing differences within the region over the Zimbabwe question. Countries like Zambia, Botswana and Tanzania have taken an increasingly critical stance on Mugabe. On June 25<sup>th</sup> 2008, a SADC Troika meeting called to discuss the situation in Zimbabwe further revealed the differences in SADC. While Angola declined to host the meeting it was eventually held in Swaziland and attended by Mswati, Kikwete and the SADC Executive Secretary General. The meeting noted that because of the violence and the charged political atmosphere in the country the conditions in Zimbabwe were not conducive for holding the election in an environment that "would be deemed free and fair."<sup>22</sup> Fully aware of these differences emerging in SADC Mugabe saw a threat to the future of the organization while expressing his confidence in the mediation role of President Mbeki:

We are surprised by what some SADC leaders are saying. Some are even calling for President Mbeki to stop current mediation efforts while others want him to be replaced. These reckless statements being made by some SADC leaders could lead to the break- up of SADC.<sup>23</sup>

For his part President Mbeki has sought to maintain his control over the mediation, under the auspices of SADC, in the face of a great deal of criticism from the MDC and civil society groups in Zimbabwe, sections of the ANC Alliance, certain countries within SADC and the West. More specifically he has since the emergence of the quiet diplomacy policy pushed for a government of national unity, preferably dominated by a reformed Zanu PF, that he hoped would emerge out of a generally acceptable election process. Mbeki has also been increasingly concerned about international political players pushing what he views as their 'regime change projects' in Zimbabwe. In his words:

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<sup>19</sup> "President sworn in, appeals for unity." The Herald, 30<sup>th</sup> June 2008.

<sup>20</sup> Sydney Kawadza, "...no country should dictate to us: President." The Herald, 27<sup>th</sup> June 2008.

<sup>21</sup> Peter Fabricius, Peta Thornicroft and Murray Williams, "Outcry at Tsangirai's arrest." Cape Argus, 5<sup>th</sup> June 2008.

<sup>22</sup> SADC, 'The SADC Troika of Heads of State and Government', 25<sup>th</sup> June 2008, Kingdom of Swaziland..

<sup>23</sup> Sydney Kawadza, "...no country should dictate to us: President." The Herald 27<sup>th</sup> June 2008.

There are some farther afield from us who choose to describe us as a so-called Rogue Democracy.....because we refuse to serve as their subservient *klipgooiers* against especially President Robert Mugabe.<sup>24</sup>

Certainly the pressure on his mediation has increased substantially from several quarters since the March 29<sup>th</sup> election and the violence that ensued and the sham presidential run-off in June. At an international level increasing pressure from the USA and the UK pushed the issue on to the UN agenda supported by the agreement at a G8 meeting in Japan to tighten sanctions against Zimbabwe's ruling elite and to press for the appointment of a special United Nations envoy to Zimbabwe.<sup>25</sup> US President Bush labeled the Presidential run-off "a sham", while British Foreign Secretary, in an attempt to enroll SA support for further sanctions against the Mugabe regime, argued a more nuanced position against Mugabe:

Robert Mugabe's misrule does not invalidate the struggle for independence; our colonial history does not mean we cannot denounce what is wrong. The most difficult argument against promoting democracy was the notion that democracy had to be homegrown and that it was neither legitimate nor effective when promoted by outsiders.<sup>26</sup>

The UN deputy-secretary general Asha Rose Migiro also had harsh words for the Mugabe regime, noting that the situation in Zimbabwe was the "single greatest challenge in southern Africa" not only because of the terrible humanitarian consequences but also because of the "dangerous political precedent it sets."<sup>27</sup> In mid July an attempt to pass a UN Security Council Resolution for sanctions against key leaders in the Mugabe regime as well as to impose an arms embargo against the regime was vetoed by China and Russia, supported by South Africa. The US Ambassador to the UN, Zalmay Khalilzad was quite forthright in expressing his government's displeasure with the SA position noting that it was particularly disturbing, given the role that international sanctions played in the democratization process in South Africa, "for its representative to be protecting the horrible regime in Zimbabwe." He went on to note that thus far Mbeki's mediation had "been a failure" and that he was "out of touch with the trends in his own country."<sup>28</sup> US Government spokesman Sean McCormack further observed that the South African Government "has an increasing awareness that the eyes of the world are not only on Zimbabwe, but also on them."<sup>29</sup>

From within Zimbabwe the relationship between MDC President Morgan Tsvangirai and Thabo Mbeki has for long been one of distrust, and Tsvangirai made his suspicions of Mbeki known on several occasions. In early June 2008 media reports emerged detailing a letter written by Tsvangirai to Mbeki stating that the MDC saw Mbeki's role as mediator as "neither appropriate nor effective," and that the MDC took exception to the South African President's position as "exclusive mediator." The letter accused Mbeki of not only being unable "to denounce the well documented post election attacks on our people", but also claimed that the South African government played a role in the procurement of "weapons of repression" for the Mugabe regime in the troubled post-election period.<sup>30</sup> While President Mbeki's office denied receiving the letter<sup>31</sup> and there were conflicting responses from the MDC, the sentiments expressed exposed continuing tensions between the Zimbabwean opposition and the SA Presidency. At the end of June another report emerged in which Tsvangirai accused Mbeki of lobbying the African Union to recognize Mugabe's presidency.<sup>32</sup>

<sup>24</sup> Chara Carter, "Mbeki stands his ground on Zimbabwe." Cape Times 13<sup>th</sup> June 2008. "Klipgooiers" is the Afrikaans word for "stonethrowers."

<sup>25</sup> Peter Fabricius, "Slap in face for Mbeki as G8 calls for UN envoy to mediate in Zimbabwe." Cape Times, 9<sup>th</sup> July 2008.

<sup>26</sup> Hopewell Radebe, "UK seeks SA backing for Harare sanctions." Business Day, 8<sup>th</sup> July 2008.

<sup>27</sup> "Low-key support for Mugabe at AU." Business Day 7<sup>th</sup> July 2008.

<sup>28</sup> Joe Lauria, "UN Zim vote sours US-SA relations." The Sunday Independent, 13<sup>th</sup> July 2008.

<sup>29</sup> Rowan Philip and Dominic Mahlangu, "Only God will remove me!" Sunday Times, 22<sup>nd</sup> June 2008.

<sup>30</sup> Wally Mbhele and Dominic Mahlangu, "If you go on like this, there will be no country left." Sunday Times, 1<sup>st</sup> June 2008.

<sup>31</sup> Wally Mbhele, Dominic Mahlangu and Mpumelelo Mkhabela, "Frank Chikane's lie is exposed." Sunday Times 8<sup>th</sup> June 2006.

<sup>32</sup> Rowan Philip, "Mbeki gives Mugabe thumbs up-again." Sunday Times, 29<sup>th</sup> June 2008.

By early July 2008 President Mbeki was thus fighting to keep his mediation alive in the context of growing tensions in SADC, increasing international pressure, critical voices from within the ANC Alliance, distrust from the MDC and a recalcitrant and bellicose ruling party in Zimbabwe relying more than ever on force to stay in power. However the dispute over the UN Security Council vote allowed Mbeki to gather African solidarity again as African states, having confirmed their support for the Mbeki mediation and a government of national unity at the AU conference in Egypt, largely stood by what was considered the African position of continued negotiations under the SADC process. Once again the polarization between Africa and the West, always a factor in the Zimbabwe crisis, reared its head and this gave the South African President the momentum to push ahead with inter-party talks in Zimbabwe. In mid July 2008 President Mbeki tried to get Zanu PF and the two MDCs to sign an inter party agreement to pave the way for power-sharing negotiations. A meeting arranged by Mbeki in Harare was subsequently attended by Mugabe, Mutambara and Mbeki. At the last minute Tsvangirai refused to attend the meeting on the basis that a number of conditions for such negotiations to begin had not been met. These included:

- The immediate cessation of violence and the withdrawal and disbanding of militia groups, paramilitary camps and illegal road blocks.
- The normalization of the political environment, including the release of more than 1500 political prisoners, cessation of political persecution and allowing the currently besieged MDC leadership to conduct business and travel without hindrance.
- The reinstatement of access by humanitarian organizations to the people of Zimbabwe in order to provide food, medical and other critical services throughout the country.
- Parliament must be sworn in and begin working on the people's business.
- The mediation team is expanded to include an AU envoy.<sup>33</sup>

However notwithstanding these demands, Tsvangirai, Mugabe and Mutambara met on the 21st July 2008 to sign a Memorandum of Understanding brokered by President Mbeki, the culmination of over a year of protracted mediation. The preamble of the MOU re-asserts “the centrality and importance of African institutions in dealing with African problems,” a direct response from Mbeki to what he perceived as undue pressure from outside. The agreement also sets out, amongst other guidelines, that:

- The parties commit themselves to a dialogue with each other “with a view to creating a genuine, viable, permanent and sustainable solution to the Zimbabwean situation.”
- During the course of the dialogue the parties shall not “take any decisions that have a bearing on the agenda of the Dialogue,” such as the convening of Parliament or the formation of a new government.
- The parties “will take all necessary measures to eliminate all forms of political violence, including by non-state actors, and to ensure the security of persons and property.”
- The parties “shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or undermine each other.”
- The implementation of the agreement shall be “underwritten and guaranteed by the Facilitator, SADC and the AU.”<sup>34</sup>

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<sup>33</sup> President Tsvangirai’s Statement, 8<sup>th</sup> July 2008. On the matter of the expansion of the mediation team it was reported that Tsvangirai stated that AU Commission Chair Jean Ping told him not to cooperate with Mbeki until an AU envoy was appointed to the mediation. South Africa’s Deputy Foreign Minister, Aziz Pahad claimed that this was a “fake issue” and that the MDC was “spinning a yarn”. Dumisani Muleya, “Tsvangirai pulls out of signing talks agreement.” Business Day 17<sup>th</sup> July 2008.

Additionally, and in order to meet a growing demand from the MDC and other voices in SADC, the AU and the UN, a “reference group” was set up to assist the mediation, including AU Commission Chair Jean Ping, the UN Zimbabwe Envoy Haile Menkerios, and SADC Emissary George Chikoti.<sup>35</sup> The signing of the MOU has been the result of several factors. Firstly the March 2008 Harmonised Election made it clear that both Mugabe and his ruling party have lost the support and confidence of the majority of Zimbabweans. The violence that followed the elections and illegitimate Presidential run-off that took place at the end of June only confirmed this loss of electoral and political legitimacy on the part of Zanu PF and its president. The election also showed the weakness of the structures of the ruling party and corrosive effects of the on-going succession battle in the party.

Secondly the growing criticisms of Mugabe within SADC and the AU and their unwillingness for the first time to support and provide solidarity for his presidential “victory” provided Mugabe with clear signals that his support base in the region and the continent had declined. This has led to a growing reliance of Mugabe on Mbeki’s role in the mediation. Thirdly the growing international pressure from the G8 and the UN, provided further evidence to the Mugabe regime that its international isolation was growing. Although there were divisions between the West and Africa on the one hand, and the West and China and Russia on the other, the international attention given to this issue placed more pressure on SADC to seek an African solution to the Zimbabwean crisis. The fact that the EU renewed its targeted sanctions against the members of the Zanu PF leadership in July 2008 is a further reminder to the Mugabe regime that their future without a political settlement would be bleak. Fourthly both MDC formations have long realized that outside of taking hold of state power through an election process, their most likely route to some share of power would be through a negotiated settlement. The alternative of mass action to bring down the Mugabe regime has looked increasingly improbable, notwithstanding the hopes and brave attempts of some groups in the civic movement. Such actions have been an important part of the struggle against Mugabe’s authoritarian rule, but the effectiveness of their interventions have been increasingly undermined by a combination of ruthless state repression and catastrophic economic decline that has weakened the public sphere of political and civic activity. In view of these developments there should be a cautious optimism around the possibility of the mediation producing a political settlement in the country.

There are no doubt serious obstacles ahead, the most obvious of which is the continued capacity for destructive politics on the part of the ruling party. Nevertheless a broader process of accountability has been put in place for the current discussions and this provides for more levers of pressure on the process. This does not guarantee success but may provide a means to develop a broad consensus on those forces in the process who seek to block progress.

#### **4. Recommendations**

1. Full support should be given to the negotiations that have been initiated under the MOU signed on the 21<sup>st</sup> July 2008.
2. While the MOU has imposed tight restriction on media access to the proceedings of the negotiation, the facilitator should make considerable efforts to provide regular reports to the public on the progress of the talks. Zimbabweans have already been kept in the dark for too long since the SADC mediation began in 2007.
3. Although there are no transitional justice questions specifically mentioned for discussion under the MOU, Zimbabwean civil society groups must continue their advocacy on the dangers of granting further immunity to those who have committed human rights abuses in the

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<sup>34</sup> Memorandum of Understanding between Zimbabwe African National Union (Patriotic Front) and the Two Movement for Democratic Change Formations. 21<sup>st</sup> July 2008.

