



Zimbabwe
HUMAN RIGHTS
N G O F o r u m

POLITICAL VIOLENCE REPORT

February 2009

26 March 2009

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

Zimbabwe's long awaited Global Political Agreement (GPA) of September 15 2008 was consummated on 11 February 2009 with the formation of an inclusive government with the aim of bringing to an end the crisis that has characterised the country over the past years. Mr Morgan Tsvangirai of the MDC-T was sworn in as the Prime Minister of Zimbabwe while Ms Thokozani Khupe of MDC-T and Mr Arthur Mutambara of MDC-M were sworn in as the Deputy Prime Ministers as required by law. The swearing in of the Prime Minister and the two Deputy Prime Ministers created optimism - that a new political dispensation that would see an end to an almost inherent Zimbabwean culture of political victimisation and discrimination had come. However, as this report documents, the arrest of the MDC-T Treasurer-General Mr Roy Bennett only two days after the swearing in of the new Prime Minister and his deputies, demonstrated that not much has changed as yet. Mr Bennett was arrested on 13 February at Charles Prince Airport and is facing charges of attempted sabotage, banditry and terrorism. (He was released on 12 March 2009 following a Supreme Court ruling granting him bail.) The arrest and detention of Mr Bennett was in contravention of the letter and spirit of the GPA to which all parties have seemingly committed to as noted in their speeches at the swearing in ceremony.

