

Peaceful protest and police torture
in the City of Bulawayo:

24 February to 25 March 2003



17 April 2003

produced for

The Solidarity Peace Trust
Zimbabwe and South Africa

Endorsed by

Physicians for Human Rights, Denmark

SOLIDARITY PEACE TRUST

The Solidarity Peace Trust is a newly formed non-governmental organisation, which is being registered in South Africa in April 2003. The Trustees of the Solidarity Peace Trust are church leaders of Southern Africa, who are all committed to human rights, freedom and democracy in their region.

The objective of the Trust is:

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

The founder trustees are:

Archbishop Pius A Ncube; Catholic Archbishop of Bulawayo, Zimbabwe (Chairperson)

Bishop Sebastian Bakare; Anglican Bishop of Mutare, Zimbabwe

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Bishop Trevor Manhanga; Evangelical Bishop of Mutare, Zimbabwe

Bishop Rubin Phillip; Anglican Bishop of Kwazulu Natal, Republic of South Africa

Bishop Kevin Dowling; Catholic Bishop of Rustenberg, Republic of South Africa

This report, compiled by human rights consultants on behalf of the Trust, is the first official release by the new Trust.

April 2003

PHYSICIANS FOR HUMAN RIGHTS

DENMARK

Is an independent group of Danish medical doctors (founded 1990) whose goal is to bring the skills of the medical profession to the protection of human rights. Members of PHR/DK have participated (in some cases as consultants to other NGOs) in fact finding missions to several countries such as Israel and The Occupied Territories, Chile, El Salvador, Guatemala, Venezuela, Turkey, Northern Ireland, Cyprus, Kuwait, Kenya, Romania, Uruguay, Lithuania, Latvia, Pakistani and Indian held Kashmir, Sri Lanka, Mexico, Nepal, Croatia, Bosnia, Thailand, The Philippines, Punjab, Kosova, Jamaica, and Zimbabwe.

PHR/DK co-operates with several other human rights organisations, notably IFHHRO (International Federation of Health and Human Rights Organizations).

DOCUMENTATION OF TORTURE

Has been the purpose of *all* our missions. Mainly done by interviews with and medical examinations of torture victims. Dead or alive.

We have, from time to time, co-operated with several NGOs in- and outside the countries in which we have worked, notably Physicians for Human Rights/USA (Health Care Situation in Kuwait during the Iraqi occupation), Human Rights Watch Asia (Kashmir), PHR/UK (investigation of long-term effects of acoustic shocks used by Soviet elite soldiers OMON during uprising in Lithuania), International Federation of Health and Human Rights Organisations (IFHHRO), FAST (Families Against State Terrorism, Jamaica), CCFS, CIFA (Centre for International Forensic Assistance), several NGOs in Israel and Occupied Territories (autopsies of Palestinians who died in Shabak custody), and OSCE (Kosova).

Previous Zimbabwe missions and reports

January 2002 members of PHR/DK visited Zimbabwe and documented after-effects of severe physical torture: flogging with barbed wire leaving typical, absolutely *non* equivocal wounds.

May 2002 PHR/DK produced a report in conjunction with Zimbabwean health professionals documenting post election torture continued to take place beyond any doubt.

November 2002 members of PHR/DK visited Zimbabwe and documented both unequivocal evidence of torture and political abuse of food in a context of looming starvation.

The current report

“Physicians for Human Rights, Denmark confirm that those who have prepared this report are reliable and honest, highly skilled Zimbabwean professionals with whom we have co-operated on several occasions. Consequently, we are happy to endorse the authors.”

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Previous reports by PHR,DK on human rights violations in Zimbabwe are available at:
www.phrusa.org/healthrights/phr_denmark.html

“If yesterday you were my enemy, today you are now my friend. If yesterday you hated me, today you cannot avoid the love that binds me to you and you to me.”

**Prime Minister Robert Mugabe:
Zimbabwe Independence, 1980**

[source: ZBC TV coverage]

...“Let the MDC and its leadership be warned that those who play with fire will not only be burnt, but consumed by that fire.”

...“This Hitler has only one objective: justice for his people, sovereignty for his people, recognition of the independence of his people and their rights over their resources... If that is Hitler, then let me be a Hitler tenfold.”

**President Robert Mugabe: extracts from speech
at funeral of Dr Swithun Mombeshora.**

Harare, Zimbabwe, 21 March 2003.

[source: ZBC coverage of the funeral]

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front and back cover

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Case 14: interviewee detained on 19th March 2003 reports beatings by police with a sjambok: irregular semi encrusted lesions on torso to right of spine; also on forearm and collar bone. There is total consistency between the multiple linear lesions and the reported beatings with a whip-like instrument. Beyond any reasonable doubt, the interviewee has been tortured as claimed.

Photos 4 and 5:

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Case 11. interviewee reports that he was beaten with batons and a baseball bat by policemen: he and 25 others were detained in one cell measuring 3 x 4 m, for 5 days without charge. He was denied medical treatment for his broken arm. X-ray shows clear fracture of right ulna close to wrist. Clinical findings in total agreement with statement of torture.

Summary and conclusions

Previous reports compiled by the same authors in conjunction with Physicians For Human Rights Denmark (PHR-DK), detailed cases of torture in the western part of Zimbabwe in January, May and November 2002. In these three reports, war veterans and militia were identified as the main perpetrators of violence, although cases of police torture were recorded.

The previous PHR-DK reports showed a link between election campaigns in Zimbabwe and state organised violence. In 2002, an increase in politically motivated violence coincided with the Presidential election, Parliamentary by-elections and the Rural District Council elections.

Scope of the report

It should be noted that the current report documents violence only in the City of Bulawayo, and only those cases brought to the attention of the health professionals who authored the report. State organised violence occurred on a massive scale in many parts of Zimbabwe during the month of March 2003. The current report should therefore be considered as an indicator of recent trends in organised violence in one region of the country, and not as a comprehensive document.

We document in this report that mutilating torture beyond any doubt is practised by government supporters against their political opponents in Zimbabwe in 2003.

The fact that perpetrators do not care whether they torture people who can identify them, or whether their acts of torture or ill treatment leave marks that can easily be recognised as caused by torture, underlines a clear assumption on their part of impunity. This assumption appears well founded: no prosecutions against perpetrators have been made in any of the cases of torture and ill treatment that we documented, and this points to a deliberate policy by the authorities.

The report reflects new trends in relation to violence in Zimbabwe.

Every case reported to human rights health professionals in Bulawayo in the last month implicated the police as perpetrators of the alleged torture.

Furthermore, every case of abuse took place in the context of peaceful public protest.

Approximately 30% of the victims in this report are women, indicating a growing willingness on the part of the authorities to torture women.

This may reflect a growing willingness on the part of ordinary Zimbabweans, in particular women, to take part in such protests, and more blatant attempts by the state to prevent peaceful protest.

World Cricket Cup and the right to peaceful protest

The current report establishes beyond any doubt that the Zimbabwean government and the Zimbabwe Republic Police did not allow peaceful protest by those citizens of Zimbabwe who felt that there should be no normal sport in an abnormal society. The current authors are aware of 15 detentions in relation to the first WCC match in Bulawayo, of 42 detentions at the second and of 23 detentions at the third. **All those detained have reported torture or severe ill treatment.**

Furthermore, detentions and torture took place during other peaceful protests during the February and March, and not only in relation to the cricket.