<sup>35</sup> Dumisani Muleya, “New Dawn in Zimbabwe as Mugabe accepts deal.” Business Day 22<sup>nd</sup> July 2008.

post independence period. These charges relate largely to the abuses committed by the Zimbabwean state. Thus a recent report by the Human Science Research Council in South Africa recommending that the international community “consider pushing for multilateral sanctions targeting both Zanu PF and the MDC to desist from violence” is an absurd reading of the facts of violence in Zimbabwe in the recent past.<sup>36</sup> Such questions must, in the near future, be brought on to the political agenda in Zimbabwe.

4. In the event of Mugabe and his party once again blocking the mediation process in the current round of negotiations,
  - SADC should consider diplomatic sanctions against the Mugabe regime.
  - A renewed process must be initiated to bring UN sanctions against Zimbabwe's ruling party.
  - Civic groups in the region and internationally, in particular trade unions, must mobilise for further isolation of the Mugabe regime.



*Photo 2: funeral of Tonderai Ndira, 25 May: Tendai Chidziwo, front right, survived an abduction and a bullet to the head and lung on 25 June.*

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<sup>36</sup> Human Science Research Council/ Africa Policy Institute, **Saving Zimbabwe: An Agenda for Democratic Peace.** Pretoria/Nairobi 2008.

## PART II:

### Political violence: April to June 2008

#### 1. Background

In view of the recently signed Memorandum of Understanding between Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara, and the agreement within this that political violence should stop forthwith, it seems important to take stock of the violence that has occurred in the last few months, and of the long term consequences and challenges that the country now faces as a result.

Section 10 of the MOU relates to **Security of persons**, as follows:

- (a) *Each Party will issue a statement condemning the promotion and use of violence and call for peace in the country and shall take all measures necessary to ensure that the structures and institutions it controls are not engaged in the perpetration of violence.*
- (b) *The Parties are committed to ensuring that the law is applied fairly and justly to all persons irrespective of political affiliation.*
- (c) *The Parties will take all necessary measures to eliminate all forms of political violence, including by non-state actors, and to ensure the security of persons and property.*
- (d) *The Parties agree that, in the interim, they will work together to ensure the safety of any displaced persons and their safe return home and that humanitarian and social welfare organisations are enabled to render such assistance as might be required.*

This chapter of the report will review the scale, intention and impact of the 2008 violence, which has occurred within the context of a highly repressive and intolerant system of governance, with a long history of beating and murdering political opponents. This goes back to the colonial era, and was sadly perpetuated throughout the last nearly thirty years in post independent Zimbabwe.<sup>37</sup> In view of the massive damage to the community fabric and the national psyche that a hundred years of oppressive government has done, a major challenge facing Zimbabweans today is that of promoting “equality, national healing and cohesion, and unity” – one of the primary aims bravely set out in the MOU. There have been false and flawed attempts at unity in the past in Zimbabwe, but it is to be hoped that we stand at a point in which a new opportunity may be presenting itself. However, the road to recovery on every front in Zimbabwe will be rocky, and the violence of the last three months has done immeasurable further damage to relationships and communities across the nation.

Halting the violence, applying the law justly and ensuring the safe reincorporation of the displaced into communities that have been murdering their own members - and continue to do so to date in some cases - is going to be no simple matter, and will require the constant monitoring and oversight of Zimbabwean civic groups and possibly of regional civic monitors at grass roots level.

While our understanding of the 2008 violence remains partial at this stage, this report incorporates a substantial part of what is known nationally to date, and is reflective of its scale and impact.

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<sup>37</sup> See Joshua Nkomo’s comments on the front page of this report, made after 4 years of “Gukurahundi” massacres in the west of Zimbabwe that left more than 10,000 dead.

## 2. Sources

This report incorporates information from **3, 320 formal interviews** with victims of human rights abuses conducted by health professionals and NGO staff across the country during the last three months. In addition to this quantitative data, the authors personally interviewed around 50 individuals for a more in depth understanding of violence on the ground, as well as carrying out key informant interviews with health professionals and civic activists.

The data incorporates 618 April interviews already used in our previous report, released on 21 May 2008. This report also draws on formal information now available relating to **more than a further 2,600 individual victims** of human rights violations.

During the course of May and June:

- **289 victims** sought medical and other help for abuses dating back to April, and these reports have now been added in to the **original 618 April victim reports, increasing the original April database by 47%**.
- **1,364 victims** sought medical and other help during May, for abuses that took place in May. This excludes the people seeking help for April abuses during May.
- **1,049 victims** had, by the end of June, sought medical and other help for June abuses. This excludes those who sought help in June for abuses occurring during either April or May.

This gives the authors provisional totals of victims as follows:

<b>April:</b>	<b>907</b>
<b>May:</b>	<b>1 364</b>
<b>June:</b>	<b>1 049</b>
<b>TOTAL:</b>	<b>3 320</b>

*It is our assumption based on the experience over the last twelve weeks that the June victim figures will increase by between 30% and 45% during the course of July and August, as victims finally manage to access help (see section ahead on delays in accessing treatment).*

Of the 1,049 cases from June, there are 366 victims whose data has not yet been extensively entered into database, owing to the sheer pressure of work that has been faced by those processing the data over the last three months. All information pertaining to June therefore **understates by 30%** the scale of what has happened, in terms of numbers of injuries/ perpetrators / types of offences – this is in addition to the understatement owing to the time lag in seeking help.

What is clear is that the violence escalated during May and remained intense throughout May and June. This pattern differs from that observed in Zimbabwe during previous phases of election violence: usually violence tapers off in the final fortnight before a poll, to coincide with the arrival of international observers and journalists. There was no such tapering off of violence in the weeks leading in to the 27<sup>th</sup> June poll, a fact which, together with other conditions in the country, led to the withdrawal from the race of Morgan Tsvangirai.

### Post 27 June violence:

In the weeks immediately following the 27 June poll, violent assaults and ten political murders took place, mainly in Mashonaland East, Manicaland and in Gokwe, with isolated reports from other parts of the country. In the second week of July there were reports of perceived MDC supporters being beaten and displaced in Mberengwa and having livestock extorted from them in Masvingo. To date, in mid

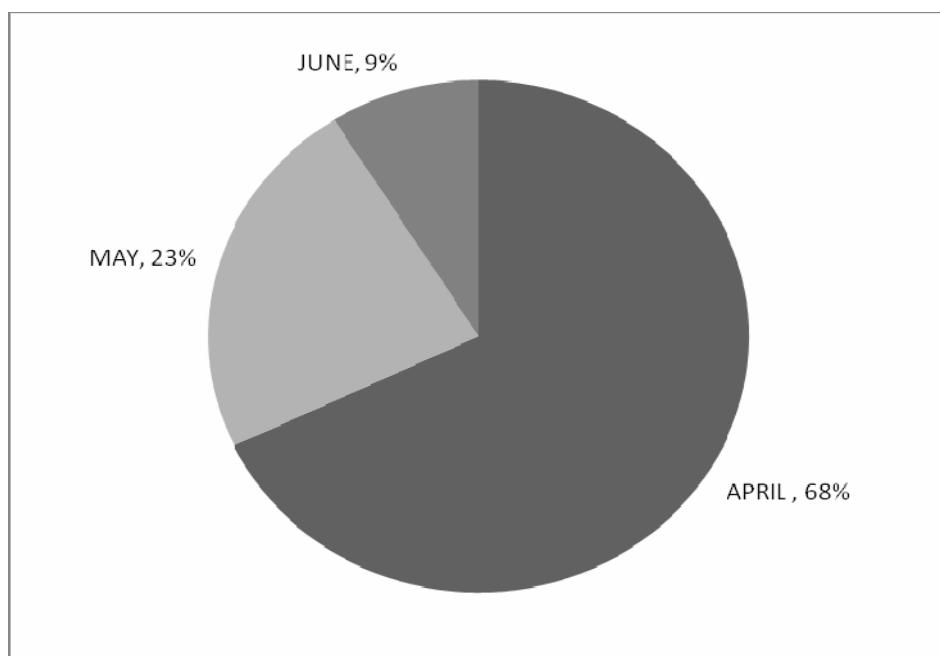
July, it is obvious that violence has not entirely abated, and new violence related problems have emerged which will be discussed separately ahead.

### **3. Delays and difficulties of trying to access or deliver health care**

These 3,320 victims remain only a fraction of those actually directly affected by violence, the majority of which we believe have failed and may continue to fail to access appropriate medical and other help, either because they are too afraid or too ill to seek help, or do not have the resources to travel to major centres for help, or are unaware of how and where to go for help.

At the time of writing this report in the second week of July, in the rural district of Gokwe in the north Midlands province, several victims were actively being prevented from leaving the rural district hospital to seek adequate medical attention in Harare. These included 5 burn victims. Hospital staff were under instruction from an army Major Mpofu who had commandeered control of the hospital, NOT to give any treatment to these victims, and not to allow any access to them by anyone. A Medicin Sans Frontier ambulance was held up for 18 hours and returned empty to Harare, when it attempted to retrieve the most severely injured of these victims.<sup>38</sup> This is an extreme and reprehensible example of obstructive behaviour by the state, severely impinging on the rights to health care – and possibly life - of already-tortured individuals. There have been other reports over the last three months of road blocks in rural areas preventing victims from being retrieved for medical attention.

***Victims affected by APRIL violations:*** an evaluation of April cases in which people managed to access care in either April, May or June shows the following:

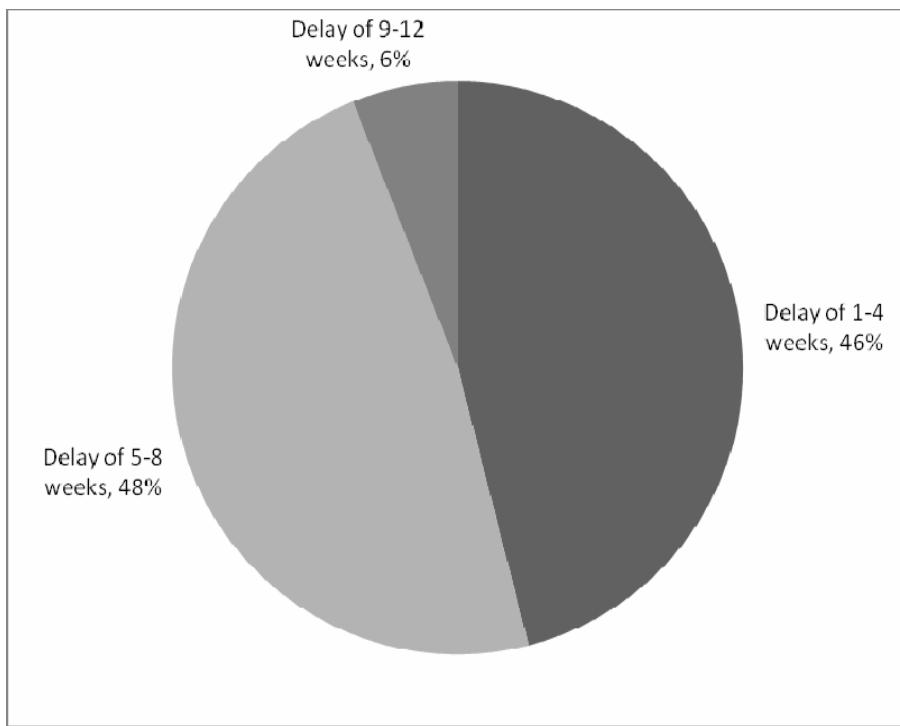


#### **i. APRIL VICTIMS: presenting for help over three months**

Charts i and ii show that a sizable number of victims wait more than a week to access adequate health care, with a small number going for more than two months before accessing such care. Many of those who finally enter the private health care system in either Harare or Bulawayo have often attended a clinic or hospital in their rural setting, only to receive inadequate services. The authors have spoken to individuals with fractures and severe wounds who have been treated in rural hospitals or clinics, where

<sup>38</sup> Interviews, Harare 4 July and Bulawayo 10 July 2008.

there are no x-ray facilities, no Plaster of Paris and no antibiotics to treat them. By the time they arrive in a major centre their injuries have been complicated by the delay: bones start to bind crookedly, wounds become necrotic and severe infections can set in, resulting in kidney failure among other problems.



## ii. APRIL VICTIMS: seeking help in May or June - delay in weeks

Our experience since April indicates that we can expect people who were injured both before and after 27 June to continue to enter the health care system throughout July, August and even into September.