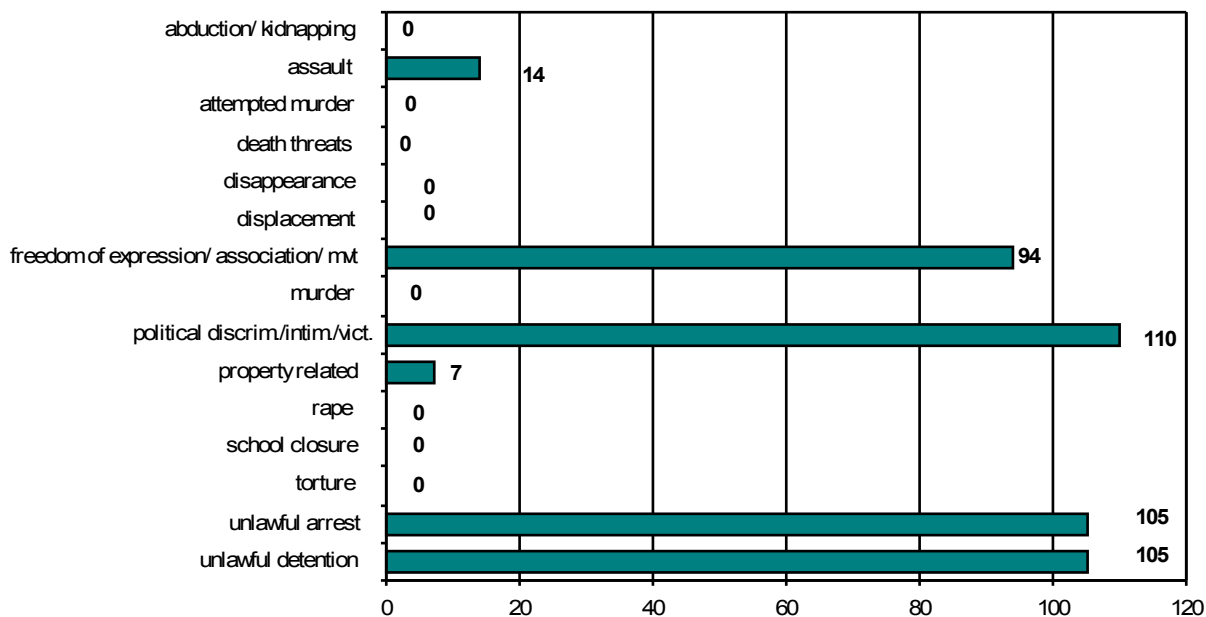
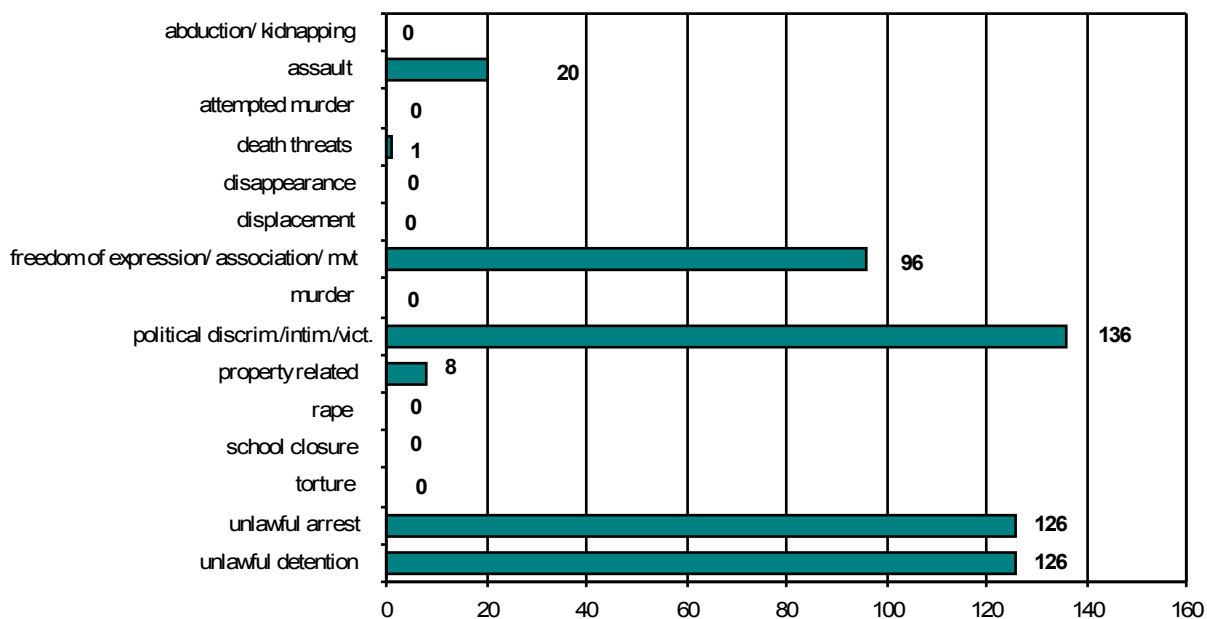
The formation of the inclusive government did not bring an end to civic repression as witnessed by the continued heavy-handedness with which the police handled the protests that took place in the month of February. *Women of Zimbabwe Arise (WOZA)* and *Men of Zimbabwe Arise (MOZA)* took to the streets on three occasions in Harare and Bulawayo encouraging Zimbabweans to "let love lead the way" and protesting against the collapse of the education system while delivering a petition to the Minister responsible for education, Senator David Coltart. On all three occasions members were arrested, detained and some assaulted for exercising their civic liberty to assemble. Two lawyers were also wrongfully arrested in Harare following a WOZA march to the Ministry of Education on allegations that they were taking photographs of the march.

Also documented in this report is the arrest and detention of students from the University of Zimbabwe (UZ) as well as Midlands State University (MSU) following protests against the dollarisation of tuition fees in state universities. The Human Rights Forum strongly condemns the violent manner in which the police reacted to the protests and calls upon the Zimbabwe Republic Police (ZRP) to exercise restraint when dealing with peaceful and unarmed protestors. The Ministry of Home Affairs is also called upon at this time when the GPA is starting to be implemented, to institute reforms that will ensure respect for civic liberties and all human rights as well as the implementation of internationally accepted policing standards by members of the ZRP.

Another development that has seen optimism in the implementation of the GPA falter is the upsurge of fresh farm invasions and the harassment and forced eviction of commercial farmers, particularly in the Chegutu area. This report documents disturbances on farms in the Chegutu area, where ZANU PF youths have settled on the farms disrupting farming activities. Also documented in this report is the arrest of three farmers who were part of the group that won a ruling by the SADC Tribunal in Namibia declaring the land redistribution in Zimbabwe as discriminatory and contrary to the principles of the SADC treaty. The continued farm invasions as well as the harassment of the applicants in the case, is in complete disregard of regional mechanisms and treaties and sets a bad precedent for Zimbabwe's efforts for regional and international integration as well as for economic recovery, in which agriculture is key.