The increase in police torture is a cause for deep concern. The failure of the Zimbabwean authorities to tolerate peaceful protest, whether in the form of public protest or mass stay aways is alarming. It is the conclusion of the authors that state repression is worsening and becoming more blatant. It is our prediction that the human rights situation in Zimbabwe will deteriorate further in the next three months.

JOHANNESBURG, 17 April 2003

1. Results of examinations of individuals exposed to
human rights violations in Zimbabwe
24th February to 29th March 2003

All interviews and examinations took place during a time period of approximately one month, from February 24th to March 29th 2003. The cases summarised here represent only a fraction of more than one hundred people who, during this period, were indicated to the authors as experiencing ill treatment or torture.

All examinations and clinical assessments were carried out by one or more of a team of 3 health professionals. These included two medical doctors and a psychologist. All three have worked in documenting torture with international teams in the past, including most notably Physicians for Human Rights, Denmark.

Interviews and findings

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

All examinees agreed to be interviewed and examined with a view to publishing evidence of violence committed during the period, February and March 2003. Furthermore they agreed that photographs of their injuries could be published as long as their faces were not exposed.

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

The definition of torture in the *UN Convention against torture and cruel, inhuman or degrading treatment or punishment* was used:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/ her or a third person information or a confession, punishing him for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

2. Evaluation of statements: clinical cases

Reported motive for detention and/or torture:

In all 15 cases reported in detail here, and in all one hundred cases indicated, detention and assault occurred in the context of ***Zimbabwean citizens expressing their right to peaceful protest***. The cases here involve detention of people attending World Cricket Cup matches on the 24th and 28th of February and the 4th March. Further detentions involved women taking part in Women's Day events on 8th March. Some of the most severe assaults took place in relation to the national stay away called for by the opposition Movement for Democratic Change on 18th and 19th March 2003.

Reported perpetrators:

In every case in this report, the perpetrators are from the Zimbabwe Republic Police. In every case, Criminal Investigations Department, Law and Order Section police officers are implicated as the worst perpetrators, although other branches of the police force are also reported as torturing civilians. Furthermore, **it should be noted that the same general group of CID Law and Order officers were implicated by name in the context of all 5 incidents of mass arrest and torture. The named police officers all operate out of Bulawayo Central Police Station.** They were named as follows:

Law and Order N Tshuma – implicated as torturing detainees on 28 Feb, 4, 8, 18-21 March.

Law and Order Officer Ngwenya – implicated as torturing detainees on 24, 28 Feb, 18-21 March.

Law and Order Officer T Matshazi – implicated as torturing detainees on 28 Feb, 8, 18-21 March.

Law and Order Officer Sibanda – implicated as torturing detainees on 28 Feb, 18-21 March.

Law and Order Officer R Masuna – implicated as torturing detainees on 24 Feb, 4 March.

The following Law and Order CID Officers were each named once as among the group who tortured civilians: *D. S Muchena, Mr Dube, Mr Muleya, Mr S Mpfu and Mr Madau*

Location of incidents

All the interviewees reported that their abuse took place at least in part at Bulawayo Central Police Station.

Other police stations where torture took place include:

Western Commonage, Nkulumane, Magwegwe, Sauerstown, Ross Camp, Mabutweni. A temporary police post in Queens Sports Ground is also mentioned in most of the detentions involving the WCC matches.

In most cases, interviewees reported that assaults took place in the public domain during the process of detention.

Time period of detentions and/or torture

All the reported incidents occurred within a 30-day time period, beginning 24 Feb and ending 25 March 2003. Interviews continued until 29 March 2003.

Type of reported torture and ill treatment:

All 15 cases involved detention of civilians engaging in peaceful protest.

In 7 cases, detainees were detained beyond the legally stipulated 48 hours; they were detained for up to 6 days before being brought before the courts and released

14 reported assaults with booted feet.
14 reported beatings with police batons or wooden sticks.
6 reported being beaten with a baseball bat; in one case this resulted in a broken arm.
6 reported assaults with a sjambok.
5 reported beatings while wearing handcuffs.
15 reported deprivation of food and/or water for periods of time varying from one day to six days.
14 reported living conditions in their cells that amounted to deliberate abuse; a maximum of 32 detainees were crowded into a cell measuring 3 x 4 m; the cell next door was empty.
In no case was medical care given to a detainee.
1 youth spent 6 days in a cell with a broken arm and was repeatedly denied access to health care.

Clinical assessment of the validity of statements:

Testimonies were assessed by comparing history of torture and ill treatment, with ensuing symptoms and clinical findings.
In 11 cases out of 15, the physical findings placed the interviewees' claims of torture or ill treatment beyond reasonable doubt.
In 4 of these 11 cases, the clinical findings placed claims of torture beyond any doubt at all.
In the remaining 4 cases out of the 15, there were no physical findings to corroborate claims.
In 1 of these 4 cases, no physical assault was claimed by the interviewee; verbal abuse and appalling cell conditions were claimed.
In 3 of these 4 cases, levels of psychological distress consistent with recent trauma were evident.
All 15 cases indicate either torture or severe ill treatment.

11 out of 15 cases fulfil the UN criteria for torture.

3. Conclusions based on clinical findings

- **The physical findings in 11 cases out of 15 are consistent with the allegations of the time and methods of torture suffered, and the symptoms described by the interviewees. Our examinations lead us to conclude that these 11 interviewees' stories of torture and ill treatment as related to us are true.**
- **Our investigations show beyond any reasonable doubt that in the first three months of 2003, politically motivated torture continues to take place in Zimbabwe.**
- **In 15 out of 15 cases, police officers are indicated as the perpetrators; this supports the assertion by other commentators that **there is an increase in torture perpetrated by the police.****
- **In all 15 cases the police were reported as showing clear political partiality towards ZANU-PF. In all cases, being believed to support the MDC provided grounds for interrogation and intimidation.**
- **The fact that 8 different police stations in one city are named as places where torture takes place, points to a deliberate policy of torture by the authorities.**
- **The fact that interviewees who made statements in different times and contexts frequently named the same individual police officers as responsible for their abuse, indicates that certain senior police officers have a deliberate policy of torture. Furthermore, they assume impunity.**
- **The fact that on five separate occasions in the space of one month, police undertook mass detentions and assaults involving civilians, points to a deliberate policy by the authorities.**



Photos 2 and 3: Case 14: interviewee detained on 19th March 2003 reports beatings by police with a sjambok: irregular semi encrusted lesions on torso to right of spine (photo 2); also on forearm (photo 3) and collar bone. There is total consistency between the multiple linear lesions and the reported beatings with a whip-like instrument. Beyond any reasonable doubt, the interviewee has been tortured as claimed.



4. Summaries of interviews and clinical findings

1. Summary of interviews conducted with 6 civilians in relation to detention of

15 civilians at Queens Club Sports Ground:

Monday, 24 February 2003

On 24 February 2003, Zimbabwe played Australia in the World Cup cricket at the Queens Sports Ground in Bulawayo. This match took place in opposition to the desires of many Zimbabweans who had stated clearly before the beginning of the World Cup, that there should be “no normal sport in an abnormal society”.