***Woman, aged 34, two children, from Murewa, Mashonaland Central: (beaten, wounds poisoned and homestead burnt down. Two weeks delay in accessing health care).***

On 10<sup>th</sup> June at night, 40 ZANU youths came to my homestead. I am a known MDC activist and supporter. They forced me out of my hut and made me lie down. They beat me with baton sticks for a long time. Then they poured Paraquat on my wounds. (*Paraquat is a very poisonous weed killer, which if ingested can cause serious damage or death*). I went to the clinic where they gave me paracetamol but I was in agony. I knew I had to get to town but had no money. I sold my entire harvest to raise the bus fare, but this took me one week. I came to Harare around the 17 June, to stay with my uncle. He did not have money for me to go to the hospital. It took until the 24 June for somebody to organise for me to come to this clinic. When I was in Harare I was told that the ZANU youth had returned to my homestead and had burnt it to the ground. My children are staying with my mother but I am worried about them. I have lost everything. [See Photo 4].



**Photo 3:** this man had a cobbler's needle repeatedly pushed through his hand by ZANU youth militia in Chiweshe. It then took him ten days to access health care, by which time his hand was very infected and swollen to the size of a boxing glove. [Photo taken 26 June]

**Photo 4:** this woman had Paraquat, a weed killer, poured into her thigh wounds after a severe beating by youth militia in Murewa on 10 June. It took her two weeks to access health care. Almost four weeks later, the wounds are still livid because of the weed killer aggravating the healing process. [Photo taken 3 July].



Ironically, it is often the youngest and fittest of the tortured who manage to make their way out of remote districts like Gokwe and Zaka to seek medical and other assistance. The authors interviewed a young man from Gokwe who had been brutally tortured and had his house burnt down during June, who managed to walk 60 km on his feet that had been beaten for hours, in order to reach a point where he could catch a bus to Bulawayo. He was hospitalised on arrival, but only a very strong young man would have been capable of enduring such a journey on tortured feet. There are many needy victims who cannot make such journeys and whose accounts of suffering we have yet to hear.

*An important priority in the next month has to be to gain access to those who may be injured in isolated parts of the country and in need of medical attention. The state needs to facilitate and not hinder such access.*

#### **4. Difficulties and Dangers in trying to access information and offer help**

The targeting of lawyers, journalists, human rights defenders and health professionals continued and intensified ahead of the June run off. There were several instances in which lawyers in rural areas were arrested when they appeared at the courts to represent others already in custody. Lawyer Eric Matinenga – who is also a recently elected MDC MP - was arrested for “inciting violence” in Buhera on 31 May,<sup>39</sup> and in late June another lawyer, Mr. Jana, was similarly arrested. Several prominent human rights lawyers fled Zimbabwe after receiving death threats and after realising they were under surveillance.

ZADHR reported on 26 June that they were facing overwhelming numbers of victims and that the process of “accurately recording, enumerating and analysing the data has been hampered by the risk of harassment from government agencies or those acting in the name of government”. The large numbers of victims seeking help for very severe injuries made it “impossible at times to find enough beds for hospital admission, including space in ‘Intensive Care’.”<sup>40</sup>

Raids on the offices of legitimate NGOs and their staff have continued, particularly in the wake of the suspending of all humanitarian assistance by government. Such raids have been reported into the post run off period, with the arrest in Gweru on 17 July of the NANGO representative. Papers relating to political victims of violence were seized in this raid.

Journalists have remained highly at risk and there have been several arrests of local journalists, and threats against others. Documenting unfolding events remains a personally risky enterprise in Zimbabwe.<sup>41</sup>

#### **5. Deaths and Enforced Disappearances**

There have been 106 confirmed political murders in the last three months. However, indications are that this list will grow as more information comes to light. June has been the worst month so far for murders, with 47. There have been 10 confirmed murders in the first two weeks of July ie post the June poll.

The Mashonaland rural provinces, in particular Mashonaland East, have had the most murders, at 54% of all deaths, followed by Harare (15%), Manicaland and Masvingo (12%) and Midlands (7%). There have been no officially documented deaths in the Matabeleland provinces.

Of these deaths:

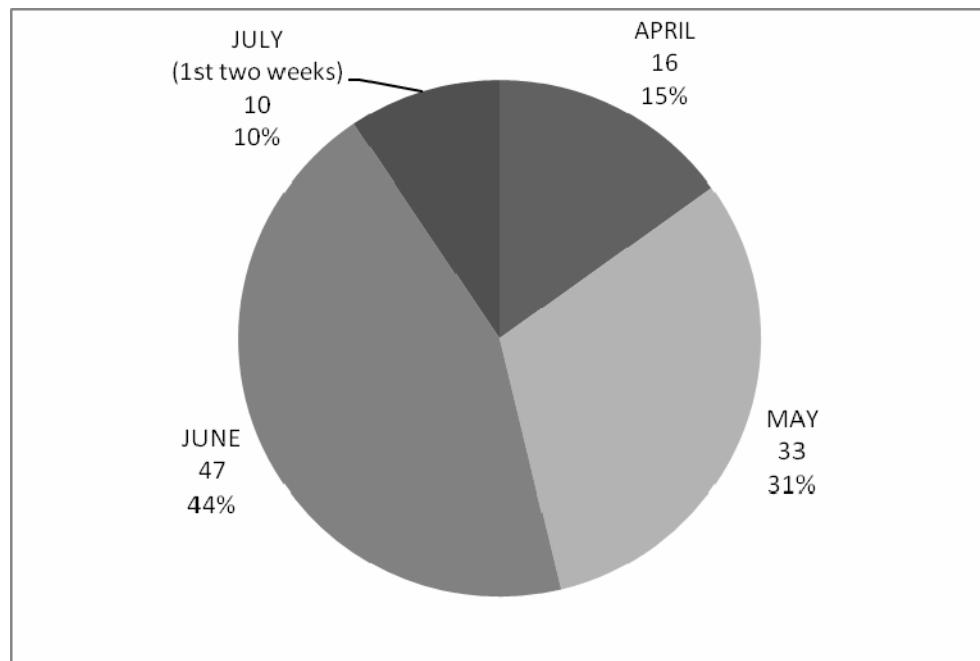
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<sup>39</sup> ZLHR statement, “Unwarranted attacks on Human Rights Defenders and Legitimate Political Opponents Continue”, 3 June 2008.

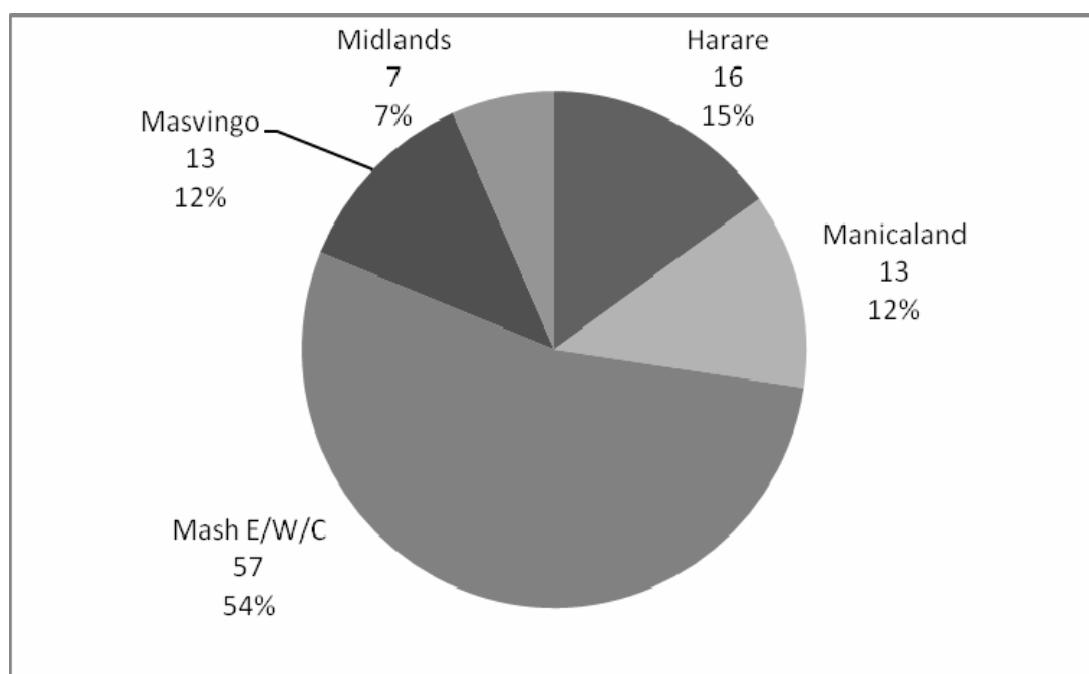
<sup>40</sup> ZADHR, statement, 26 June 2008.

<sup>41</sup> MISA has produced regular updates on the harassment of journalists this year.

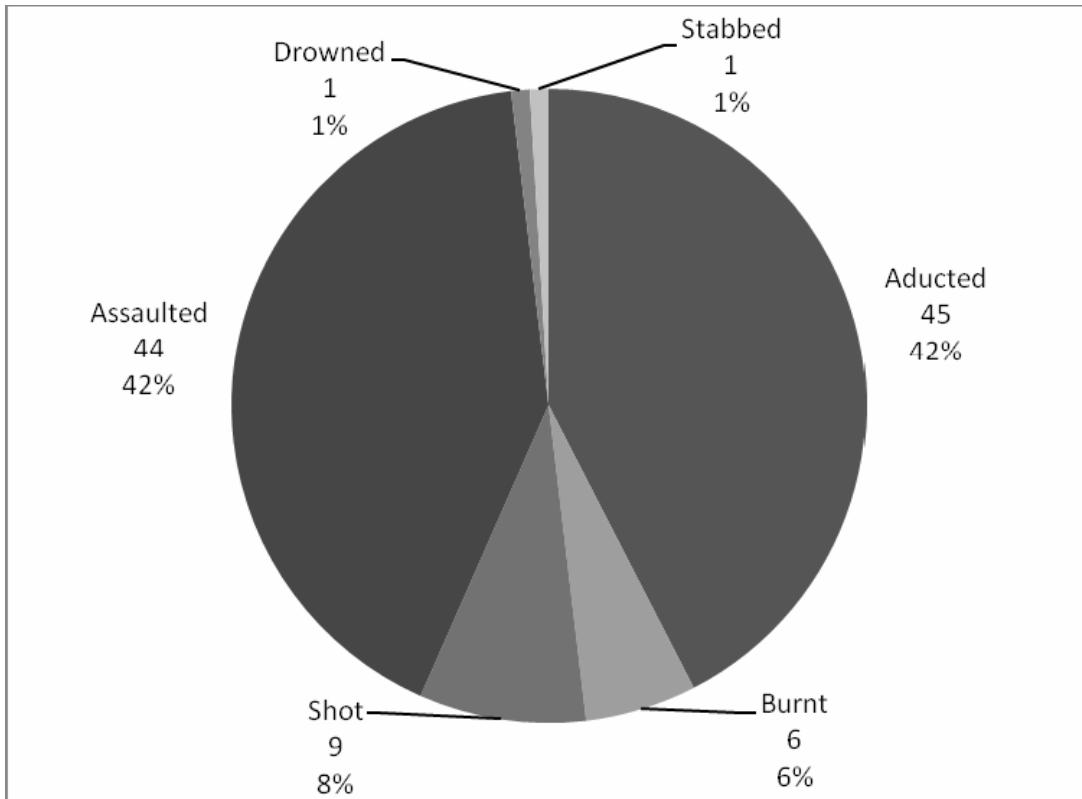
- Two of the murdered were ZANU PF supporting war veterans killed by MDC activists in Cashel Valley on 10 June.
- There are also unconfirmed reports of a war vet killed in Gokwe immediately after the run off, allegedly by MDC supporters (not included in current figures).
- Two were ZANU PF officials shot dead in Mutoko on 31 May allegedly by government agents, for reasons unclear although it is believed to have been linked to local power struggles.
- The other 102 deaths – 96% - have been of MDC supporters killed by ZANU PF supporters or state actors.



### iii. DEATHS by month, all provinces



### iv. DEATHS by Province, April, May, June.



## v. METHOD of Murder

- Among the 106 known dead are 14 women, one of whom was pregnant. The pregnant woman was beaten until she miscarried and was then denied medical care until she bled to death.
- Two children have also died in political violence, one aged 4 and one aged 6; in both cases, involving separate incidents, the children died when parents were attacked by ZANU militia and the homes in which they were sleeping were burnt down.

**The most common form of murder in every month was abduction followed by death:** known activists would be abducted from their homes, at road blocks or elsewhere and either be very efficiently and quickly assassinated, as in the case of Tonderai Ndira<sup>42</sup>, or taken to a ZANU PF torture base and tortured to death. Bodies of those witnessed to have been abducted were found, often days or weeks later, thrown aside in farmland or near to the activists' homes. Many bore signs of horrible and painful deaths.