The upsurge of retributive violence and violence erupting after attempts by MDC supporters and activists to claim property lost to known and suspected ZANU PF supporters during the bloody 2008 electoral period is another worrying trend that has soiled the inclusive government. Reports of MDC supporters taking the law into their own hands and instituting "justice" against those who perpetrated violations against them during the 2008 electoral period are on the increase. The Human Rights Forum is deeply disturbed by the selective application of the law manifested through the arrest of MDC supporters only when it is clear, even from state media reports, that the violence is from both sides and at times, provoked by ZANU PF supporters. This report documents clashes between MDC and ZANU PF supporters in Mbare, an indication that partisan tensions are far from appeased with the formation of the inclusive government. Retribution is an indication of the dire need for national healing and also an indication that a blanket amnesty for the perpetrators of the gruesome crimes committed during the 2008 electoral period and before will only serve to intensify deep rooted tensions and polarisation. It is, therefore, the view of the Human Rights Forum that the inclusive government should establish mechanisms to ensure reparation and justice, in consultation with the citizenry, in order to bring about national healing. While the Human Rights Forum commends the government for establishing a Ministerial Organ on National Healing, we note that there hasn't been any visible effort towards addressing the pertinent issues the organ has to deal with. Any further delays in the execution of the organ's mandate will be a travesty of justice and a betrayal of the hopes and aspirations of the many victims of past human rights violations – a cause, albeit unjustifiable, of the retributive violence witnessed during the month under review. The Human Rights Forum also urges the police to implement the law impartially and equally against all individuals and parties involved in any unlawful activities.

Finally, of concern is the increase in violations against freedom of expression, association and movement between January in which two violations were recorded, and February which had 94. Also of note was the increase in the number of instances of political discrimination, intimidation and victimisation; 110 recorded in February as compared with 26 in January. Unlawful arrest and unlawful detentions were likewise on the increase in February, largely due to more civic activity as compared to the month of January. January recorded 21 of these violations and February 105. It should be noted however, that no cases of torture were recorded in either month.

TOTALS: 1 February to 28 February 2009**Cumulative Totals: 1 January –28 February 2009**

The graphs should be read along with the table depicting the monthly totals of violations for February 2009 on page 13.

Key Abbreviations

AIPPA – Access to Information and Protection of Privacy Act

CIO – Central Intelligence Organisation

MDC – Movement for Democratic Change

MP – Member of Parliament

NCA – National Constitutional Assembly

OVT – Organised Violence and Torture

POSA – Public Order and Security Act

PTUZ – Progressive Teachers Union of Zimbabwe

ROHR- Restoration of Human Rights Zimbabwe

UMP – Uzumba Maramba Pfungwe

WOZA – Women of Zimbabwe Arise

ZANU PF – Zimbabwe African National Union Patriotic Front

ZCTU – Zimbabwe Congress of Trade Unions

ZNA – Zimbabwe National Army

ZPS – Zimbabwe Prison Service

ZRP – Zimbabwe Republic Police

ZNLWVA – Zimbabwe National Liberation War Veterans Association

ZIMTA – Zimbabwe Teachers Association

ZINASU – Zimbabwe National Students Union

ZUPCO – Zimbabwe United Passenger Company

Sources: The information contained in this report is derived from statements made to the Public Interest Unit of the Zimbabwe

Human Rights NGO Forum, its members and statements taken by a network of human rights activists and newspaper reports,

Notes to the tables:

Torture:

All cases of torture fall under the definition of torture according to the general definition given in the United Nations Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment and Punishment.

The four elements of torture are:

- 1 **Severe** pain and suffering, whether physical or mental
- 2 **Intentionally** inflicted
- 3 With a **purpose**
- 4 By a state official or another individual acting with the **acquiescence of the state**.