Those sectors of society who were opposed to the cricket stated their intention to pose peaceful protests if the cricket went ahead.

At the match on Monday 24th, activists were present, and staged small protests that were non violent and did not interfere with the playing of the matches. This included displaying for short lengths of time, banners stating that “Zimbabwe needs justice”.

It was not obvious to those attending the cricket, but detentions took place, quietly, of some of these activists, mainly during the lunch hour. News of these detentions only spread a day or two after the match.

Interviews conducted on 26th February two days after the match, with 6 detained activists, established the following details.

Detained: S, aged 21; N, aged 23; F, aged 18; SN, aged 18; Z, aged 32; NM, aged 32

They were detained along with 9 others in one cell, although the names of the others are not available.

These persons reported that they were “group leaders” who had been trained to put across the message that Zimbabwe was a violent and unjust society and that it should not host cricket. They had small banners that they had hidden, one letter or word each. Some had a letter on their shirts, which when displayed together with others spelt out a phrase. They displayed these messages from the beginning of the match, for a few seconds at a time, and were among many people occasionally flashing red cards saying “Mugabe must go”.

At approximately 1330H they were arrested. In retrospect they felt that it was deliberate to arrest them during the lunch hour, as the media were also having lunch and not paying attention to the stands. The first person to be arrested was arrested in isolation, by 6 individuals. These were two plain clothes Criminal Investigations Department (CID) policemen and 4 police, in police riot squad track suits. They grabbed him and asked him why he was causing trouble. He said he was there to watch the cricket. He was kicked and punched by all 6 individuals there in the stands. They slapped him on the side of his face. He refused to give any answers to their questions. Some of the people surrounding objected but they were ignored. He was dragged away from the stand, out into the road and into a police vehicle. The others reported similar modes of arrest. In addition to 7

people arrested in the stands, another 8 people were arrested outside the grounds for having subversive material on their persons. These 15 were transported together in a police defender, to Bulawayo Central Police Station.

In the Charge Office they recognised some of the police. They know one CID officer as “Ngwenya”, and another as “Masuna”.

They were asked why they had protested. One of them answered back by saying that as a Zimbabwean he had the constitutional right to freedom of expression. He was slapped severely on both cheeks. There were three officers assaulting him simultaneously. He said that his father was a policeman. They beat him harder and told him that his behaviour was a threat to his father’s job.

All 15 of them were kept in the cells from 2 pm until 6 pm. After that, they were interviewed one at a time.

They were accused of having banners and of having been paid in British pounds sterling to wave them. They were told that to support the MDC was to support the whites and that they were sell outs. They were assaulted during their questioning.

The 15 were all forced to sing the National Anthem in Ndebele and Shona. Two of the arrested were also forced to sing singly when they paid their deposit fines.

The 15 were also forced by the police to chant ZANU-PF slogans and to make fists. They had to shout them so that everyone in the police station could hear.

They were ordered not to go to Friday’s cricket match. They were warned that next time they would be more severely beaten and that they would be sent for Border Gezi training.

None of those detained had any concrete evidence in their possession – no red cards and no banners. However, they were all forced to pay admission of guilt fines. They paid Z\$3,000 in deposit fines and were allowed to leave, around 9 pm on the 24th February.

Admission of Guilt forms

Six of these are to hand, and all state the following:

Charge (section and statutory enactment)

C/57 (B) of the MOA Chapter 9:15

Conduct likely to provoke the breach of the peace

Date 24/02/03

Time 1330H

Place: Queens Sports Ground

On 3 forms:

The 1st witness is signed as “Chitemere” number 047222 rank C (CST)

The 2nd witness is signed as “Mushoperi” number 0488928 (CST)
Bulawayo Central

On 2 forms:

the 1st witness is signed as “Ncube” number 0375817, rank SS

the 2nd witness is signed as “Shawarira” number 043708 H, rank DC
Bulawayo Central

On 1 form:

The 1st witness is signed as “Chisadza” number 050707 Q, rank CST

The 2nd witness is signed as “Maraidza C” number 044828 A, rank CST

All interviewees reported being assaulted with fists and boots and police batons.

Reported symptoms and clinical findings:

Case 1:

He reported extensive beating to his back, with sjambok and baton. He further reported being kicked in the ribs and severely slapped on the sides of his face. He was beaten on the top of his feet. He had insomnia for two nights and was unable to go to school because he was in pain.

Clinical findings

Right ear: swelling below the ear, 3 cm by 4 cm.

Back: right scapula: 2 cm by 2 mm hooked lesion, encrusted.

Left scapula: discolouration and swelling, 4cm by 3 cm.

Rest of rear torso: 6 linear markings, 5 –8 cm long, 2-3 mm wide.

Front torso: diffuse tenderness over left rib cage

Right upper arm: linear lesion, 6cm by 4 mm

Left lower arm: below elbow on upper arm, encrusted linear lesion 3 cm by 3 mm.

Left foot: 2 linear lesions on upper foot, both 5 cm by 2 mm.

The interviewee appears anxious and unwell. He is reporting generalised pain.

The report of assault and the clinical findings are consistent. The multiple minor lesions and areas of swelling are consistent with trauma caused by a blunt instrument.

Case 2:

He reported being beaten with a blunt instrument in addition to punches and kicks on his upper body.

Clinical findings

left upper arm: a lesion 3 cm by 2 mm consistent with blunt trauma within the previous 2 days.

Swollen region on bicep, 2cm by 2 cm. Pain on palpitation.

Interviewee appears restless and angry.

Case 3:

He reported being beaten on the top of his head with an instrument. He further reported beatings on his buttocks.

Clinical findings

Head: 3 cm lesion on top of head, midline. Mild swelling on left buttock. Both consistent with blunt trauma injuries.

Interviewee appears angry and wanting revenge for what he perceives to be unfair treatment.

Case 4:

He reported general beating, and also having his toe crushed with police boots.

Clinical findings

First toe on right foot: joint visibly swollen and movement inhibited. Consistent with blunt trauma injury. He is anxious and reticent.

Case 5:

He reported beatings to the head and buttocks with an instrument. He reported having a severe headache and also that he had insomnia the first night after his arrest because he was too bruised to sleep.

Clinical findings

No visible markings. Interviewee appears restless and anxious and angry.

Conclusion

The clinical findings in 4 of the cases are consistent with the claims of blunt trauma assault. In one case there were no visible clinical findings. In all cases the interviewees showed agitation consistent with recent psychological trauma.

2. Summary of interviews conducted with 10 civilians in relation to detention of

42 civilians at Queens Club Sports Ground;

Friday, 28 February 2003

On 28 February 2003, Zimbabwe played Netherlands in the World Cup Cricket at the Queens Sports Ground in Bulawayo. Those sectors of society who were opposed to the cricket once more stated their intention to pose peaceful protests at the match.

The details following are a composite account based on interviews with ten detained activists.

At the match on Friday 28th, activists were present and staged small protests that were non violent and did not interfere with the playing of the matches. This included displaying for short lengths of time, banners stating that: “Zimbabwe needs justice”. Some activists also sang songs and chanted “Zimbabwe” while clapping and waving in unison. They also waved red cards. This was in the afternoon, after lunch.