### Enforced disappearances

There are possibly scores of activists who are known to have been abducted and who have not been seen since, and the authors fear that at least some of the missing are dead and either buried in shallow graves or rotting in the open. The true scale of how many are missing will only become clear in the course of the next year, as many of these activists may turn up – in Johannesburg, having fled the country, or in other rural districts within Zimbabwe where they may have escaped for safety. However, some may well not turn up. Indications of this are that in the days immediately following the 27 June poll, there were reports of corpses being dropped off by police riot trucks at Parirenyatwa hospital morgue in Harare. These unconfirmed reports by staff at the hospital refer to 13 such bodies. There have been other unconfirmed reports of bodies believed to be political murder victims being dropped off at other

<sup>42</sup> Ndira was abducted at 5 am on 14 May by eight men in suits and taken away in a truck with different number plates on the front and back. An official autopsy conducted after his body was recovered a week later indicated that he had died of asphyxiation, probably very shortly after abduction. It was erroneously reported in the media that Ndira had had his lips and tongue cut out: the independent pathologist who conducted the autopsy confirmed that the disfigurement of his face was caused purely by maggot activity. This was a very professional, targeted assassination of a key activist.



***Photo 5: Joshua Bakacheza, an MDC activist, was abducted by men in a truck on 25 June 2008 in Msasa, Harare and shot in the head a few hours later, according to his colleague who miraculously survived a bullet to the head and the lungs in the same incident. Joshua's body was missing for ten days and was then discovered lying in the open on 5 July. This pattern of abduction and subsequent murder account for 45 known deaths during the last three months. It is alleged that others who have been abducted are still whereabouts unknown.***

hospitals around the country.<sup>43</sup> This alleged disposal of corpses can be seen as coinciding with the closure of some of the ZANU base camps in the wake of the run off.

Tonderai Ndira, abducted and murdered on 14 May 2008 was only found a week later after a tip off that a corpse that might be him was lying in a Harare hospital morgue along with other paupers' bodies. The corpse was subsequently identified as Tonderai, but only by virtue of his unusual height and his bracelet, as the face was so disfigured by maggots. It may well be the intention of the state to drop the bodies of the politically murdered off in public morgues hoping that they will eventually and anonymously be buried in paupers' graves.

An interview by the authors with an activist who was held and tortured over several days on a farm north of Harare, further indicates there have been more murdered than we can yet account for. The interviewee was publicly whipped at ZANU rallies in MDC supporting areas over the last weekend before the run off, as a deliberate lesson on how the state treats the MDC leadership. At one point he was locked into a room on a farm with two rotting corpses and another victim, who was shot in both legs and barely still alive. The interviewee has no idea of the identity of these other three victims.<sup>44</sup>

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<sup>43</sup> Interviews with health care staff in Harare, 3 July 2008.

<sup>44</sup> Interview, Harare, 4 July 2008.

Many of these abductions followed by slow or quick execution fit the criteria for enforced disappearances, a particularly pernicious form of extra judicial killing with very severe long term consequences for families and communities. Families are left without closure, being thus deprived of the basic human right to mourn their dead, and the possibility of being forcibly vanished strikes terror into the hearts of communities. In Matabeleland, where enforced disappearances may affect as many as one in four families, the unburied dead continue to cause problems for the living.<sup>45</sup> Precisely because of the vicious implications of enforced disappearances, and the impunity for perpetrators that accompanies it, a new **Convention for the Protection of All Persons from Enforced Disappearances** is in the process of ratification by United Nations Member States. It is unfortunate that this Convention has not yet been ratified by the required number of nations to make it internationally enforceable, but nonetheless the authorities of Zimbabwe can and should be held accountable for the more than one hundred extra judicial killings, which include some enforced disappearances, that have taken place in 2008. The impunity with which people perceived to support the political opposition have been murdered, points to an official policy of the state.

### **Enforced disappearances: last seen in 1985**

This pattern of abduction followed by assassination has not been common in Zimbabwe in the last ten years. However it was prevalent during the 1980s Gukurahundi killings in Matabeleland, particularly in 1985. People in Matabeleland have commonly reported that, ahead of the 1985 general election, key leaders in their communities were taken by trucks with no number plates in the middle of the night and those people have never been seen again.<sup>46</sup> Interestingly, it was Emmersen Mnangagwa who was head of the CIO in 1985, and it is Mnangagwa who is allegedly driving the policy of JOC at this time.

## **6. Impunity for ZANU, Arrests for MDC**

*The Parties are committed to ensuring that the law is applied fairly and justly to all persons irrespective of political affiliation. [MOU, 10.1 (B)]*

The one hundred year old pattern of impunity for state perpetrators in Zimbabwe has unsurprisingly been maintained during the violence of 2008. At the time of writing, there are reported to be between 500 and 1,000 MDC activists in police cells charged with various political crimes, including burning down huts and assaulting ZANU PF supporters.<sup>47</sup> The authors have tracked politically motivated arrests over the last 8 years, and in 2005 we documented the fact that out of nearly 2,000 political arrests over five years, only 4 convictions of the opposition were achieved, none for violent crimes.<sup>48</sup> Arresting the opposition is a form of state harassment, demobilising and demoralising the MDC, and bears little relation to actual lawlessness.

In comparison, there are very few ZANU PF militia, war veterans or army members in jail, even though it is clear that many thousands of these have been directly responsible for murder, abduction, gang rape and brutal torture. More than 90% of the violence has in fact been perpetrated by the state or on behalf of the ruling party.

### **Arrests of MPs – a way of undermining opposition majority in the House of Assembly**

The recent charging of Tendai Biti with treason on the basis of an allegedly forged document falls within this pattern, as does the apparent policy to arrest and charge at least ten opposition MPs with crimes in order to neutralise the opposition majority in the House of Assembly.

<sup>45</sup> Eppel, S: "Healing the dead: exhumation and reburial as truth-telling and peace-building activities in rural Zimbabwe" in T. Borer, "Telling the Truths: truth telling and peace building in post conflict societies", Notre Dame Press, 2006.

<sup>46</sup> Catholic Commission for Justice and Peace and Legal Resources Foundation: "Breaking the Silence, Building True Peace: a report on the disturbances in Matabeleland and the Midlands, 1980-1987, Harare, 1998.

<sup>47</sup> VOA, "Zimbabwe opposition activists poisoned as political violence continues", 15 July 2008.

<sup>48</sup> SPT, "Policing the State", September 2005.

Apart from Biti's arrest, the following MPs have been arrested: Misheck Shoko, MP for Chitungwiza South; Trevor Saruwaka, MP for Mutasa Central; Shuwa Mudiwa, MP for Mutare West; Amos Chibaya, MP for Mkoba; Heya Shoko, MP for Bikita West]; Eliah Jembere, MP for Epworth; Naison Nemadziwa, MP for Buhera South; Eric Matinenga, MP for Buhera West; Ian Kay, MP for Marondera Central; Norman Mpofu, MP for Bulilima East. Two senators have been arrested: John Masaba, Senator for Kariba; Lutho Tapera, Senator for Bulilima-Mangwe. A further 6 MPs are in hiding because they are wanted by the police: Pearson Mungofa, MP for Highfield East; Shepherd Mushonga, MP for Mazowe Central; Elton Mangoma, MP for Makoni North; Pineal Denga, MP for Mbare; Broadwin Nyaude, MP for Bindura South; Edmore Marima, MP for Bikita East.<sup>49</sup>

In terms of the Constitution Sections 41, 42, and 43, an MP sentenced for six months or more for a criminal offence loses his Seat. The MDC majority in parliament is only ten seats at the moment, so finding MDC MPs spuriously guilty and forcing by-elections is one way of ZANU trying to regain their majority in the House.<sup>50</sup>

### **The beginning of the end of impunity?**

The impunity for ZANU PF perpetrators was total during the run off period, although since then, there are isolated reports of ZANU PF youth and war veterans being arrested for offences.

- There have been arrests of some of the war veterans responsible for the life threatening assaults on Ben Freeth and the Campbells, commercial farmers in Mashonaland Central who were abducted and beaten in late June.
- In Plumtree in Matabeleland a magistrate found a war veteran guilty of stock theft on 17 July and sentenced him to nine years in jail, after he admitted to killing a beast to feed himself and others at a war vet base in the district.<sup>51</sup> The accused openly admitted to the theft, believing that the magistrate would exonerate him because he was on "national duty" at the time, but apparently the moment of impunity has passed in the eyes of some magistrates at least.
- In Masvingo, there are also reports that the police are now arresting those who have damaged or stolen property during the run off period, in the name of politics.<sup>52</sup>
- In Bulawayo on 21 July, nine ZANU supporters from Bubi were charged with public violence and damage to property after evicting MDC supporters from their resettlement area and forcing them to dismantle their homestead. One of the accused women fainted in the dock: people are shocked to discover that the protection of the state has – in some instances - evaporated.
- There are unspecified reports of similar arrests beginning to take place in Mashonaland.

Thus it seems that there is a trickle of arrests and convictions of those responsible for politically motivated property theft and damage – although so far these seem to be happening in areas where there were fewer offences and possibly therefore more reluctance by state actors to commit violence in the first place. The phenomenon of war vets and militia commandeering and slaughtering the cattle, goats and chickens of alleged MDC supporters, has been widely reported over the last three months, and it is to be hoped that this first conviction of stock theft will open the way for others.

However, in other parts of the country post poll reports continue to come in of livestock theft with impunity. It is reported that in Zaka and Gutu in Masvingo province, youth militia are maintaining their bases and are extorting goats as "fines" from MDC supporters who left the area to escape persecution and who are now returning.<sup>53</sup>

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<sup>49</sup> Bill Watch 29/2008, 18 July 2008.

<sup>50</sup> Ibid.

<sup>51</sup> The Standard, "War veteran jailed for stock theft", 20 July 2008.

<sup>52</sup> The Daily Nation, "Mugabe's party deserts supporters", 21 July 2008.

<sup>53</sup> The Standard, "Join Blair in London War vets tell MDC returnees", 20 July 2008.

More seriously, there have been very few reported arrests for the one hundred plus murders, or for the thousands of cases of assault and torture by ZANU PF supporters, in spite of almost every victim being able to name at least some of their persecutors. And while it is important to lay charges against those who at village level have carried out heinous crimes against their neighbours, it would be of great significance if those senior army officers, MPs and others who incited and gave impunity to these crimes at the time were also made accountable.

*Government has an urgent responsibility to send out a strong message that murder, assault, theft and destruction of property will not be condoned and perpetrators must be arrested and charged irrespective of their affiliations or seniority.*

## **The Violence**

### **1. Perpetrators over time**

In our 21 May report, we outlined the role being played by the Joint Operational Command (JOC) - the combined forces of the police, army, prisons and CIO - in fomenting and directing much of the violence nationwide. In April, there was a recognisable pattern of key individuals, often high ranking members of the police and army, who would go into an area and set up and spearhead patterns of violence and establish bases of youth militia and war veterans.

- In May and June there was a clear falling off of the direct role played by JOC in the actual day to day implementation of violence. The violence appeared to become self perpetuating without the daily oversight of JOC.
- Youth militia became the overwhelmingly most common perpetrators of violence, particularly in the north and east of the country.
- The army remained the major perpetrator within JOC, being responsible for 9% of violence and for 51% of violence involving JOC.
- JOC was responsible for 17% of violence, or one in six incidents.
- JOC and specific individuals in JOC have continued to play key roles in overseeing and orchestrating the violence.<sup>54</sup>
- The combined ZANU PF paramilitary forces of youth militia, war vets and supporters accounted for 82% of violence
- The MDC/other accounted for 1% of violence.

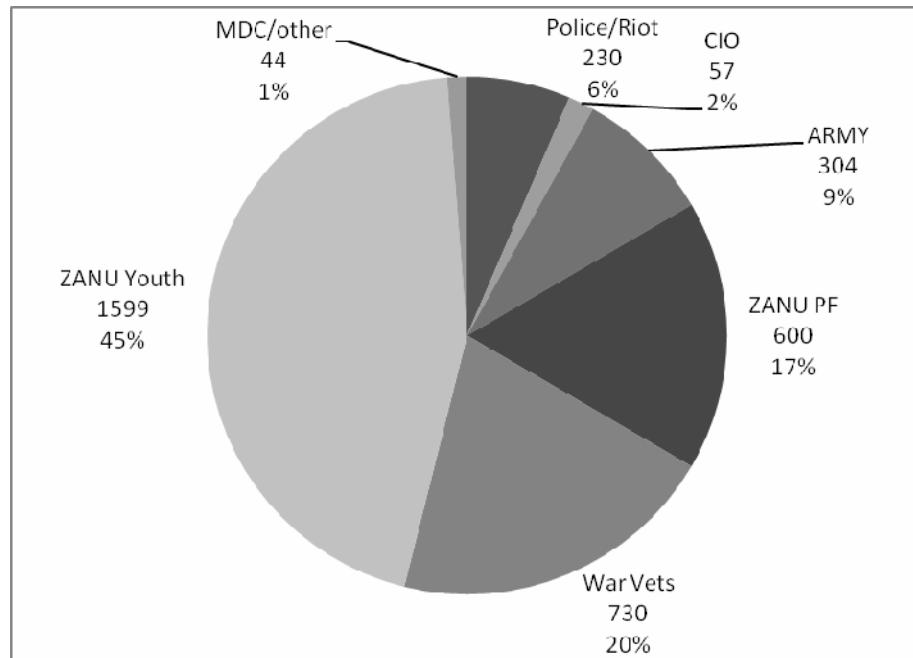
**ZANU PF Members of Parliament:** Victims have continued to report ZANU-elect MPs as being among those either inciting violence or even undertaking it. Paddington Sibanda, the ZANU- elect MP for Goromonzi, is alleged to have personally whipped an MDC council candidate from his area at Bora Shopping Centre on 22 June.