Those individuals referred to in point # 4 as state officials include the ZRP, ZNA,

Unlawful arrest and detention:

Arrest by the Zimbabwe Republic Police (ZRP) with no reasonable suspicion that an offence has been committed. Detention thereafter for a period exceeding 48 hours without access to redress through the courts or subsequent release without charge.

Abduction/kidnapping:

A kidnapping by a member(s) of an organised group that is not the ZRP, ZNLWVA, ZNA, ZPS and the ZNLWVA (as a reserve force of the ZNA).

Disappearance:

Kidnapped persons whose whereabouts remained unknown at the time of reporting.

Property related

These are incidents in which property rights have been violated. This includes arson, property damage and destruction and theft.

Cases of Political Violence

Note: The identities of victims whose names have not been published in the press and are not public officials are protected. This is done in order to protect the victim from further violence, intimidation and possible recriminatory attacks.

The purpose of this report is to record the nature of the politically-motivated violence and intimidation that continues to prevail in the country. The Monthly Political Violence Reports are primarily based on victims' accounts, accompanied by medical evidence where possible, obtained from member organisations of the Forum and other partner organisations. Use is also made of press reports.

The Report cannot be considered as the exhaustive record of all incidents of politically-motivated violence in Zimbabwe in the period under review. Nevertheless, every incident reported to the Human Rights Forum directly or through its members is meticulously documented and included in the reports. Care is also taken to record the incidents in the language in which they were reported to the Forum.

The situation prevailing in the country is such that it has not been possible to verify all of these accounts. The Human Rights Forum has done what it can to verify the reports, and is satisfied that the vast majority of them are substantially true. It is also not possible to rule out whether a victim's account is exaggerated or contains inaccuracies.

All reports derived from the press are denoted with the symbol Σ .

BULAWAYO**Bulawayo Central****Zimbabwe Situation****6 February 2009**

Σ . Three farmers Chris Jarret, Godfrey Goosen and Saul Rogers, who were part of a group of about 78 farmers that won a ruling at the SADC Tribunal declaring the land redistribution in Zimbabwe as discriminatory and illegal under the SADC Treaty, were reportedly arrested. They spent a night at Donnington Police Station without being formally charged. They were released from custody the following day after the prosecutor found that no charges had been laid against them.

14 February 2009

At least 800 members of Women of Zimbabwe Arise (WOZA) and Men of Zimbabwe Arise (MOZA) took part in a Valentines Day march, urging Zimbabweans to 'let love light the way'. Seven WOZA women and three male members of Radio Dialogue, a community-based radio station, who were observing the demonstration, were arrested and spent four nights in custody at Bulawayo Central Police Station. The group was denied access to their lawyer until Monday 16 February in the morning, two days after their arrest. Six of the arrested paid admission of guilt fines while four of the detained women refused to pay the fines and insisted that they be taken to court. The four were released later that evening and instructed to return to the police station the following morning when new charges were leveled against them. They were charged with being a criminal nuisance under Section 46 2 (v) of the Third Schedule to the Criminal Law (Codification and Reform) Act. They were unconditionally released after appearing in court on 19 February.

HARARE

Harare Central

Zimdaily.com

23 February 2009

Σ. It is reported that MDC lawyer Alec Muchadehama was being stalked by two suspected members of the CIO. Two unidentified men were reportedly seen stalking the human rights lawyer since he left Court 13 at the Rotten Row Magistrate's Court on Friday 20 February. The two men followed Muchadehama to the main entrance of the court and stood within earshot as Muchadehama briefed one of the doctors who examined the detained political prisoners represented by Muchadehama. The two suspected CIO agents had been in court taking notes during remand hearing proceedings.

3 February 2009

University of Zimbabwe (UZ) students staged a demonstration at the campus in protest against the proposed US\$400 examination fee. During the demonstration eleven students report that they were assaulted by anti-riot police officers. At least 60 students were arrested and detained at Avondale Police Station but most of them were released on the same day. Three student leaders Vitalis Mudzonga, Tawanda Katsuro and Justice Chikanya remained in custody and appeared before a Harare magistrate on 9 February facing charges of public violence. They were released on free bail and ordered to report to the investigating officer at Harare Central Police Station every Friday, until their next court appearance which was scheduled for 26 February 2009.