They sang the song usually sung at Highlanders soccer matches (Highlanders is Matabeleland’s favourite soccer team). Translated, the words of this song are:

“What are you doing, we don’t like it – we don’t like the Shona man running this country”.

As with the Monday match, detentions took place unobtrusively, this time of 42 activists. The arrests were expected and the activists were more prepared. They remained grouped and when the police came for them, they linked arms to make arrests more difficult. At one point, this successfully led to the police backing off, as the fuss was drawing the attention of the cameras. The activists also grouped around their leaders to make arrest of key people more difficult. In spite of this, arrests went ahead, as soon as people were separated from their groups.

One activist reported that, when he was being chased by six policemen trying to arrest him, he ran towards an Australian camera and begged the cameraman to turn the camera lens on him for protection. The cameraman deliberately turned his back on the activist.

The police mainly grabbed activists when they were behind the seats or at the kiosks. The arrests started at around 1430 pm. The ground was referred to as being full of plain clothes police, who took those arrested to a room in the sports ground, and then waited for the crowd outside the room to thin. When the coast was relatively clear of onlookers, detainees were then rushed into the police defenders. In this way, few people observed the arrests.

Most arrests were accompanied by rough handling and several by assaults. At one stage, a Queens Club official, who was also a ICC official, came into the room full of detainees and asked what was going on. This 65 year old official, Paul Dietrichsen, was immediately assaulted by the police, with fists and batons.

By around 1630 H most detainees had been transferred to Bulawayo Central Police Station.

Reports from 6 detainees kept at Bulawayo Central Police Station

Conditions at Central Police Station were very poor. Those detained were kept in detention for 5 days from Friday until Tuesday. Men and women were detained separately. There were 23 men in one cell, that was 4 m by 2 ½ m. The adjacent cell was empty, but the police claimed they had no key to it, to justify keeping so many in one cell. Both men and women were kept without water in the cells and were denied access to washing or tissue paper, even when relatives tried to insist that this be given to those in custody. Four of the women were menstruating and were denied toiletries or washing. They bled straight onto the floor, in the company of 8 other women.

The only food any detainees received was that brought in by outsiders.

On Friday and again on Saturday, detainees were selected randomly and taken for individual interrogation. They were also forced to make statements. On Saturday, the police let 5 people out of the cells because it was not possible for the police to identify where and why they had been picked up. With the other detainees, the police were also by and large confused, and reportedly argued among themselves as to what to charge people with. Some were accused of *singing* and some of *waving banners*.

After the interrogations, 5 men were returned severely beaten to the cells. Others who were not actually assaulted, reported that the interrogations involved verbal abuse and were confusing, as 3 policemen asked questions simultaneously. Individuals were threatened with being taken upstairs to be tortured if they did not cooperate.

Those in Central Police station consistently identified their interrogators as involving the following officers, all from *Law and Order* section.

1. Ngwenya.
2. Matshazi
3. D. S. Muchena
4. Mpofo, wearing viscose shirt
5. N. Tshuma

Selected interviews outlining specific cases of arrest

All accounts following of events before and after arrest are as reported to human rights personnel, and reflect the claims of those arrested.

Clinical findings are the findings of health professional/s who assessed the interviewees.

Case 6: female aged 40 years

Date of assaults: 28 February, 1 March 2003: detained from 28 Feb until 4 March 2003.

Place: Bulawayo Central Police Station and Sauerstown Police Station

Date of Interview: 5 March 2003

S is a female activist aged 40 years. She went to Queens Ground at 12 noon, with two banners in her handbag.

The banners in her bag said: *Mugabe – walk* and *We need Freedom*.

Two policewomen in uniform searched her at the gate and found the banners. A male policeman called Baleni, hit her on the cheek with his open hand, very forcefully. She fell down. The man asked, what are the banners for? They took her to Bulawayo Central Police Station, Criminal Investigations Department, (CID) section.

She reports that she was thoroughly beaten for 2 days at Bulawayo Central and at Sauerstown Police Station.

She was kept in a cell on her own. She was beaten with a sjambok and kicked with booted feet, and the interrogating police also poured water on her. She reports that she lost consciousness at some point on Friday, after midnight. She woke up in changed clothing, which they had collected from her husband.

[Her husband had reported to human rights persons, prior to her release on Tuesday, that the police had come to his home asking for clean clothes and telling him that his wife was in detention. However, when he went to the police station and asked for her, they then denied any knowledge of her. He spent all weekend looking for her in hospitals and police stations.]

S has no memory of having her clothes changed. They washed the clothes she had been beaten in, which were covered in blood.

Assault details

S reports that she bled from her nose, because Tshuma hit her with a chair on the head. This was around 2 am on Saturday morning, after being beaten and bullied for hours. Then she fell down unconscious and can remember nothing. She was hit with a simple wooden kitchen chair.

Before she was beaten unconscious, she was sjamboked on her back and buttocks with rubber strips on a pole. They also beat her on the bottom of her feet (falanga). Tshuma beat her on her operation on her stomach (scar from Caesarian section). Tshuma hit her on the elbow.

Masuna was the one with the sjambok. Matshazi was slapping and pushing. He also forced her to toyi-toyi on the same spot, for one hour until she sweated all over. They said she toyi-toyi-d at her MDC meetings and should therefore do it for them.

When they beat her with a sjambok on her toes and under her feet, they stated that those feet carried her to the grounds to disturb the cricket, and that was why her feet should be punished.

They sent her to Sauerstown Police Station at around 2 am in the morning on Saturday.

Those beating her were:

1. Mr Matshazi
2. Mr Masuna
3. Mr Tshuma
4. Mr Sibanda

All of these are CIDs from Bulawayo Police Station.

They asked her:

What do you get from MDC? What are you paid? Where do you have meetings? Why do you insult Mugabe? You should go to State House and insult him there.

She felt the questions were meaningless and they did not really expect answers; the intention was merely to harass and punish her. She felt they were going to kill her and she was lucky to be alive. She broke down and cried when she said this.

She reports having her hands tied behind her back, and being gagged and blindfolded with the banners from her bag, until she collapsed from suffocation.

These were the banners that said – Mugabe – walk; and We need freedom.

This left her very weak.

On Saturday in the morning at Sauerstown they wanted a statement from her. They beat her in a room at Sauerstown Police Station, trying to get her statement.

Tshuma and Sibanda beat her. She was slapped and kicked for a few minutes. She was at Sauerstown on Sunday and Monday too. On Sunday the police brought her some fruit and a juice to drink – her first intake of anything.

She was coughing blood at that time.

She wrote a statement declaring that the banners were hers, but saying she was not going to disturb the game. On Monday they did not come at all. She had no food all day.

On Tuesday she was told to pay a \$3000 deposit fine. She was then taken to Western Commonage where she had to make another similar statement.

They seemed suddenly concerned about how she was feeling and drove her home.

The details of her Admission of Guilt form (to hand) are as follows:

Admission of Guilt

Act C/5 Miscellaneous Offences, chapter 9;15

Conduct likely to cause a breach of the peace

28 February 2003, 0245 hours Queens Sports Club Bulawayo

Arresting detail: Masuna 037660J, Rank D/CID, law and order

Witnessed by:

1. Nyamayapo 9815115
S Mpofu H xx O
2. Masuna, R

Sauerstown Police Station

Reported symptoms and psychological observations

She reports feeling pain, particularly along her backbone and on her abdomen, where she has an old scar. Her elbow is also reported as painful.