**Foreign soldiers:** there have been disturbing reports of foreign soldiers from north Africa, who cannot speak any local language and who have been involved in committing acts of violence in Manicaland during June and into July. Who these people are and what they are doing has not been confirmed at this time.<sup>55</sup>

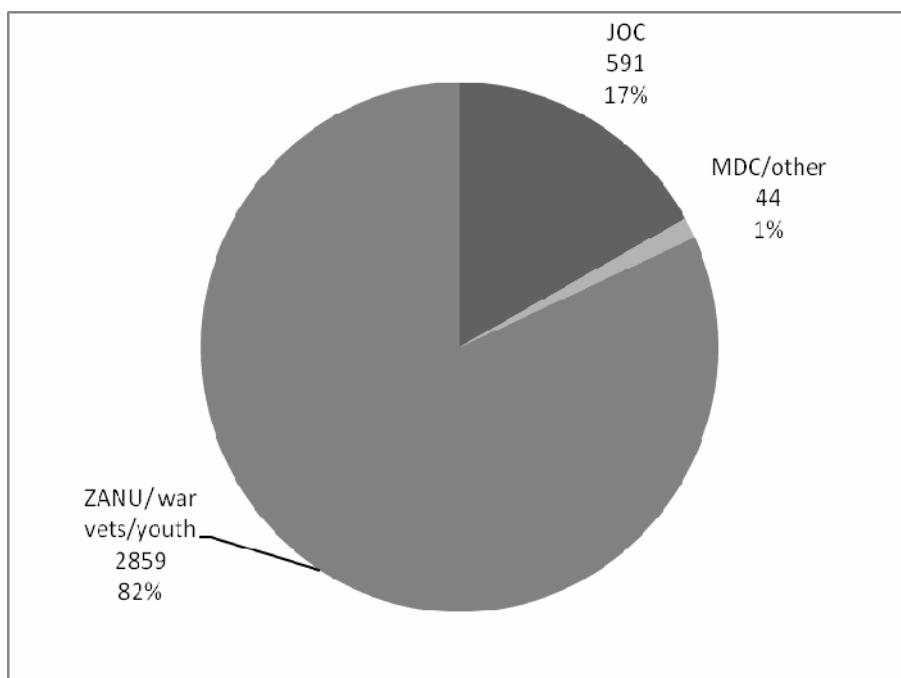
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<sup>54</sup> In the Midlands, Asst Air Vice Marshall Muchena spearheaded June violence in Zhombe and Gokwe. In Matabeleland South, Col Nare has played the same role in Insiza and Umzingwane. In every province a few key names come up repeatedly.

<sup>55</sup> Harare Tribune, “Unlawful Combatants – ZANU-PF’s militia, foreign fighters and mercenaries, 17 July 2008. Patrick Chitaka, the MDC Chair in Manicaland stated: “We have observed that some people leading the violence are foreigners because they speak a different language and they do not understand our local languages. Also the tactics they are using are not peculiar to Zimbabwe, because they are cutting out the tongue, removing eyes and genital parts. We are not sure where they come from.” ‘Mugabe now using mercenaries’. Cape Times, 16<sup>th</sup> July 2008.



**vi. PERPETRATORS: all months and provinces**



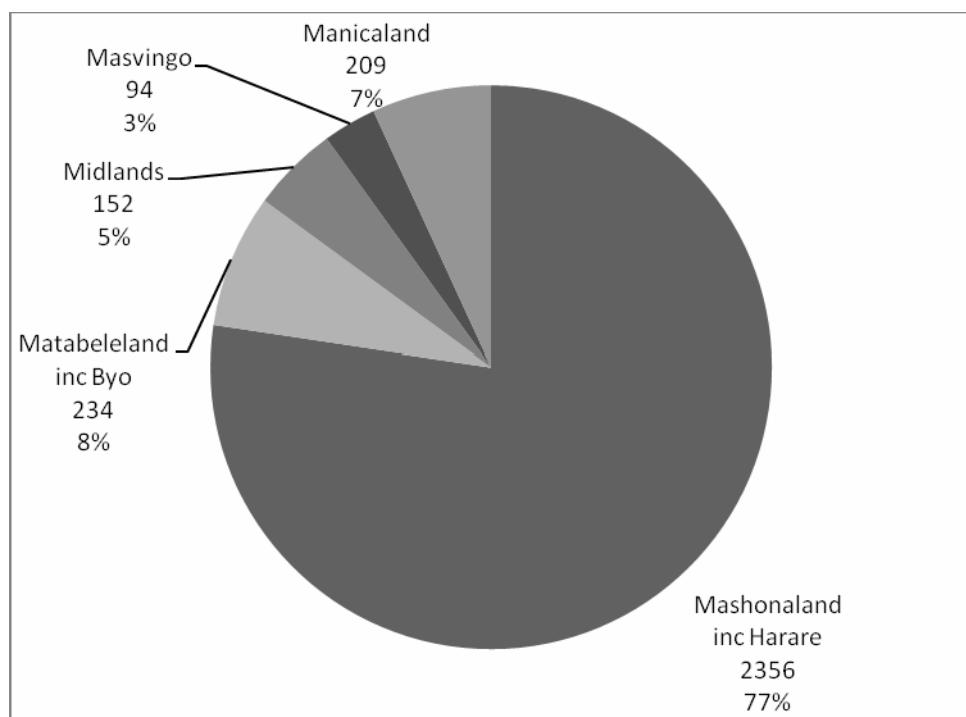
**vii. PERPETRATORS showing JOC and ZANU groupings, all months and provinces**

## 2. Scale and geographical spread of the violence

The violence has remained centred throughout this time in the north and east of Zimbabwe, in particular in Mashonaland East and Central.

- In Mashonaland Central, Muzarabani, Hurungwe and Mazowe have been worst affected
- In Mashonaland East, the districts of Mudzi, Mount Darwin and Mutoko have been worst affected, with Uzumba and Muramba Pfungwe also badly affected.

- Violence in the three Mashonaland provinces and Harare account for 77% of all violence reported to date.
- While there have been slightly more reports of violations from the three Matabeleland provinces (8%) than from Manicaland (7%), an evaluation of the *types* of violations being reported from Matabeleland shows that the majority of people there have been displaced owing to threats, with comparatively few cases of severe assault, whereas in Manicaland there have been 13 murders and many cases of serious assault. Manicaland has clearly been affected by worse and more systematic violence than Matabeleland.<sup>56</sup>
- Midlands has reported 5% of violence. Gokwe and Mberengwa have been the worst affected areas and again, events in this province have been dramatically under reported. At times, large parts of Gokwe have been no-go areas and only a comparative handful of people have managed to escape from the area and seek help. Much of Mberengwa is also remote and requires arduous stretches of walking to access transport out of the area.
- Masvingo has reported 3% of violence – but eye witness reports from those who have managed to leave the area indicate that Zaka and Gutu have large numbers of victims who have failed to reach help.



### viii. VIOLENCE by province, April, May, June

- In Matabeleland, the worst affected areas have been Lupane and Bubi in Matabeleland North, with Nkayi and Tsholotsho reporting isolated incidents. Insiza, Gwanda North and Matobo have been worst affected in Matabeleland South.
- Bulawayo itself has been relatively unscathed, apart from a few political beatings in Sauerstown in June, and the arrest and beatings of a few students during a protest. There were also 21 WOZA

<sup>56</sup> Bulawayo in Matabeleland is better endowed in terms of NGOs to which people can report violations and seek help than other provinces apart from the Mashonaland provinces, and it is likely that over time there will be an increase in reports surfacing from the Midlands and Masvingo, once it is possible to access rural areas in these provinces and establish what has gone on there. Eye witness reports and the experience of the authors over the last three months would suggest that Matabeleland has been comparatively, although certainly not entirely, unscathed by violence since April.

women involved in a peaceful march who were arrested and some injured during May. One person reported being abducted to a house in Suburbs and beaten.

The violence escalated during the first weeks of May, and has remained intense since then, with some indication of levels reducing during July. However, violence in Manicaland and the Midlands has continued in the post election period.

### **Harare/ Chitungwiza**

During May and June there was a notable shift in the violence in Harare.

- Youth militia bases were set up across the city, including for the first time beyond the boundaries of the so called high density suburbs, where the majority of people live. The low and medium density suburbs also became victims of youth militia and war vet activity, including Chisipite, an up market suburb.
- Epworth in Harare became the centre of much violence targeting the MDC, including burning down of houses and beatings.
- There was a series of targeted abductions and murders of key activists in Harare and Chitungwiza, and those who miraculously survived such abductions reported that they had been told of death lists, which included some who were subsequently abducted and killed.
- Apart from abductions, several brutal murders took place, again targeting high ranking officials in the MDC. The wife of an elected councillor in Harare South and their 6 year old child were burnt to death when their house was set alight by ZANU PF supporters.
- The wife of the MDC mayor-elect for Harare was abducted along with their four year old child; she was killed and the child was dumped at a local police station.
- Four activists defending the home of an elected councillor in Chitungwiza, including his son, were abducted after a clash at the home with ZANU militia. All four had been murdered by the next day.
- There were visibly high levels of armed, uniformed forces on the streets of Harare during May and June, and a palpable air of insecurity.
- A plaster cast became a badge of liability: the thugs patrolling the streets assumed that any young person with a broken limb must be an MDC activist who had already been beaten up, and this meant they should be beaten up again.
- While some of the Harare bases have been demobilised during July, this has reportedly resulted in gangs of youth who are angry at being abandoned without their promised rewards from the state, leading at times to criminal behaviour and violence.

## **The Strategy**

### **1. Targeting ZANU strongholds**

The pattern of targeting most viciously those areas that have previously always been considered strong holds of ZANU PF was continued through May and June.<sup>57</sup> In areas in Mashonaland East and Central in particular, wards and villages that had shown a high MDC vote were mercilessly targeted, in what can be seen as both a policy of punishment for “betraying” ZANU, and a pre-emptive strike ahead of the run off, to turn back the tide that was clearly shifting towards Tsvangirai. Manicaland and parts of Masvingo and the Midlands also suffered intense violence.

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<sup>57</sup> This phenomenon was dealt with in the 21 May report in more detail, the most shocking example being the massacre of 8 people in Mazowe Central within the vicinity of a polling station that received 80 MDC votes.

## **2. Targeting MDC strongholds**

For the first time, Harare became literally under siege in places, as the state struck at the heart of MDC support. The previous section outlines some of the Harare violence. There was a clear strategy in Harare to target its leadership and key grassroots activists, particularly those organisers who could have been expected to have created problems for the state by mobilising resistance in the event of a contested outcome to the run-off. There were consistently reported death lists, and targeted abductions and assassinations robbed the MDC of several key organisers on these lists. The public visibility of the MDC was, in a few short weeks and in stark contrast to the March election, reduced almost to nil. Even hardened MDC activists resorted to wearing ZANU PF regalia or displaying it in their vehicles in the interests of self preservation and to ensure safe passage at road blocks. MDC rallies were banned, its top leadership was arrested and ultimately the President of the MDC was forced to seek safety in the Dutch embassy in Harare. The party was effectively unable to meet or organise in any way, with virtually their entire structures in Harare in hiding and on the run. It became impossible to coordinate any kind of election campaign across the nation, with the party in such disarray in the capital.

## **3. Targeting of Leadership and Election Officials**

The policy of targeting those in the MDC who held positions in party structures continued. In Matabeleland in particular this policy was noted: out of 144 people in Matabeleland North and South reporting displacement as a result of assaults or repeated threats, 57 or 40% held leadership positions in MDC structures. Thus, although Matabeleland was comparatively unscathed in terms of serious injuries and in terms of the scale of displacements, the MDC was nonetheless rendered barely functional in some districts and wards, by the displacement of entire political structures.

- 18% of all victims nationwide (538) held leadership positions in their communities
- A further 1,282 or 43% of victims claimed simple MDC affiliation
- 178 people or 6% of all victims had been a polling agent or an observer in the March election
- 1% of victims were affiliated to civic society, primarily WOZA
- A large number of victims were of unclear affiliation. These victims were all victimised by ZANU PF supporters of some kind, but did not rate their own affiliation one way or another sufficiently high for it to be noted by interviewers.
- 1% of victims claimed ZANU PF affiliation. Of the 14 people claiming such affiliation, 2 claimed to have been attacked by ZANU PF and 12 by MDC.