10 February 2009

About 600 WOZA and MOZA members took part in a march to parliament urging Zimbabweans to 'let love light the way'. The marchers sang and handed out red roses during the march and dispersed on arrival at parliament where they also distributed roses to members of parliament. Eight women were arrested whilst dispersing from the demonstration and spent two nights in custody in Harare Central Police Station. Two lawyers who happened to be passing through Parliament after the marchers had dispersed were also arrested for holding their cell phones. Police insisted they were trying to take photographs. The group of 10 spent two nights in police custody before being taken to court and released on free bail. The entire group, including the two lawyers, were charged under Section 37 1 a i) of the Criminal Law (Codification and Reform) Act – 'disturbing the peace, security or order of the public'. Three of the women were beaten in police custody and all had to seek medical attention. One of the women, who were two months pregnant, was slapped by a plain-clothed police officer after refusing to get into a police vehicle. On arrival at Harare Central Police Station she was further assaulted by the same police officer with a baton stick. The other two women were beaten on the soles of their feet with a baton stick by the same officer, also for refusing to get into the police vehicle.

25 February 2009

Five members of WOZA and MOZA were arrested while delivering a petition on the collapse of the education sector to the Minister of Education, Sport and Culture, Senator David Coltart. About 450 members of WOZA and MOZA marched to the offices of the Ministry of education having scheduled an appointment with the Minister to deliver a petition on the collapse of the education sector. Anti-riot police indiscriminately assaulted members of the group with baton sticks. Nine members sustained injuries and had to seek medical treatment. One woman fractured her toe after the booted feet of a police officer stamped on her. Another woman, for whom an ambulance had to be called, sustained a serious knee injury. She had been trying to protect her seven-month old baby from being beaten and was begging police not to hurt her or her baby.

Mbare

*Zimbabwe Situation**22 February 2009*

Σ. Supporters of the MDC and ZANU PF reportedly fought running battles in Mbare, in retributive violence that is suspected to have its roots in the 2008 eviction of tenants from municipal accommodation on allegations of supporting the MDC in the March harmonized elections. The displaced MDC supporters following the formation of the inclusive government are reported to have descended on the new occupants of the homes, who are mainly ZANU PF supporters. This sparked violence between the supporters of the two parties. Reports of retributive violence have reportedly been received at police stations around the country.

25 February 2009

Two female victims report that in Mbare they were assaulted by armed anti-riot police officers who went on a rampage near the Matapi flats. The women were sitting at the open space opposite Matapi flats when a police vehicle carrying anti-riot police approached the area where they were sitting. The anti-riot police officers, who were armed with baton sticks, got out of the vehicle and indiscriminately assaulted people. One of the victims sustained injuries on her back after being kicked with booted feet and the other sustained injuries on her left arm and leg from the assaults. She also lost the wares she was selling after the police officers overturned a table on which they were laid. The police officers sped off in their vehicle after the attack.

MANICALAND***Mutare Central****Canada.com/The Zimbabwean**13 February 2009*

Σ. The MDC T Treasurer-General, Roy Bennett was arrested at Charles Prince Airport just outside Harare while on his way to South Africa. He is being accused of attempting to commit terrorism, banditry and sabotage. Following his arrest he was taken to Mutare Central Police Station where a group of MDC T supporters gathered around the Police Station to protest Bennett's arrest. Police fired live ammunition into the air in an attempt to disperse the crowd. Dogs were also reportedly set on the crowd. On 14 February eight MDC activists who had been protesting Bennett's arrest were reportedly arrested. Following a series of court appearances and state appeals against him being granted bail, Bennett was released on 12 March 2009 a day after the Supreme Court ordered his release on bail.