She reports that she had very bad nights in detention, with no food, no water, sleeping straight on the floor with one blanket. They shouted at her all night and all afternoon.

She did not sleep well last night, after her release. She is scared of being picked up again. Her mother paid the \$3000 fine, and she is very concerned about the need to pay it back. She began to cry on talking about the experience and said she couldn't believe she had survived. She showed signs of anxiety, fear and depression.

She also expressed anger at times, and reports she will fight on for a new government, because people are starving and will die anyway.

Clinical findings

Head: behind right ear, swollen and sensitive 3 cm x 2 cm area on forehead, area of sensitivity above left eye.

Left scapula into armpit: discolouring and swelling 8 cm x 4 cm

Left of centre, front torso: area of swelling and sensitivity to touch along centre, in line with old scar. Diagonal linear marking, 20 cm x 2 cm, below navel.

Spinal column: very sensitive to touch along entire length.

Buttocks: bruising and discolouring on both buttocks.

Left elbow: pain on flexion or extension

Left and right lower legs: bruising on both shins, parallel, 3 cm x 3 cm.

Top of right foot: area of swelling and sensitivity 6 cm x 3 cm.

Soles of feet: right foot, sole outer edge painful, 4 cm discoloured area.

Left foot, sole: 2 areas of discolouration and sensitivity, each approx 2 cm x 3 cm.

Conclusion

The clinical findings are consistent with the alleged assaults. The bruising, swellings and discolouration are in keeping with trauma caused by a blunt instrument. The anxiety, tearfulness and anger are consistent with recent psychological trauma. The physical and psychological findings place the claims of torture by the interviewee beyond reasonable doubt.

Case 7: *female aged 40 years*

Date of assault: 28 February, 1 March 2003: detained from 28 Feb until 4 March 2003

Place: Ross Police Camp, Mzilikazi, Bulawayo

Date of interview: 5 March 2003

R reports that she went to the cricket. She arrived after 10 am. At a later stage she took a break, at around 12 noon, and left the grounds. She was supposed to meet somebody from MDC at that time. They did not do any demonstrating, because they were waiting for posters from S (see previous testimony). They did not know S had been arrested. Nothing happened in the ground. They bought some groceries and returned home to Luveve.

At around 10 pm, 5 CIO officers came for her at her house. They beat her and demanded to know what S's posters were for. How much money had she been promised? They wanted to know her post in the MDC. They asked her about M, a youth member who had been with her near the grounds.

They had a list of names when they came. They also asked her about T. They demanded to know why T had phoned her in the morning. He had indeed phoned her. They said this proved she had a post in MDC.

She was taken and locked up at Mzilikazi Police Station (Ross Camp). She was the only one in the cell (Friday).

On Saturday they did not come. She had no food and water. On Sunday around 11am, they took her from her cell and asked for a room upstairs to take a statement. In the room, there were five male officers, 1 female officer, 1 driver – 7 altogether. She knows the names of 4 men, who were from Bulawayo Central.

1. Sibanda
2. Dube
3. Mtshazi
4. Ngwenya

Siziba was the female officer present, who punched her. When Siziba tried to beat her, the interviewee hit back. They actually had a fight until one of the male officers intervened. The men all started kicking her, except for the driver. The moment they held her by the neck, she sat down with her legs out straight. They jumped on her ankles with booted feet.

From there they took her to her home to search for red cards, MDC cards, any materials. The police found nothing. They gave her a chance to bath and change her clothes while they searched. They demanded her child to bring food for her at the camp.

They said – *we are going to show you the way we torture*. They threatened to punish her for attacking the female officer.

They promised to return to her cell on Monday and take her to court, but on Monday they did not come. On Monday, 2 relatives came to bring her food. The police handed the food over, but she refused to eat it as she did not know it was from the relatives and she feared it was poisoned.

On Tuesday morning a police officer who was newly on duty, told her she should have been charged or released. He wrote her a note and sent her to CIO in Bulawayo Central. They said she was Matshazi's case. Matshazi refused to respond and do anything about her. The CIOs then phoned Office 4, then sent her to Office 15, where she was referred to Office 13. There she found

some youths being finger printed. The police introduced her as the one who beats up officers. They addressed her as *Mother MDC*. They told her either she goes to court or straight to prison.

They phoned a lady in another office. This lady asked if the interviewee had money to pay a fine. She said she had no money. She had to sign an affidavit. She did not admit to anything in her affidavit.

She was fined \$3000. They offered to drive her to Luveve to get her money to pay the fine.

Instead of \$3000 she took \$6000. She paid her fine and also the fine of a friend in custody. She surrendered her receipt to a lawyer after paying the fine and being released.

Reported symptoms and psychological observations

She reports feeling pain, particularly after being beaten hard on the ears. Her right ankle is very painful and she is walking with obvious difficulty and a pronounced limp. Her thighs are reported as being painful.

She reports that she had very bad nights in detention, with no food, no water, sleeping on the floor with one blanket. Apart from the pain, she reports no emotional problems. She is angry about what happened to her.

Physical findings

The right ankle is visibly inflamed and is twice the size of the left ankle (picture taken). Her outer thighs are slightly swollen and sensitive to touch.

Conclusion

The swollen ankle is consistent with being kicked with booted feet, as reported. There is consistency between the clinical findings and the report of ill treatment.

3. Summary of interviews conducted with 9 civilians in relation to arrests of

23 civilians at Queens Club Sports Ground;

Tuesday, 4 March 2003

The last World Cup Cricket match to be played in Zimbabwe was on 4 March at Queens Sports Ground in Bulawayo.

At the time the match was played, those 42 arrested 5 days earlier on 28 March, at the Netherlands match, were in the process of being released from custody. This was a process that continued throughout the day into the evening.

Protests once more took place at the Pakistan match. Twenty-three youths were arrested in connection with these protests, and appeared before the courts on 6 March after two days in police cells.

The following details are based on interviews with 9 of the detainees who reported to a human rights official after release.

Among the 9 interviewed, three were arrested before even entering the sports ground, for wearing t-shirts which were inscribed “Zimbabwe Cricket Supporters for Democracy” on the front, and “It’s just not cricket” on the back. The others were detained in the sports ground for “singing political songs”.

The youths were generally accused of waving red cards, and also posters that read: “*Mugabe must go*”, “*Zimbabwe is no place to live*” and “*There is no employment in Zimbabwe*”.

Conditions in the cell:

There were no blankets and no beds. There were 23 detainees in one cell. The cell was extremely small and overcrowded and had a toilet that was very irregularly flushed by the authorities. The authorities provided no food, although food was brought in by well-wishers. Exercise was not allowed and the conditions were extremely cramped. Most people reported being unable to lie down at night to sleep. All detainees spent 3 days without a change of clothes or a wash.

The following 2 cases are illustrative of the interviews and general experience of those arrested at this match on 4 March. Of those interviewed, 4 reported assaults with batons and boots at some point during their detention.