## **4. “Operation Tsuronegwenzi” – “attack both the hunted and those who shelter them”**

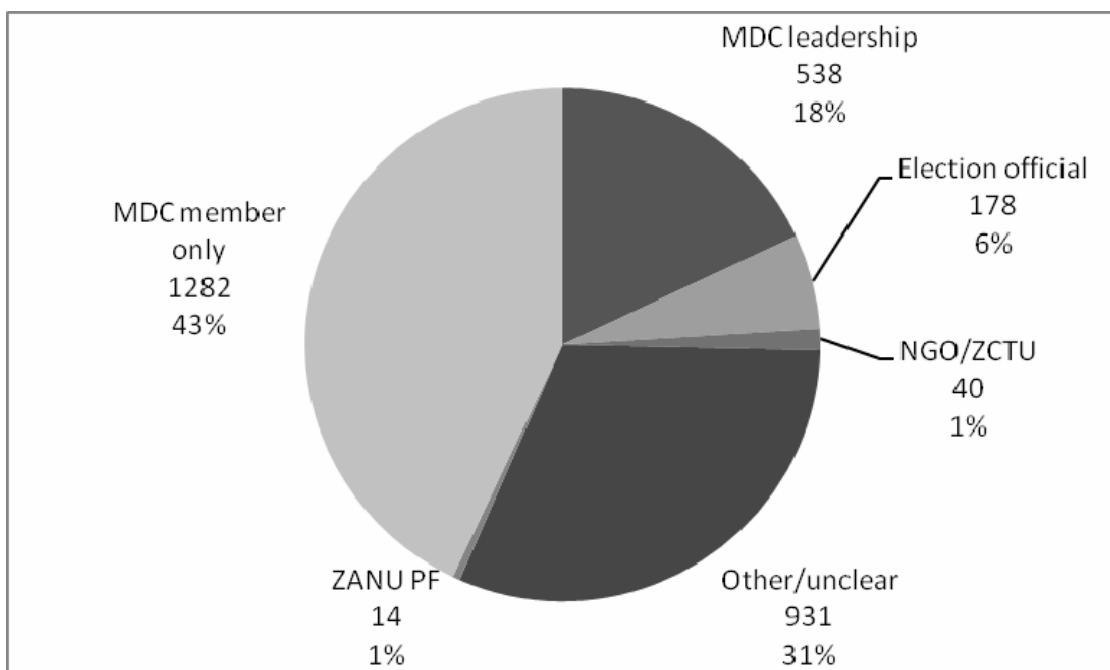
ZANU PF had a recognisable policy of attacking not just key people in MDC leadership, but also of targeting their families and those who sheltered them. A Midlands activist mentioned that in their area the ZANU PF leadership were referring to this policy by the specific Shona term “Operation Tsuronegwenzi”. It has been fairly unusual in Zimbabwe during the violence of the last eight years for families of the wanted to be specifically hunted down in the way that has occurred in recent months. The ruthless murder and beatings of wives and even children of MDC activists who may themselves have gone into hiding, has been a new and terrible phenomenon.

Entire families not just of MDC members, but of civic activists, were sought out in rural areas and beaten and/or had homesteads burnt down. The horrific murder of Dadirayi Chipiro in Mhondoro drew world attention: she was the wife of the local MDC chairperson, and when ZANU PF youth could not find him, they beat her, chopped off her hand and foot, and then threw her into a burning hut, where she

died. This pattern of targeting families has created massive guilt and anger for activists whose families have suffered as a result of their activities. Here is the account of a 25 year old council candidate from rural Mashonaland:

When I was in hospital [with a broken vertebra after days of beatings] they broke down my house, which was my parents' house which I inherited. Even my door frames have been taken away. They demanded that I come back or they would destroy my family. When I did not come back, they went to my uncle's house and broke that up too. He is not even politically active. I am feeling very afraid. If I go home, even talking to my relatives is a crime. Life is very difficult for me now. I am very confused about the future. [Interview, Harare, 4 July]

There were several reports of families being taken hostage in order to force the wanted family member to return to an area. Targeting families of activists is a very effective way of undermining people's commitment to the struggle for democracy. An activist may be willing to risk his own life and limbs, but is he prepared to risk those of his entire family, including their property? It is possible for one person to live on the run, but much more complicated to displace an entire family, with school going children or infants.



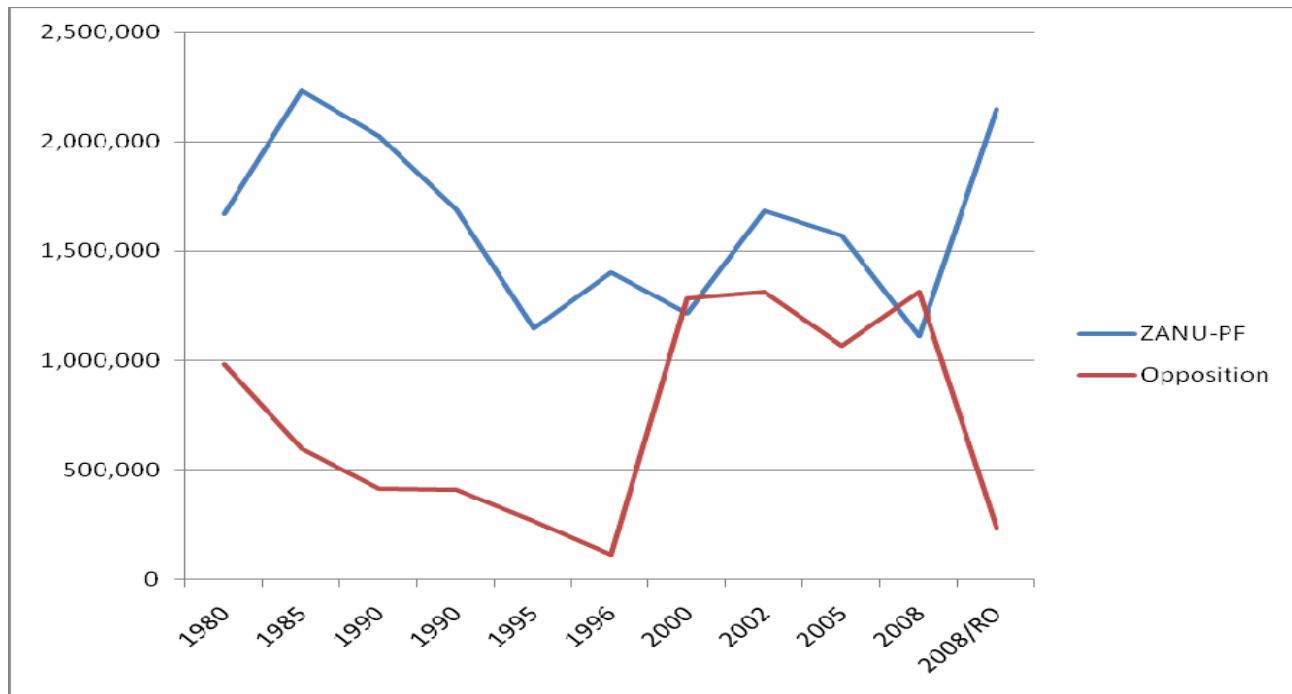
#### **ix. AFFILIATION of victims: all provinces, April, May, June**

*A few cases in which families/ caretakers of the “hunted” have been attacked:*

- 7 of the 102 MDC dead are wives of activists
- 3 of the dead are sons of activists – two of these were small children
- In the death of Taurai Zindomba - who died after he was axed open and his intestines were pulled out with barbed wire – two of his brothers were seriously beaten and injured
- In two instances in Makoni, both husbands and wives were beaten to death
- Joshua Bakacheza was abducted and murdered while trying to move the widow of Tonderai Ndira to a safe house
- Temba Muronde died after being assaulted, given rat poison and finally being axed. His wife was also beaten.



*Photo 6: “attack the hunted and those who shelter them”:  
wives and children beaten in May 2008.*



*Table showing ZANU PF and total opposition votes since 1980 – including Mugabe’s farcical “landslide” in the 2008 run-off.*

## **5. Operation “How to Vote” and “Red Finger”**

As the run off election approached, it became clear that voters were going to be unable to express a free vote. During the weeks running up to the election, people were rounded up for forced “education” in voting for ZANU PF only, and not for the puppet Tsvangirai. Those people known to be active in MDC were warned that their names were already on lists of those who had to make assisted votes, on grounds of being illiterate. This meant being forced to ask the election officials and the police to place the ‘X’ on the ballot. Headmen were also given lists of all the registered voters that they would be responsible for, and villagers were told they would have to line up in that given order to vote, and were told (nonsensically) that this would make it possible to know how people had voted. In some areas, they were told to write down the last two digits of their ballot paper on their hand, to submit to their headman after the vote, so that their precise vote could be traced back afterwards. In a polling station where only a few hundred votes are cast, it would indeed have been possible using this system to check who had dared to vote for MDC in this intimidating environment.

Even after the pull out from the run-off by Tsvangirai, ZANU PF remained fixated on the need for a large voter turnout so that Mugabe could win by a “landslide”. There was therefore widespread intimidation before the vote saying that afterwards there would be door to door searches to establish who had voted by looking for the “red finger” – proof that you had dipped your finger in indelible ink in a voting booth. In the event, this operation remained more of a threat than a reality: there were some accounts of people being beaten in the two days post election for not having a red finger, but these were isolated. However, fear of not having a red finger had the desired impact of forcing thousands of people to go and vote who by choice would have boycotted the vote.

## **6. Matabeleland**

Less than 10% of all violations have been reported in these three provinces, and these have mainly taken the form of people being displaced after repeated threats and being forced to attend intimidatory rallies and all night meetings.

- Matabeleland has not had the phenomenon of large numbers of youth militia undertaking mob violence. This has not been reported at all.
- War vets have in fact remained the top perpetrator group in Matabeleland, which has also reported higher levels of army and JOC involvement than the national average.
- Youth militia have been engaged in violence and intimidation, but in small numbers and usually playing a subsidiary role to war vets. An exception to this has been West Nicholson in Matabeleland South, where youth have effectively taken over this small business centre and where there were a few brutal assaults. (See photo 7).
- In Matabeleland the police and some traditional leaders have remained opposed to violence.
- Mugabe does not consider Matabeleland a stronghold and has possibly washed his hands of winning large numbers of votes here which may explain the fact the region has escaped the worst of the current violence.
- There have been areas of trouble, including Bubi and Insiza where there are numbers of resettled farmers and also ruthless ZANU PF MPs – namely Obert Mpofu and Andrew Langa.
- Lupane, Gwanda and Matobo also reported violence from specific areas.
- Maize has been and continues to be used as a political weapon, with only ZANU PF supporters accessing government maize sales at times in Insiza, Matobo and Gwanda. People were told before the vote on 27 June that only those with red fingers on the following Monday would be placed on food lists, and those without red fingers would not get maize again. Maize was

ostentatiously displayed on 26 June in business centres in Insiza and Mbembeswana with the above warning being given to villagers.

### **Humanitarian crisis**

The worst problem facing this region at the moment is extreme hunger, as there was a 90% crop failure in these provinces, and the government ban on humanitarian relief is causing real suffering in this region. By 20 July many residents of Bulawayo were resorting to buying chicken feed and stock feed by the cup, and grinding this into porridge, in the total absence of affordable maize! People throughout the region now live from one day to another in terms of food, and frequently have entire days without eating.

*It is noted that in terms of the MOU, “humanitarian and social welfare organisations [should be] enabled to render such assistance as might be required.”*

*Such assistance is urgently required in the form of food aid in much of Zimbabwe and this needs to roll out as quickly as possible. It is further noted that political abuse of access to food should not take place, and there is a need to stringently monitor access to government supplied food in particular in this regard.*

## **The Victims: ages, violations, injuries**

### **1. Age of victims**

Large numbers of children particularly infants have been adversely affected by the violence, some directly beaten, others ill as a result of weeks of displacement and sleeping rough: 10% of all those seeking medical help were under 10 years old.