MASHONALAND CENTRAL

Mazowe

Zimonline

7 February 2009

Σ.A group of people led by uniformed Zimbabwe National Army (ZNA) officers and ZRP officers, reportedly invaded Mazoe Estates declaring themselves the owners of the estates. The group ordered the workers at the farm to leave by 13 February 2009. A Zimbabwe stock exchange listed company, Interfresh, owns the estates.

MASHONALAND WEST

Chegutu

3 February 2009

One, Mr. Kunonga, arrived at Wakefield Farm with a relative of Mr. Felix Pambukani and several ZANU PF youth, with the intention of taking over Wakefield Farm and erecting tents for the youth to stay in. Mr. Pambukani had earlier come to Wakefield farm in mid-November 2008 with an offer letter from the Ministry of Lands. At the time of the group's arrival at the farm, the farm manager, Charles Bizabani was giving out food rations to the farm workers and there were about 300 men, women and children in the workshop area. Mr. Kunonga demanded that Charles stop giving out food and attend to him. He stated that he was "the law" and that he wanted to either gain access to the house and garden or the workshop area with the intent of leaving several of the youth there and to take over the farm. The workers at the farm then grew angry and drove Mr. Kunonga and the other men out of the workshop to the gate where they had left their vehicles. At that stage there was much shouting, whistling and general commotion, but no violence. After Kunonga and his group had left, the farm manager rushed to Selous Police Station to report the matter. On arrival at the police station, he found Mr. Kunonga already there filing charges of assault and vandalism against Charles Bizabani and the other farm workers. Charles Bizabani and six other foremen at the farm were arrested and detained at Selous Police Station over night. The seven appeared in the Chegutu Magistrate's Court on Thursday 5 February where their matter was remanded to 5 March 2009. On 10 February 2009, despite a peace order being served against them, Kunonga returned to Wakefield farm with Pambukani, his relative and about 15 ZANU PF youths, five of whom were armed. The farm owner Kenneth Bartholomew was not at the farm at that time but was called in by the farm manager. Friends of Mr. Bartholomew went to report the matter to the police who stated that they could not respond to the incident because their Officer-in-Charge was absent. Kunonga and his group, who had been locked outside the gate for a while, eventually broke the locks and drove onto the farm. They demanded accommodation for several of the ZANU PF youths who were to remain on the farm. The police eventually arrived around 21:30hrs and gave Kunonga and his group a verbal warning before leaving. At the time of the report the ZANU PF youths had erected a tent within the farm fence and were prohibiting farm workers from accessing the barn area. Seven of the farm workers including the farm manager Charles Bizabani, were served with eviction notices from the Chegutu Magistrate's Court. On 16 February a letter from Kunonga, was received by the farm owner, stating that all cropping and farming procedures should stop with immediate effect. A report was made to Selous Police Station as well as Dispol Police Post in Norton but the police took no action.

26 February 2009

Peter Etheredge of Stockdale Farm was arrested and detained overnight at Chegutu Police Station without charge. The Etheredge's have a High Court order allowing them to continue farming operations, and for the eviction of the illegal settlers. He was released the following evening after having been charged with attempted murder as well as being warned and cautioned. His farm had been invaded by a group of eight ZANU PF youths 10 days earlier. The youths had been removed by the Deputy Sheriff but returned after he had left.

27 February 2009

A group of eight ZANU PF youths camped outside the Campbell family home on their Mt Carmel farm after delivering a letter signed by the Provincial Lands Officer. One Peter Chamada had, prior to the settling of the youths, threatened the Campbells on 25 February 2009. The police reportedly refused to act to remove the youths whose actions are in contravention and contempt of the SADC Tribunal Ruling handed down in November 2008. On the neighbouring farm called Northleigh, belonging to Mr. Brian Bronkhorst, ZANU PF youths broke through and moved into the garden surrounding Mr. Bronkhorst's homestead in contravention of a High Court order. Bronkhorst was able to use the Deputy Sheriff to have the youths evicted but they immediately returned once the Sheriff had left. The police at Chegutu Police Station are reported to have not reacted despite the fact that the invasion was in contempt of a High Court ruling allowing Bronkhorst to continue farming at the farm.