Case 8: *male teacher, aged 35*

Date of assaults: 4 March 2003; detained from 4 – 6 March 2003

Place: Bulawayo Central Police Station

Date of interview: 7 March 2003

D reported that he was interrogated by a Mr Muleya and a Mr Tshuma. He was first verbally insulted – they referred to his mother’s vagina – “*musanganyoka*” – and when he protested, he was threatened with further violent action. He was assaulted with booted feet and hit with a sjambok on his sides and feet. He was told that if he reported the assaults, he would be killed. After this he was returned to his cell.

Reported symptoms

He was previously assaulted by war veterans in March 2002 before the Presidential Election, and since that time he has recurrent abdominal pain.

His present reported symptoms included a right sided pain and renewed abdominal pain. He has burning on urinating, and his urine is dark yellow since his recent release from detention.

Physical findings

Chest: ribs tender on springing. Tender muscles on right side of thorax.

Feet: left and right feet: same on both feet: on the dorsal surfaces of the terminal inter-phalangeal joints of the first, second and third toes, small linear bruised cuts into skin (each about 3 mm), healing. Tender swelling of medial arch of foot at the instep.

Psychological findings

He is anxious in demeanour and agitated on recounting the abuse. He is lucid and orientated.

Conclusion

The above findings of damage to the soft tissue of the thorax and flank is consistent with trauma using heavy blunt objects to the chest and side, applied with moderate force.

The findings on the feet are consistent with lashing blows with a light flexible thin object, applied with moderate force.

The reported dark urine is consistent with dehydration (not observed).

The anxiety expressed by the interviewee is consistent with recent psychological trauma.

The clinical findings are consistent with the report of ill treatment.

Case 9: *Male vendor, aged 38 years*

Date of detention: detained from 4 – 6 March 2003

Place: Bulawayo Central Police Station

Date of interview: 7 March 2003

On Tuesday 4 March, P was selling tomatoes in Bulawayo, as he is a vendor by profession. He was approached by a stranger who invited him to attend the cricket match between Zimbabwe and Pakistan. He happily received a ticket to attend as well as a new black t-shirt – he did not bother to read what was on the shirt. He proceeded to the sports ground, where he was accosted in the queue by policemen on duty – his shirt had the motif on it that has been associated with the cricket protest movement. He was marched by them to the police sub station in Queens Sports Ground, where his shirt was removed and he was handcuffed. There were many others there in the same room. He and the others were accused of being among those who had come to make political trouble at the cricket, and to demonstrate at the match.

They were taken to Bulawayo Police Station, where he was in a very small cell with 22 others for 3 days- Tuesday, Wednesday and Thursday. He was interrogated by 3 male officers and a female officer, all in plain clothes. They threatened to beat him with a sjambok, but they did not assault him. However, he saw several others returned to the cell after having been assaulted.

Late in the day on Thursday 6 March, those 23 in the cells who were accused of cricket protests, were taken to the Bulawayo Magistrates' Court to be charged under the Public Order and Security Act. They were not asked to plead and were remanded until 25 March 2003, on Z\$ 2000 each. They have to report to the nearest police station every Monday.

Reported symptoms:

P did not report assault, but complained of being stiff and sore after overcrowding in the cell and sleeping on a hard floor.

Physical findings

Chest: slightly tender on springing of ribs. No swelling.

Psychological findings

The client is quiet and subdued, and from time to time shows anger and bitterness. He feels he has had his rights to attend a WCC match violated.

“I feel bitter about being arrested when I was wearing a t-shirt I believe was not sinister, and going to watch a match. I believe I did nothing wrong”.

The client seems mildly depressed, but is generally coping with the experience.

Conclusion

A man in reduced general health. Quiet, but rational without evident physical injury. The finding of slight tenderness of the ribs is consistent with 3-day confinement in cramped space and sleeping on a cold floor.

4. Summary of interviews with 4 women detained for taking part in

International Women's Day celebrations in Bulawayo:

Saturday, 8 March 2003

On the morning of 8 March 2003, approximately 500 women gathered outside Bulawayo City Hall, to express their solidarity with women all over the world and to march for peace. The women found themselves surrounded by police and some of them knelt down and sang hymns. The police baton-charged them, and many fled at that point. The police attacked the women and assaulted any they could reach, with boots, batons and fists. Twenty-one were arrested and held for 6 hours in Bulawayo Central Police Station before being released. While their colleagues were in jail, other women remained in the area in solidarity, grouping and dispersing and regrouping. They were tangibly angry at what had happened and did not want to leave the area. When the decision was reached to release those detained and they emerged, the women outside burst into spontaneous ululation and hand waving. The riot police immediately baton charged the women on the street, once more assaulting those they could reach, and arresting one woman. In the course of the day, three women were sufficiently badly assaulted to need medical treatment.

The following is one specific account of events.

Case 10: *50 year-old mother of five*

Date of assaults: 8 March 2003; detained for 5 hours on 8 March 2003

Place: Bulawayo Central Police Station

Date of interview: 8 March 2003, immediately on release

A took part in the march for peace. When the riot police baton-charged the crowd, she ran away. However, she dropped her handbag, and had to stop to pick it up. As she bent over, 2 plainclothes policemen and one "black boot" policeman assaulted her. The plainclothes police were named as Thabani Matshazi and Tshuma. The "black boot" struck her on the back with a baton stick and slapped her hard on the left side of her face and on her ear. Tshuma hit her back with his fist. She was forced into a police vehicle and detained in the police station for several hours.

Reported symptoms

She reported feeling very weak and in pain, with a headache. She reported pain in the left side of her face, and had a noise "screaming" in her left ear since the blow to it.

She has a history of high blood pressure.

Physical findings

She is a plethoric overweight middle-aged woman.

Head: left side of face: bilateral cloasma of both cheeks. Left face: on outer cheek evident fresh bruising and early swelling. Mouth, head, ears – showed no obvious signs of injury. There were no signs of central nervous system damage.

Chest: tender left upper chest wall. Slight pain on springing ribs.

BP: 170/120. pulse 76 and weak.

Psychological findings

The patient was deeply distressed during the interview. She was afraid, anxious and clearly deeply traumatised by what had happened to her. She was offered counselling.

Treatment and prognosis

The interviewee was advised to rest and given analgesics. Her colleagues were advised to monitor her for signs of head injury or concussion that might develop over the following few hours.

Her swelling and bruising will become more obvious over the next 24 - 48 hours.

Her eyes and ears should be re-examined within two days. Blood pressure must be monitored as she may be at risk of a stroke.

A more exact prognosis cannot be given until follow up examination has been done.

Conclusion

The clinical findings are consistent with blunt trauma injury to the face and torso. The deep state of distress is consistent with recent psychological trauma, as reported.

5. Summary of interviews with 7 civilians detained

during the national stay away;

Tuesday and Wednesday, 18th and 19th February 2003

On Tuesday 18th and Wednesday 19th March 2003, the Movement for Democratic Change (MDC) called for a national stay away. The stay away was largely successful, particularly in the major centres, where fewer than 20% of people turned up for work. The government retaliated with mass arrests and torture of those they perceived to have been leaders in organising the stay away. The most punitive actions took place in Harare, but Bulawayo also had scores of arrests, as did Kwekwe, Mutare and other towns.