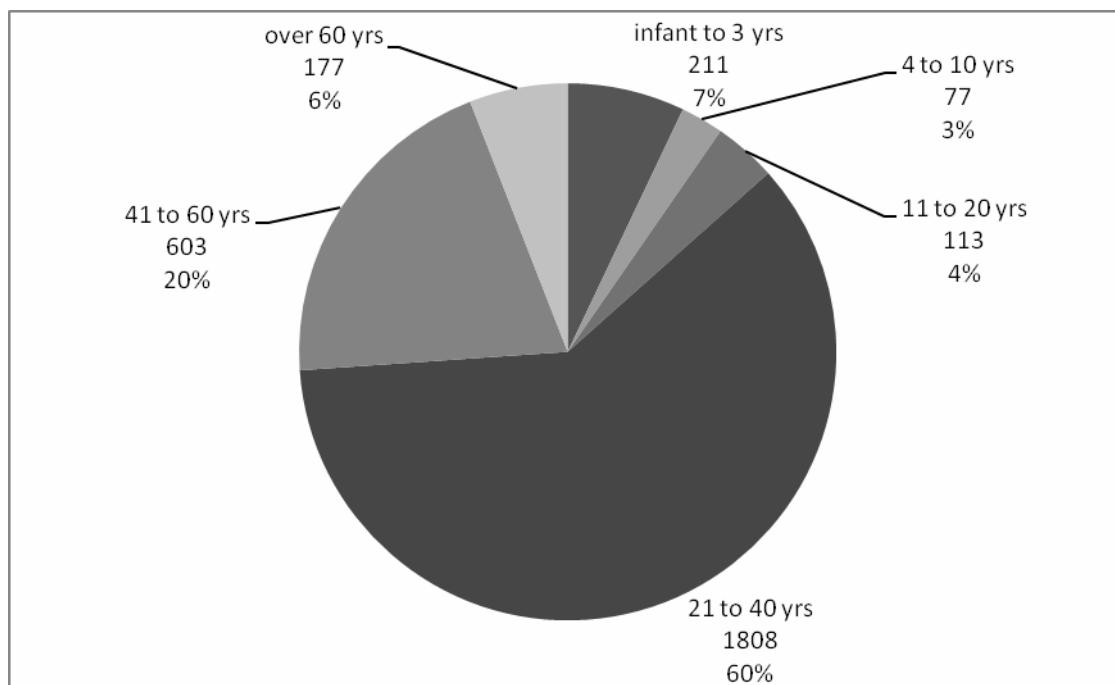
- 211 of those seeking medical help after either beatings or more often illness owing to displacement were aged under 3 years – 7%.
- A further 77 were aged 4 to 10 years old – 3%.
- 113 were aged 11 to 20 years – 4%
- 177 victims were aged over 60, and some of these suffered extremely severe injuries including multiple fractures, which are difficult to heal at that age.
- 80% of the victims were aged between 21 and 60.

The impact of being beaten, witnessing beatings of parents and of being displaced from your home and schooling have been serious and will have long term implications for affected families. Some families have had their homes burnt down and the hardship that this has resulted in will endure for time to come considering the context of total economic meltdown in which Zimbabwe now is.

UNICEF issued a strong statement on 27 May with regard to the plight of Zimbabwean children who had been displaced both internally and to South Africa:

“Today many who fled violence and economic turmoil in their own country, and have sought refuge in South Africa, now find themselves under attack. As always, it is children who are caught in the middle of this – those frightened and now homeless in South Africa, or the thousands in Zimbabwe who have seen their homes burnt and parents beaten, others who have been beaten themselves. This cannot continue.... It is vital that our UNICEF programme in Zimbabwe continues to reach all the children who require assistance. Presently this is not the

case, and it is exacerbated by the fact that so many have been forced into hiding with their parents, away from the education and health care that is their right.”<sup>58</sup>



**x. AGES of victims, all provinces, April, May, June**

## 2. Types of violation and resulting injuries

While violence in election periods has become standard, it was remarkable that the violence did not abate this time in the final fortnight, which has been the usual pattern. Both beatings and murders continued in a way that showed recklessness and a grossly cruel disregard both for the citizens of Zimbabwe and also for international opinion – including SADC opinion – right up to the day of the vote, and beyond. With violence occurring in Harare itself, as opposed to in the more remote rural areas seldom visited by observers, even observer teams that Mugabe has been able to rely on in the past to turn a blind eye to election violence were this time not able to do so. SADC, the AU and the Pan African Parliament all condemned the election on the grounds of the blatant violence, among other issues.

Injuries have been very severe: and it must be noted that over 300 of the cases included in this report do not as yet have medical findings databased. This means that all figures relating to types of violation and injuries sustained are understated.

- 252 fractures have been treated
- 163 cases of falanga – beating on the soles of the feet – have been treated. This is a very serious form of torture with long term health consequences for people, leaving them with sore feet possibly for life. [see photo 8]
- 450 people have reported partial or total loss of their property to political violence
- 1798 assaults were reported of which 75% involved the use of weapons, usually sticks, but including iron bars, barbed wire, knives
- 420 reports of torture were recorded, including being burnt with burning grass or plastic bags (12); being submerged in water either to induce severe cold and to increase the pain of being assaulted or to induce temporary suffocation (20); being restrained and/or blindfolded (89).

<sup>58</sup> Statement at press conference by UNICEF’s Regional Director for Eastern & Southern Africa, Mr Per Engebak, 27 May 2008.

- 309 people reported abductions and 109 were detained
- 8 gun shot wounds (GSW) were treated
- There were literally thousands of reports of soft tissue damage of different types, including haematomas, welts, bruising, swelling, lacerations and abrasions. These varied from mild injuries to very severe. [see photo 5]
- There were 205 head injuries treated: all head injuries are potentially serious and can leave long term damage, including loss of eye sight, minimal brain damage, neck injuries.

Visible injuries are only one aspect of the terrible damage that has been done to people's bodies and lives. People face permanent disability and disfigurement, and huge psychological and social consequences of the recent violence. (See Healing the Community Fabric ahead).

### **3. Gender based violence**

There have been a handful of women who have reported that they have been raped, but so far official rape cases number probably fewer than ten. However, there are reports from men and from women who deny rape themselves, that gang rape has been widespread in some bases in Mashonaland and Manicaland. There is a huge stigma attached to admitting rape: women are afraid their husbands will reject them if they admit to it, so it may take many months for these reports to trickle in, possibly once such women have advanced venereal diseases and have to seek medical support, for example. However there are media reports of women who have described gang rape and some such cases on official medical record.<sup>59</sup>

### **4. Retaliatory violence**

In view of the now well established pattern of impunity, it is not surprising - although it is regrettable - that MDC activists have at times taken justice into their own hands, and have meted out retaliatory assaults and hut burnings. To the authors' knowledge, these attacks have always been reprisals and this is one of the dangers of impunity: when victims know that the police will refuse to act on their behalf, it may eventually lead to "justice" being delivered violently by those who have been victimised in the first place.

In Lupane in Matabeleland North, Governor Mathuthu gave a highly inflammatory speech at a rally there shortly before the June run off, inciting hatred against MDC supporters. This Gomoza area of Lupane had been subjected to months of such intimidatory rallies and dozens of senior MDC activists had been displaced into Bulawayo as a result of repeated face to face threats and the circulation of lists of those to be beaten and have their homes burnt down. After this June rally, ZANU war veterans and supporters sought out known MDC leadership and assaulted them. Within hours, MDC supporters organised themselves and retaliated. The day ended with several severe injuries both for MDC and for ZANU PF. At least two ZANU PF supporters were hospitalised, one for a broken arm.

Similarly, in Gwanda North in Matabeleland, there were two incidents in May in which violence by ZANU PF war veterans led to the burning down of their base camps, one in Sibhula and one at Nyandeni. In the Nyandeni incident, an MDC supporter and his wife were severely beaten by ZANU PF war vets, resulting in loss of consciousness and a broken neck vertebra for the wife.

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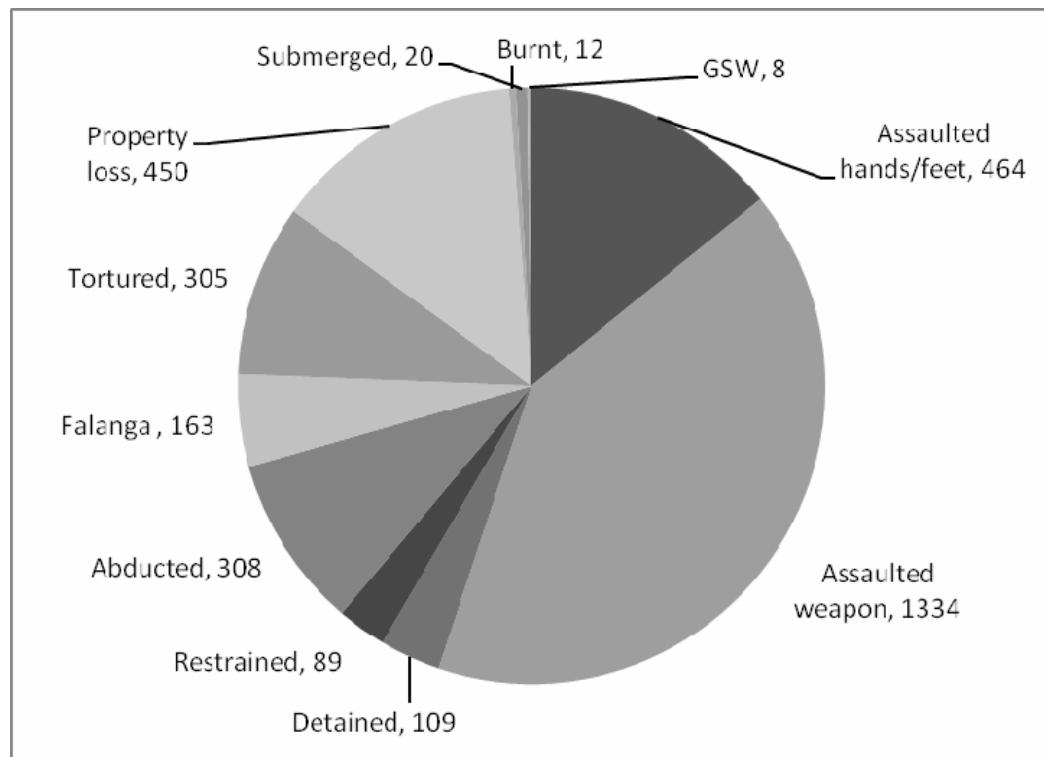
<sup>59</sup> The Times, "Maybe I am pregnant, or maybe I have HIV now. No one can help", 8 July 2008; VOA, "Zimbabwean Women face HIV risk following rape as political violence", 14 July 2008.



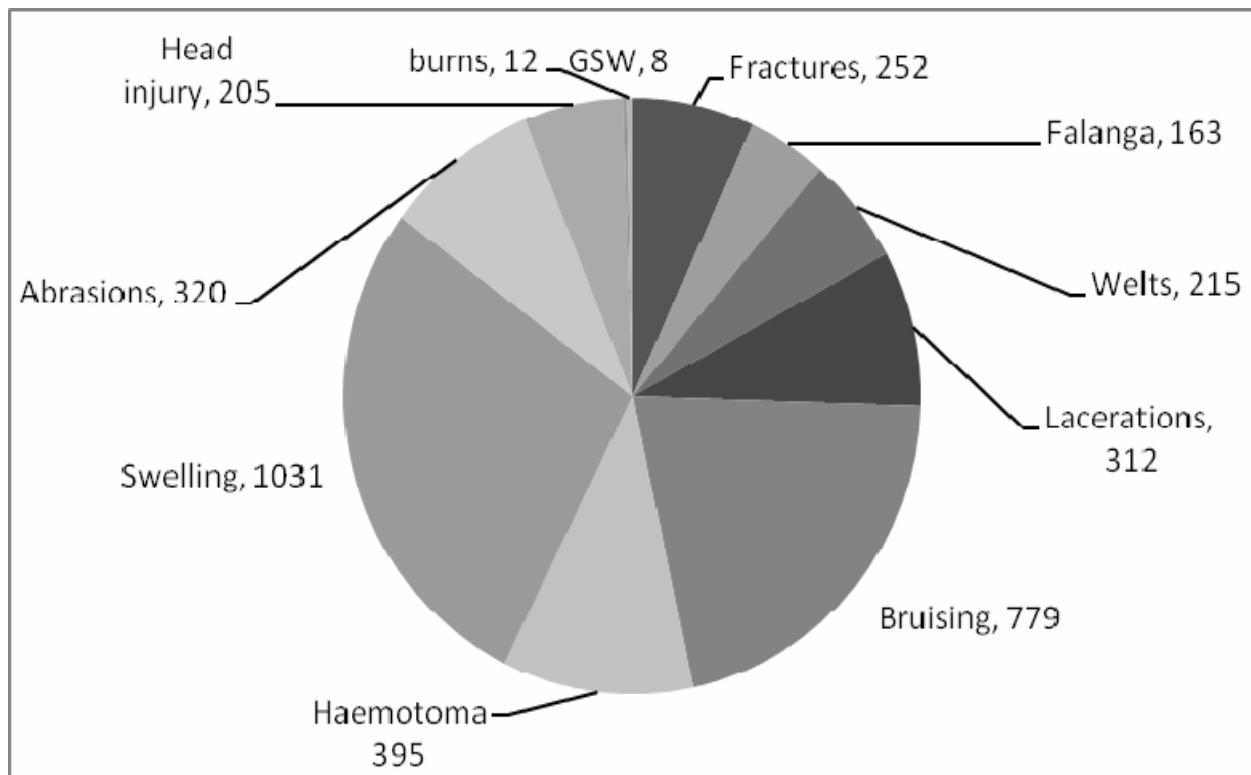
*Photo 7: buttocks of man severely beaten by youth militia in Gwanda, Matabeleland South, prior to skin graft. (photo June 2008)*



*Photo 8: falanga injury: sole of foot that has been beaten by war vets and ZANU supporters in Gokwe. (photo June 2008)*



**xi. TYPES of violation, all provinces, April, May, June**



**xii. INJURIES treated: all provinces, April, May, June**

Within hours of these victims being taken to hospital, MDC supporters approached the war vet base responsible for the beatings, and severely beat two ZANU PF supporters there, resulting in their hospitalisation - and they also burnt down the house being used as a base. On the same day, the war vet base at Sibhula was destroyed, also after violence against MDC supporters. In both instances, the ZANU PF bases had subjected the surrounding communities to weeks of intimidation and had coerced or stolen livestock and maize from the starving villagers. The problems being caused by these bases had been reported to the local police, who had said that they were powerless to intervene.

