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KADOMA PRE-ELECTION VIOLENCE REPORT

Violence Creates More than 60 cases of Internally Displaced Persons

As the country gears itself for possibly another campaign for 2005 general elections, tension has already been registered especially in Kadoma town where a by-election is to be conducted on the 29-30 November 2003 to replace the legislator Honourable Mupandawana who passed away.

In Zimbabwe, history has proved that democratic elections *per se* will not guarantee peace, freedom, justice and economic prosperity. They however, afford the citizens the opportunity to judge the leaders and to freely elect those they want as leaders. Free elections should be an open and honest conversation between rulers and the ruled in which both speak as well as listen.¹ The culture of fear and political violence especially around election time render it most difficult for a pluralistic political system to viably challenge the status quo in Zimbabwe. Intimidation, inducing of fear and organised violence have generally been used as tools of repression inhibiting the full enjoyment of fundamental freedoms. Repressive legislations have also been introduced to sustain a culture of fear and to thwart dissent.

Zimbabweans are suffering economically and state sponsored militias continue to cause further suffering and commit numerous acts of human rights abuses entrenching a culture and pattern of impunity. The Human Rights Forum Special Report 4 of May 2002 gives a list of innocent souls who were heinously killed during the elections². There is need to constantly remind ZANU PF that it is responsible for the deaths. This is why the party has gone to some unprecedented levels of actually training our youths to engage in violence. ZimRights defines "impunity" as the failure by the Government to bring to book (rebuke/punish) those who violate human rights. The individuals used to perpetuate violence are rewarded instead of being punished. Some of them are promoted, as is, the case of Joseph Mwale³ the notorious Central Intelligence Agency (CIO) officer. Impunity taken to these levels tends to compound problems facing Zimbabwe today. Indeed the electorate will and would have made the government more accountable if there had been free and fair elections. It can be recalled that in 1994 ZimRights organised a National Constitutional Consultative Conference that drew up eight minimum conditions for free and fair elections. Nothing, however, has been done to dismantle the

¹Editorial, ZimRights Bulletin, Vol. 1, (No. 2)

² Appendix 1 : List of Deaths

³ Allegedly linked to the murder of Talent Mabika and Tichaona Chiminya of MDC

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quasi one-party system in the country. In 1997 another Constitutional, Multi-party consultation was organised by ZimRights to review constitutional and institutional factors affecting the conduct of free and fair elections in Zimbabwe. In Zimbabwe, the call for levelling the political playing field cannot be over-emphasised. Calls have been echoed by the regional and international communities so that democratic rights can be realised, but as usual, such calls have received the usual diplomatic indifference. Many thanks go to the civil society movement in Zimbabwe, which continues to courageously stand firm against threats and harassment. Such attempts seem to play ambulance service at the bottom of the cliff for the victims of impunity. However, it is only through the participation of the ordinary citizen that true democracy will be attained. Citizens have the duty to call for and defend their democratic right - only better expressed through the exercise of universal suffrage during elections.

Torture of MDC Supporters in Kadoma

Many have hoped that the scourge of violence and torture of opposition supporters had gone by the days when political contestation was highly charged in order to retain the Presidential seat. Many have also hoped that violence is not a sustainable way of campaigning and that many perpetrators had learnt a lesson from the outcomes of the land invasion and the ensuing catastrophe associated with violence. Alas, the recent violence and attack on supporters of the opposition in Kadoma two days before poll begins is a major indicator that violence is now an ingrained tool and method of campaign strategy by the ruling party. As the nation braces for the 2004 campaign period, Violence is therefore surely here to stay. Testimonies and medical reports from statistics of politically motivated violence reveal that torture features as a frequently used tool of repression.

Besides the use of violence, the ruling ZANU PF Party uses the law enforcement agents such as the Zimbabwe Republic Police (ZRP), the army and CIO. The law enforcement institution is led by ZANU PF apologists, who by reason thereof, do not adequately protect members of the opposition. The Police Commissioner Augustine Chihuri, once hinted that he is a member of the ruling party. In the Kadoma scenario members of the opposition were tortured during the presence of the police. The police are teaming up with the ZANU PF hooligans promoting their work. Some of the cases were reported to the police. Despite reports having been made, no action has been taken by the police against the culprits.