Those in detention in Bulawayo all reported severe ill treatment in the form of assaults and verbal attacks. They were deprived of access to medical care, legal advice, food, and at times, water. All those interviewed by our team were detained for periods ranging from 5 to 7 days – this is illegal in Zimbabwe where you may not be held for more than 48 hours without charge. Those detained have been charged under various sections of the Public Order and Security Act (POSA).

The following interviews are representative of the experience of those detained during the third week of March 2003, in Bulawayo.

Case 11: *Male, aged 20 years*

Arm fractured by police at time of detention: denied access to health care

Date of assaults: 19th March 2003: detained from 19th to 25th March (6 days)

Place of assaults: on the streets of Nkulumane, Bulawayo; in the Nkulumane Police Station

Date of interview: 25th and 29th March 2003

The interviewee was on the streets of Nkulumane at 8 am on the 19th March. He was one of 8 youths observing the effectiveness of the stay away, walking along the road. He and one of his friends saw 9 policemen coming towards them and they tried to run away. They would have got away, but the police cocked their weapons and shouted that they would be shot if they proceeded. The police then encircled the two of them and started kicking them with booted feet and hitting them with truncheons.

The interviewee reports that a policeman using full force hit him on the arm with a baseball bat. The bat broke with the intensity of the blow – and so did the interviewee's arm, close to the wrist. The two detainees were taken to the Nkulumane Police Station. The interviewee, B, was in agony because his wrist was so painful. He repeatedly during his detention asked for medical care and so did others in his cell on his behalf, but the police refused.

The police said that his arm had not yet gone green and rotten and therefore there was no need for medical care. He was detained with his broken arm, in a cell 4m x 3 m with 25 others for 6 days. He was given no medication at all. The pain was so great and the cell conditions so terrible that he could not sleep at night. His friend stayed awake with him to comfort him. They were not able to lie down and at times could not even sit because the cell was so crowded.

When he was finally brought before the Courts and charged under POSA, he mentioned his arm to the judge. He is on remand, and his case will come up on 10 April 2003.

Reported symptoms

B reported an extremely painful wrist. He also on further inquiry reported slight pain in his back and on his right shin.

Physical findings

Right back chest wall: 3 cm from midline over the scapula, a healing lesion transverse in the skin 6 cm x 1 cm.

Right mid front (tibia area): light linear healing grazes 6 cm x 5 mm.

Right medial surface of wrist: a boggy area ill defined (about 4 cm) in the skin and subcutaneous tissue. The lower end of the ulna, very tender on palpitation and springing. No break in the skin.

** an x-ray of the right lower forearm taken on 25th March 2003 (same day) revealed a transverse fracture of the lower third of the ulna in good enough position for immediate support in a below elbow plaster cast.

Conclusion

The injuries observed are consistent with

- (1) a blow across the back with a blunt smooth object – about 1 cm wide applied with moderate force some 5 to 7 days prior to examination;
- (2) a fall or abrading collision with rough planar surface some 5 to 7 days prior to examination;
- (3) a blow to the lower right wrist with a heavy blunt object applied with force.

Outcome

The interviewee is psychologically resilient and should recover well from his injuries. There is a risk of residual pain in the fracture site of the lower forearm. There is a small risk of complications of non union of the fracture. He will need follow up and review, and possibly some counselling to deal with the experience.

Case 12: *Male, aged 19 years*

Date of assaults: 19th March 2003: detained from 19th to 25th March (6 days)

Place of assaults: on the streets of Nkulumane, Bulawayo; in the Nkulumane Police Station

Date of interview: 29th March 2003

The Interviewee X was picked up at home at 2 pm on the 19th. He was accused of having blocked roads to prevent people going to work. They took him to Nkulumane Police Station and asked B (Case 11) to identify him, which B did. They threatened X with death and then put him in a cell on his own. The cell was floating in rotten urine and the stink was terrible, there were also thousands of mosquitoes. He was kept entirely alone overnight.

On Thursday they took him to the Law and Order Officers. He was beaten while sitting on the floor. The officers put a chair onto his shoulders and back while he was on the floor and then somebody sat on it. They wanted the names of people in MDC. They pulled at his ears and beat him on them. His ears bled externally. They hit him on the head with a plank. This process of assault and questioning lasted about one hour.

He was not assaulted again after this, but remained in the cell with 25 others until the following Tuesday. He was in the same cell as Case 11 with his broken arm and was very distressed by his friend's obvious suffering. He stayed awake to keep him company at night. He is afraid and not sure what to do next. He fears being arrested again.

Reported symptoms

He reports that he has flu caught as a result of being in a cell wet with urine with no blankets and no shoes. His ears are still ringing and he cannot hear properly. He reports generalised body aches and pains.

Physical findings

Ears: there are visible lesions on the outer rim of his ears. The left ear has 5 small lesions varying from 2 mm to 2 cm in length. The right ear has 3 small lesions. All are encrusted and healing.

Conclusion

The anxiety and fear, and the lesions on the ears of the interviewee are consistent with his reports of trauma and assault with blunt objects.

Case 13: *female, aged 19 years*

Date of assaults: 18th March 2003; detained from 18th to 22nd March (5 days)

Place of assaults: Magwegwe Police Station, Western Commonage Police Station and Bulawayo Central Police Station.

Date of interview: 29 March 2003

The interviewee P was detained on the 18th at around 4 pm in the morning. Two officers saw them standing outside her friend's house and asked her what she was doing. They were accused of going to an MDC meeting. The police were in uniform and had guns. They were taken to Magwegwe Police Station and then several officers arrived from Law and Order CID. They were;

1. Matshazi
2. Ngwenya
3. Sibanda
4. Tshuma

5. one other

These officers started beating them with a broken broomstick, and pouring water on to them. After this, they were taken to Western Commonage Police Station. Later that same day, (Tuesday 18th) they were taken to Bulawayo Central Police Station. They were beaten and threatened by the same Law and Order officers. They were told to admit to being MDC. At around 5 pm they were taken back to Western Commonage. They spent 2 days in the cells with no food at all, until their relatives realised where they were.

On Friday 21st around ten officers came to them – there were two of them, both women in one cell, and they were told they must admit to organising the stay away. They refused to do so.

In terms of the law, they knew they were supposed to have been charged or released by Thursday, but it was only on Saturday that their lawyer managed to insist that they were brought before the court. There was no magistrate available, so they were released on free bail.

They are being charged under POSA, they think under Section A. They are accused of having held an illegal gathering because when they were arrested on the pavement there were 4 of them together.

Reported symptoms

Her chest is painful and she has been coughing up blood since the 28th. She reports that she fell ill in the police cells because it was so cold at night. Her stomach is tender where she was beaten with the stick. She reports feeling afraid. She is worried that this coming week there will be trouble and she doesn't know what to do. She has no plan to keep safe and says if the police want her, they will find her at home.

Conclusion

There are no physical findings. The general reports of body aches and pains and the reported fear are in keeping with the reports of recent trauma.

Case 14: ***Male, aged 26 years***

Case 15: ***Male aged 22 years***

Date of assaults: 19, 20th 21st March 2003; detained from 19th to 24th March (6 days)

Place of assaults: Mabutweni Police Station, Western Commonage Police Station and Bulawayo Central Police Station.