More than 60 MDC supporters were arrested in Matabeleland in relation to these incidents, although 10 of these have recently been released after the Magistrate in Gwanda said the state had failed to bring any evidence linking them to the alleged offences.<sup>60</sup>

There have also been reports of reprisal violence by MDC in Mudzi and Mazowe in Mashonaland and in Buhera in Manicaland and in Zaka in Masvingo. However, the reprisal attacks amount to a fraction of the assaults, murders and destruction of property by ZANU PF supporters in these same areas.

There is an urgent need for a return to an impartial rule of law, to prevent both the political victimisation of Zimbabweans and to prevent such victims retaliating in the face of police inaction. The cycle of violence with impunity must be broken now, if the talks currently underway are to produce anything positive.

## **Challenges of the present and the future**

### **1. Putting the genie back into the bottle**

In the immediate wake of the 27 June poll, in some areas the order did seem to go out for youth militia and war vet bases to dismantle. However, this does not seem to have been a consistent nationwide instruction, as the violence has undoubtedly continued, particularly in Manicaland – where there have been five post election murders – and also Mashonaland East, Masvingo and parts of the Midlands.

In some areas, war vets and militia appear to be defying orders to disband. There is reportedly wide spread disgruntlement among those who have perpetrated mass violence on behalf of the ruling party in return for promises of money, maize and educational opportunities, only to find that these promises are not being fulfilled. Youth militia and war vets have vowed to remain in their bases in some areas until they receive what they have been promised.<sup>61</sup>

In Harare, reports have been received that disgruntled bands of youth who have been thrown out of camps are now roaming the suburbs and resorting to straightforward criminal violence, as opposed to political violence. Ordinary citizens have reported being mugged and having their jackets, trousers and groceries stolen by such gangs in the first weeks of July.<sup>62</sup> Over the last three months, youth militia have been able to beat and steal with impunity and now that they are effectively being abandoned by the very state that gave them this licence, it is not surprising if such youth are turning to violent crime as a means of survival.

There have also been reports of violent clashes between rival ZANU PF supporting groups. In mid July war vets and youth militia clashed in Mbare in Harare, fighting over who should receive flea market stands promised by the government during the election run off. The pattern of using violence to take what you want has been encouraged by the state and more such incidents are likely.

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<sup>60</sup> The Standard, “MDC supporters released”, 20 July 2008.

<sup>61</sup> Interviews in Bulawayo relating to bases in Gwanda and Insiza, as well as media reports.

<sup>62</sup> Interview with Harare activists, 12 July 2008.

Zimbabweans currently have to live with the fact that it can be easier to unleash and encourage violence than to rein it in.

*We note that in terms of the MOU, it has been agreed that:*

Each Party will issue a statement condemning the promotion and use of violence and call for peace in the country and shall take all measures necessary to ensure that the structures and institutions it controls are not engaged in the perpetration of violence.

The Parties will take all necessary measures to eliminate all forms of political violence, including by non-state actors, and to ensure the security of persons and property.

*The major onus on ending the violence clearly lies with the current government and with the police. The police in Zimbabwe, if given the instruction to do so, could certainly bring the situation back under control to a large degree, simply by deploying trucks to a few of the more problematic areas and arresting and charging these gangs of youth and war vets. We recommend that this is done forthwith.*

*We further recommend that independent monitors both national and regional, to be placed on the ground to improve the likelihood of a return to non violence.*

## **2. Healing the community fabric**

*We the Parties to this Memorandum of Understanding...*

- *Dedicat[e] ourselves to putting an end to the polarisation, divisions, conflict and intolerance that have characterised our country's politics;*
- *Determine[d] to build a society free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality....*

These words to which our national leadership have signed up are fine ones, but in reality rebuilding shattered human relations is likely to take generations. The community fabric has been devastated by the violence of the last three months – and by the repression of the decades before this. The authors have not spoken to a single victim who could not name at least some of their perpetrators. Much of the violence has been community based, and has set neighbour upon neighbour and even family members against one another. The authors spent some time in safe houses asking victims how they would feel about returning to live side by side with the very people who had burnt down their homes and shattered their limbs. Here are typical responses, from interviews on 26 June:

### **65 year old man, from Chiweshe: broken hand and broken leg**

*“In less than one hour they destroyed my life. Look at my right hand. It will never be strong again, it will always hurt me and I will never work in the field the way I used to. Just less than an hour of beating and my life is ruined. They must be arrested and then I can reconcile. The police know who to arrest. It is the base commander, it is the ZANU chairman, it is others we all know who were behind the violence, they must be arrested.”*

### **48 year old man, from Mount Darwin: broken leg and arm, house burnt down**

*“I have lost everything. How can I go back in winter and live there with no blankets, when the people who burnt down my house still live there and they have blankets? I want compensation. They must give me their things because I lost everything when they burnt my house – my bed, clothes, pots. I know who they are, some of the ring leaders, they are my neighbours. How can I just go back and live there as if nothing happened. Aaah no! I can go back, but they must pay.”*

**32 year old man from Epworth, broken arm and leg, tuckshop and house burnt down**

“They said I got my money from MDC, from Britain, and that is why they should burn it down. I have never got one cent from MDC! Do you know how hard I have worked for all these years to try and support my wife and child? I have never got anything from anyone and now I have lost everything. In Zimbabwe these days, how do you start with nothing? What am I going to do? I don’t know what to do now. I don’t have a passport or maybe I could leave. They must be punished. If they do not go to jail, then I will take revenge. I will revenge on them.

The authors – who realistically fear that some kind of impunity deal will be struck in the next few weeks which will forever remove the possibility of the deeply desired justice for victims - asked whether some kind of truth telling process at the local level would help, a gathering of the community in which those who beat and destroyed would be made to admit their crimes and ask forgiveness, in front of community leaders, for example. This question was answered with disbelief and contempt!

This is an absolutely standard reply from all those interviewed:

**28 year old man from Mount Darwin, broken arm**

“You mean to just say sorry and that is all?? Aah! That is not going to be acceptable. I will take revenge. I want justice, they must go to jail. I want compensation. Just talking, that is no good.”

The anger, pain and devastation of the last few months are not going to evaporate over night. In the experience of the authors, unresolved community resentments based on very real crimes having been committed – even murder – do not vanish. They fester and reassert themselves, even over the generations, in petty power struggles and further criminal acts at the village level. In fact, some of the violence of the last three months has been precisely of this nature – the impunity gave people licence to brutally settle old scores in some instances. There is no quick or easy solution to this, but if we in Zimbabwe are serious about building a better future *free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality* – then there is a great deal of work to be done. This may include financial compensation funds for victims, but will not be able to end there.

The enmity grounded in real suffering, coming from real acts of sheer hatred at the village level, is going to have to be addressed meaningfully if communities are not going to reproduce violence and retribution in big and small ways in the decades ahead.

## **APPENDICES**

### **MEMORANDUM OF UNDERSTANDING BETWEEN THE ZIMBABWE AFRICAN NATIONAL UNION (PATRIOTIC FRONT) AND THE TWO MOVEMENT FOR DEMOCRATIC CHANGE FORMATIONS**

#### **PREAMBLE**

We the Parties to this Memorandum of Understanding;

Concerned about the recent challenges that we have faced as a country and the multiple threats to the well-being of our people;

Dedicating ourselves to putting an end to the polarisation, divisions, conflict and intolerance that have characterised our country's politics;

Determined to build a society free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality;

Recognising the centrality and importance of African institutions in dealing with African problems, and agreeing to seek solutions to our differences, challenges and problems through dialogue under the auspices of the SADC mediation, supported and endorsed by the African Union;

Acknowledging that we have an obligation of establishing a framework of working together in an inclusive government;

Desirous therefore of entering into a dialogue with a view to returning Zimbabwe to prosperity;

Recognising that such a dialogue requires agreement on procedures and processes that will guide the dialogue.

#### **NOW THEREFORE AGREE AS FOLLOWS:**

##### **1. Definitions**

The "Memorandum of Understanding" (MOU) shall mean this written agreement signed by the Principals.

"The Parties" shall mean ZANU-PF, the two MDC formations led by Morgan Tsvangirai and by Arthur Mutambara respectively.

"The Principals" shall mean the President and First Secretary of ZANU-PF, Robert Gabriel Mugabe, the President of the one MDC formation, Morgan Richard Tsvangirai and the President of the other MDC formation, Arthur Guseni Oliver Mutambara.

##### **2. Declaration of Commitment**

The Parties hereby declare and agree to commit themselves to a dialogue with each other with a view to creating a genuine, viable, permanent and sustainable solution to the Zimbabwean situation and, in particular, to implement this Memorandum of Understanding.

##### **3. Representation**

The Parties will be represented by two representatives each in the dialogue.

## **4. Agenda**

The Parties have agreed to the following Agenda:

### **4.1. Objectives and Priorities of a new Government**

#### **(a) ECONOMIC**

- (i) Restoration of economic stability and growth
- (ii) Sanctions
- (iii) Land question

#### **(b) POLITICAL**

- (i) New Constitution
- (ii) Promotion of equality, national healing and cohesion, and unity
- (iii) External interference
- (iv) Free political activity
- (v) Rule of law
- (vi) State organs and institutions
- (vii) Legislative agenda priorities

#### **(c) SECURITY**

- (i) Security of persons and prevention of violence

#### **(d) COMMUNICATION**

- (i) Media
- (ii) External radio stations

### **4.2 Framework for a new Government**

### **4.3 Implementation mechanisms**

### **4.4 Global political agreement.**

## **5. Facilitation**

The Dialogue shall be facilitated in accordance with the SADC and AU resolutions.

## **6. Time frames**

The Dialogue commenced on 10 July 2008 and will continue until the Parties have finalised all necessary matters, save for short breaks that may be agreed upon for purposes of consultation. It is envisaged that the Dialogue will be completed within a period of two weeks from the date of signing of this MOU.

## **7. Venue**

The Dialogue shall be conducted at such venues as shall be determined by the Facilitator in consultation with the representatives of the Parties.

## **8. Communication with the media**

None of the Parties shall, during the Dialogue period, directly or indirectly communicate the substance of the discussion with the media. The parties shall refrain from negotiating through the media, whether through their representatives to the Dialogue or any of their Party officials.

## 9.Decisions by the Parties

The Parties shall not, during the subsistence of the Dialogue, take any decisions or measures that have bearing on the agenda of the Dialogue, save by consensus. Such decisions or measures include, but are not limited to the convening of Parliament or the formation of a new government.

## 10.Interim measures

### 10.1 Security of persons

(a) Each Party will issue a statement condemning the promotion and use of violence and call for peace in the country and shall take all measures necessary to ensure that the structures and institutions it controls are not engaged in the perpetration of violence.

(b) The Parties are committed to ensuring that the law is applied fairly and justly to all persons irrespective of political affiliation.

(c) The Parties will take all necessary measures to eliminate all forms of political violence, including by non-state actors, and to ensure the security of persons and property.

(d) The Parties agree that, in the interim, they will work together to ensure the safety of any displaced persons and their safe return home and that humanitarian and social welfare organisations are enabled to render such assistance as might be required.

### 10.2 Hate speech

The Parties shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or undermine each other.

## 11.The role of SADC and the AU

The implementation of the Global Political Agreement that the Parties will conclude shall be underwritten and guaranteed by the Facilitator, SADC and the AU.

## 12. Execution of the agreement

This agreement shall be signed by the Principals in the presence of each other and shall be witnessed by the Facilitator.

Signed at Harare this day of 2008.

Robert G. Mugabe  
President, ZANU-PF

Thabo Mbeki  
SADC Facilitator

Morgan R. Tsvangirai  
President, MDC

Arthur G. O. Mutambara  
President, MDC



*MDC activist Tonderai Ndira, abducted and assassinated on 14 May 2008*