By the definition of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - the term torture *"means 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 or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him 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....."*⁴

⁴United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1

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In this report, Torture has been discussed as a common frequent feature that has been in Zimbabwe elections history as a persuasive way of forcing a sway of electoral choices and sometimes used as an element of retribution. Torture has been used to:

- instill fear in among people
- force people to vote for the ruling party
- create mass movement of the electorate and resultantly many opposition supporters have been reduced to Internally Displaced Persons not eligible to vote outside their constituencies
- cause confusion and pandamonium in the general administration of election conduct since some polling agents would have been displaced, hence no proper monitoring by opposition officials and hence giving room for possible rigging.

Terms such as Organised Violence and Politically Motivated Violence have been used to describe another common feature used by ruling party supporters to inflict pain, fear and intimidation within the electorate.

The Violations

On the 27th of November 2003 (just two days before the conduct of by-elections in Kadoma), the Zimbabwe Human Rights Association (ZimRights) received and entertained complaints from more than sixty (60) supporters of the Movement for Democratic Change (MDC) from Kadoma. The sixty complainants are all permanent residents of Kadoma town and had registered to cast their vote during the by-election scheduled for 29-30 November 2003 seeking to replace the late Kadoma Member of Parliament who was an MDC candidate. Kadoma is in the Mashonaland West Province. This province is well known for many reports of political violence incidents. In October 2003, Mash West registered violent acts against the opposition candidates whose election nomination papers were destroyed forcing the constituency Registrar to declared that Zanu PF candidate had won unopposed.

ZimRights' legal department investigations have revealed that the victims were carefully selected by the ruling party supporters. The victims are an inclusive group of polling agents, and other known MDC activists who hold influential positions within the party structures in Kadoma. The beatings and assaults were carried out using a variety of objects, which included blunt and sharp objects. One of the victims received two deep cuts in the middle of the head. Other assault objects included sticks, iron bars, knobkerries and sjamboks.

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Case Studies

Case studies below are samples of testimonies by victims. These cases reflect an organized pattern of assault specifically targeting known opposition activists.

- Case1: *CZ, a male victim aged 60. Was allegedly assaulted and attacked (on 26/11/03) by a group of Zanu PF youths and two members of the Zimbabwe Republic Police. He was force marched from his home and asked to identify other supporters of the opposition. The youths used sticks and iron bars to beat him. Resultantly, CZ suffered possible multiple abrasions all over the body and a deep cut on the left arm. He fled to Harare for refuge together with his wife and daughter. CZ and his family are desperately looking for accommodation and food. Interviews conducted by ZimRights revealed that CZ was overwhelmed by the attack and showed signs of one who is highly shocked.*
- Case 2: *JI, a male victim aged 23, an MDC activist was allegedly approached by known Zanu PF youths (26/11/03) asking him to tell them where other polling agents resided. Upon his refusal to comply, he was assaulted with sjamboks and sticks. JI alleges that he was sexually humiliated in front of the youth group which included females. The group threatened to kill him if he continued along the wrong path of supporting 'sell-outs', the opposition. JI ran for safety and left Kadoma in search of a hiding place. JI has a wife and two children, a son aged three and a daughter aged two.*
- Case 3: *Tapfidza, a female victim aged 25 is a mother of three whose husband is a well-known activist with the opposition MDC. At least a group of 10 youths visited their home and asked for the whereabouts of the husband. When she replied that she did not know where her husband was, they responded by assaulting her in front of her three children. Wooden sticks were used to beat her inside her palms, back and under her feet. When the husband returned he took the family out of Kadoma to Harare.*

Conclusion

- The prevalence of political violence affects the general conduct of elections and no doubt their outcome. Voter apathy and valance have been recorded in past elections. This seems to be a continued trend that is pushing the electorate further to the periphery of active political participation.
- ZimRights holds the opinion that orders (with the acquiescence) from anyone instigating or inducing the use of torture, or directly committing acts of torture

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means that one is guilty of the crime of torture. To the police who being able to prevent torture, failure to do so means that they are also guilty of the crime of torture. Further, any person who at the instigation of any individual or any group orders, instigates or induces the use of torture, directly commits it or is an accomplice thereto. The fact of having acted under orders of a superior shall not provide exemption from the corresponding criminal liability.

- The Zimbabwe Republic Police and other law enforcement agents are urged to respect the inherent human dignity and ensure full exercise of fundamental rights and freedoms. To this end, the Government of Zimbabwe is urged to ratify the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. For those perpetrators identified, the Government of Zimbabwe should apply the relevant penal and administrative sanctions as provided for in the national law as well as in various regional and international conventions.
- Free and Fair elections are a right and not a privilege. And unless the political playing field is leveled, the only thing that can be said is:

"Kadoma November 2003 by-elections will be,
as happened in 1990, 1995, 2000 and 2002,
a travesty of democracy"

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