MIDLANDS

Gweru Urban

9 February 2009

Three Midlands State University (MSU) students, Prince Ncube, Isheunesu Munyoro and Obert Masaraure were arrested and detained for taking part in a demonstration against the foreign currency fees structure announced by the government. The Zimbabwe National Student's Union (ZINASU) organized the demonstration. The three were charged with public violence and assault. They were released on free bail on 11 February and scheduled to appear in court on 17 March 2009. The charges against two of the students were dropped; however, Obert Masaraure still faced charges of assault. Prince Ncube and Obert Masaraure were suspended indefinitely from the University for allegedly inciting the demonstration, which led to the destruction of university property.

Monthly totals of human rights violations from 1 January 2009 – 28 February 2009

Table 1

	January	February	Total
Abduction/ kidnapping	0	0	0
Assault	6	14	20
Attempted Murder	0	0	0
Death threats	1	0	1
Disappearance	0	0	0
Displacement	0	0	0
Freedom of expr/ass/mvt	2	94	96
Murder	0	0	0
Political Discrim/ intim/vict	26	110	136
Property Related	1	7	8
Rape	0	0	0
School Closure	0	0	0
Torture	0	0	0
Unlawful Arrest	21	105	126
Unlawful Detention	21	105	126

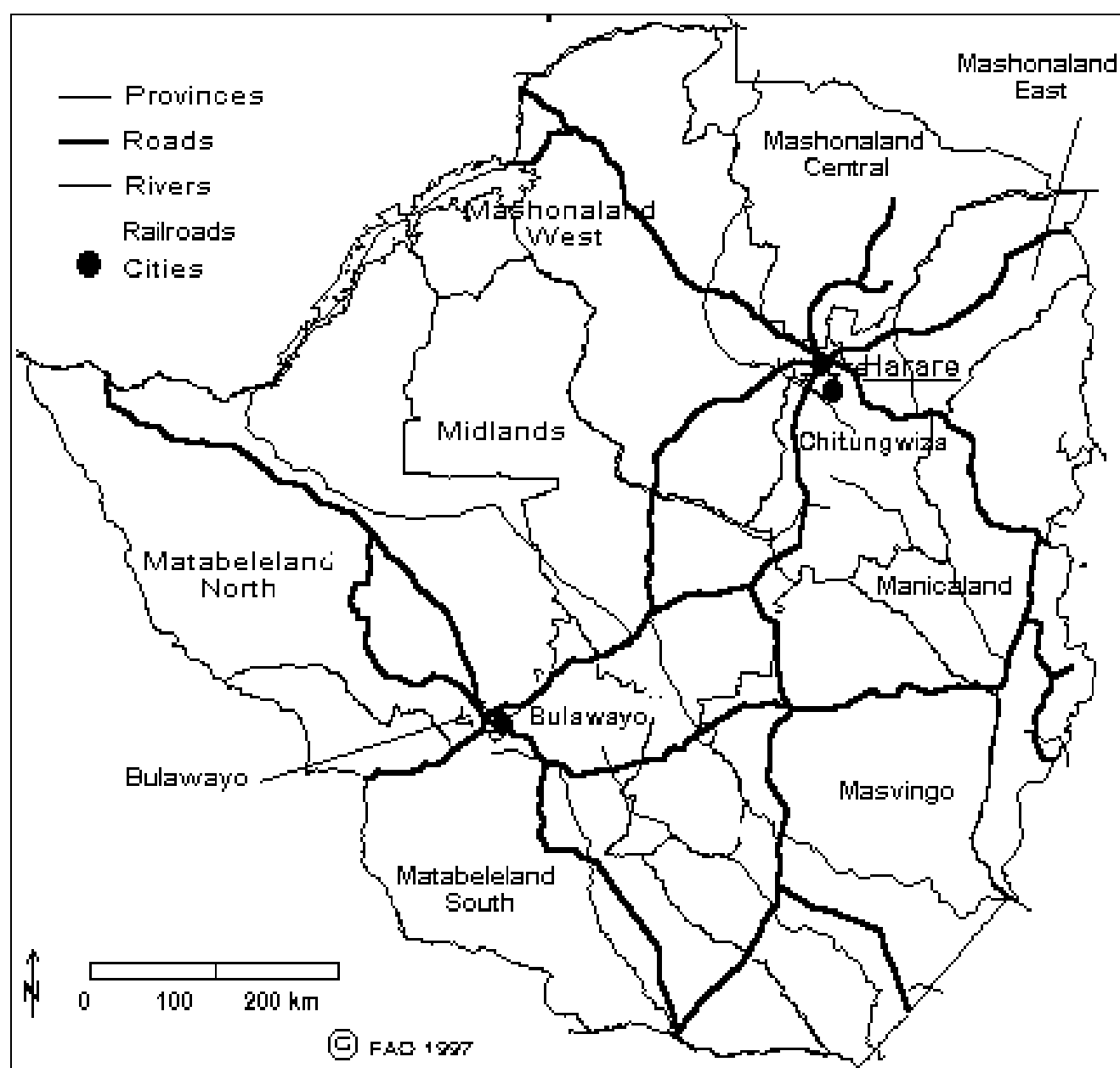
Monthly Totals	78	435	513
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	MAIN EVENTS 2009
January	
1	A group of soldiers in Masvingo goes on the rampage assaulting residents and looting property.
8	Armed Security personnel raid an outdoor adventure camp in Ruwa on allegations that it is being used to train bandits.
10	Rowdy soldiers assault traders and loot goods at Makoni Shopping Centre in Chitungwiza.
13	War veterans loot goods and cash at a shopping center in Ngundu.