Date of interview: 29 March 2003

The interviewee D was at home when he heard that his brother (case 13) had been detained at Mabutweni Police Station, and that he would not be released until D gave himself up to the police. The understanding was that if D gave himself up, then his brother E would be released. D had had a run in with a Zanu youth called L, who had thereafter reported him to the police as having beaten patrons at a beer hall during the previous day's stay away, an accusation D says is entirely untrue. D decided to give himself up for his brother's sake and went to Mabutweni Police Station.

There were about 60 police at Mabutweni, referred to as the "reaction squad". Case 13 reports being assaulted by around 14 at once, with baton sticks and booted feet. He was first handcuffed and forced to sit down. Then he was attacked "willy nilly". They forced him to hold a "red card" as they beat him. This continued for 15 – 20 minutes.

During this time period, Case 12 arrived, and was also attacked. D was not only beaten with batons, but was also whipped with a sjambok. E was not released on D's arrival, although this was what had been stated would happen.

From Mabutweni, the two were taken to Western Commonage, where they wrote statements. They were detained from Wednesday until Monday morning.

Cell conditions were terrible, with 32 in one cell about 3 m by 4 m. They had 3 blankets between them. Only 8 people could sit at any time. They were denied exercise and the only food was brought in by families of those in detention.

On Thursday 20th ten of the detainees were taken by defender to Bulawayo Central. There they were tortured by CID, Law and Order officers. These were identified as:

1. Matshazi
2. Ngwenya
3. Tshuma
4. Madau
5. Sibanda

All ten of them were in one space; they were insulted and beaten and forced to admit to false accusations. The police officers swore at them, saying insulting things about their parents.

Apart from batons, the officers used a baseball bat and a sjambok to assault them. They were forced to do exercises. Matshazi made them jump high in the air and hit an object with their knees. If they failed to do so, they were assaulted severely. They had to sing the national anthem in Shona, SiNdebele and English. They were also forced to write "Morning Chief" for 4 pages.

They had arrived at Bulawayo Central at 4pm and they left at 12 midnight. They were taken back to Western Commonage and were put back into the cell having had no food or water. For six days they had no water for washing.

On Friday they were interrogated again. This time the same Law and Order officers came to Western Commonage. They were interrogated but not assaulted this time.

On Monday, they were taken to Tredgold Building to appear before the Magistrate. They were released on bail of \$2000 each.

Both D and E have been accused under the POSA, although they do not recall under which sections. They face two charges each. Their case comes up on 10th April.

Before they were taken to court, they were taken to Bulawayo Central and threatened by Matshazi. They were warned not to tell the court that they had been beaten. Matshazi told them that he was armed around the clock and was capable of killing anyone anytime. He said if they reported their beatings in the court, he would ensure they went into immediate remand for 3 months.

The prison officers also threatened them, saying "You are going to see fire". Even when they had paid bail, the prison officers wanted to oppose bail, wanted them in remand.

They were too scared to report their assaults in the court, although they reported afterwards to their lawyer.

Case 14: *Reported symptoms*

D reports generalised body aches and pains, particularly on his back and left forearm. He reports being afraid and confused.

Physical findings

Left outer forearm: linear lesion approx 15 cm x 4 mm, running up the forearm from near wrist to near elbow. Towards wrist end, 7 cm of the lesion is alternatively gaping and semi encrusted with thick crust.

Back mid torso: large irregular group of lesions. The biggest is 4 cm x 1 cm, encrusted. There is a depigmented lesion adjacent to this, t-shaped. Horizontal is 2 cm across by 2 mm wide, the vertical is 2 cm down by 2 mm wide. To the right of these 2 lesions, is a horizontal group of 3 lesions that together form a linear pattern. The first is a hooked lesion, 2 cm by 5 mm, followed by a 1cm encrusted lesion, followed by a 3 cm semi-encrusted lesion.

There are 2 further linear markings, skin not broken, on the right side of spine. The first is hook shaped, approx 2 cm by 2 mm, close to spine. On the right scapula there is another 2 cm x 2 mm marking.

Collar bone: right front: a linear depigmented lesion, 4 cm x 3-4 mm.

Conclusion

There is total consistency between the multiple linear lesions and the reported beatings with a whip-like instrument. Beyond any reasonable doubt, the interviewee has been tortured as claimed.

Case 15: *Reported symptoms*

E reports mainly psychological distress as a result of the detention experience. He says that he feels “at sea” and is confused. He feels uncertain and threatened. He feels that he can be picked up again any day, and this feeling has worsened since police officers came to his house two days ago, when he was not there.

There is another stay away believed by the state to be looming, and he is afraid he will be jailed again soon. He feels dizzy and weak in the afternoon, as night approaches and he remembers being in the cells at night; “Anything can happen at any time”. He is planning to run away.

Conclusion

The stress and anxiety being exhibited by E is highly consistent with recent intense psychological trauma.

E. Corroboration of findings by other organisations

International

Amnesty International: AI has continued to produce regular statements and Urgent Actions, expressing their deep concern about the continued abuse of human rights in Zimbabwe, and the repression of human rights activists and civil society.

Amnesty International (AI), *Zimbabwe: Political violence intensifies ahead of September local elections*, 8 August 2002. AI, *Zimbabwe: government authorities intensify their campaign to silence dissent*, 2 September 2002. AI, *Zimbabwe: orchestrated campaign targeting opposition intensifies in the run up to local elections*, 11 September 2002. AI, *Zimbabwe: violence mars rural district council elections*, 1 October 2002. AI, *Zimbabwe: Appeal to President Mbeki on African Day of Human and Peoples' Rights*, 21 October 2002. AI, *Zimbabwe: Government steps up harassment of human rights defenders*, 16 November 2002

International Crisis Group: *Zimbabwe: the politics of national liberation and internal division*. 17 October 2002, Harare and Brussels

Lawyers Committee for Human Rights, New York, *Independent lawyers and judges targeted in Zimbabwe*, statement 22 August 2002.

Physicians for Human Rights, Denmark. *The Presidential Election: 44 days to go*, January 2002, Johannesburg; *We'll Make Them Run*, May 2002, Copenhagen; *Vote Zanu-PF or Starve*, November 2002, Johannesburg.

Rehabilitation and Research Centre for Torture Victims: an independent international organization based in Denmark, with 17 years' experience in treatment of torture survivors. In February 2001, they released a report on election violence linked to a by-election in Zimbabwe in January 2001.

International Rehabilitation Council for Torture Survivors (IRCT): this is an independent, international health professional organization, which promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide. They have produced their objective findings in two reports, in May 2000 and in June 2001.

National

Zimbabwe Human Rights NGO Forum: Violence monitoring: a forum of Zimbabwean, Harare-based NGOs that have monitored the violence systematically and have produced systematic reports on abuses in the country.



Photo 5: Case 11. interviewee reports that he was beaten with batons and a baseball bat by policemen: he and 25 others were detained in one cell measuring 3 x 4 m, for 5 days without charge. He was denied medical treatment for his broken arm. X-ray shows clear fracture of right ulna close to wrist. Clinical findings in total agreement with statement of torture.

Photo 6: Case 11. interviewee with broken ulna in plaster cast.