February	
5	Three commercial farmers who were part of the group of farmers that won the SADC Tribunal ruling on land redistribution are arrested and released the following day without charge.
10	Eight Women of Zimbabwe Arise (WOZA) members and two lawyers, Roselyn Hanzi and Tawanda Zhuwarara are arrested in Harare following a march by WOZA.
11	Morgan Tsvangirai is sworn in as the Prime Minister of Zimbabwe while Thokozani Khupe and Arthur Mutambara are sworn in as Deputy Prime Ministers in the Government of National Unity (GNU).
13	Roy Bennett, the MDC T Treasurer General is arrested at Charles Prince Airport and charged with treason. The charges are later altered and he now faces charges of attempting to commit banditry, terrorism and sabotage.
28	President Robert Mugabe celebrates his 85 th Birthday in Chinhoyi at an extravagant reception and in his celebratory speech orders commercial farmers to leave their farms - "Again I want to say, the farmers who owned these farms, which now have been designated and offered to new owners, must respect that law. They must vacate those farms, they must vacate those farms, they must vacate those farms." ¹

¹ Zimbabwe Independent, Friday 6 March 2009

<http://www.thezimbabweindependent.com/index.php/local/22151-mugabe-bash-scraps-for-povo-as-vvips-gorge-> [Available on line 20 March 2009]



The Zimbabwe Human Rights NGO Forum (also known as the “Human Rights Forum”) is a coalition comprising 16 member organisations. It has been in existence since January 1998 when non-Governmental organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the Food Riots of January 1998.

The Human Rights Forum has now expanded its objectives to assist victims of organised violence, using the following definition:

“Organised violence” means the inter-human infliction of significant avoidable pain and suffering by an organised group according to a declared or implied strategy and/or system of ideas and attitudes. It comprises any violent action, which is unacceptable by general human standards, and relates to the victims’ mental and physical well-being.”

The Human Rights Forum operates a Research and Documentation Unit and offers legal services to assist victims of organised violence and torture claim compensation from perpetrators through its Public Interest Unit.

Member organisations of the Human Rights Forum are:

- Amnesty International (Zimbabwe) (AI (Z))
- Catholic Commission for Justice and Peace (CCJP)
- Gays and Lesbians of Zimbabwe (GALZ)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitoring Project Zimbabwe (MMPZ)
- Nonviolent Action and Strategies for Social Change (NOVASC)
- Transparency International (Zimbabwe) (TI (Z))
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

The Human Rights Forum can be contacted through any member organisation or through:

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