

POLITICAL VIOLENCE REPORT March 2009

28 April 2009

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

The month of March saw a continuation of the disturbances on commercial farms, thwarting of civic activity and political polarisation, as the rule of law continued to be compromised despite the formation of an inclusive government. Human rights violations remained a worrying trend in a society that hopes to transcend from a past of violence, political polarisation and intimidation, into a new democratic dispensation. In fact, even though the month shows a reduction, the trend of human rights violations threatens to distabilise the already fragile peace in the country and discourage any efforts to bring to an end the socio-economic challenges that have bedeviled the country for so long.

As in the previous month, clashes between ZANU PF and MDC supporters were reported in March; another indication that political polarisation is far from over. Members of both parties have been implicated in violent retributive attacks, reminiscent of the violence that occurred pre and post the 2008 Harmonised elections. This report documents incidences in which MDC and ZANU PF supporters clashed at the funeral of the Prime Minister's late wife Susan Tsvangirai, leading to massive property destruction. Inter-party violence was also reported in the Zimunya area as well as in Mufakose and Glen View.

These attacks are a sign of deep rooted anger and hatred which still pervades in Zimbabwe, especially after the violence that occurred in 2008. Many of the victims still bear the physical and emotional scars of what happened to them during that time. Much of this anger has been aggravated by seeing the perpetrators of the violations walking free, and in some cases threatening to do more harm. Some victims of the 2008 election violence have thus taken the law into their own hands and have sought revenge on those who wronged them. This retributive violence raises fears of an even bloodier election in the future unless more is done to ensure justice and closure for the wronged. The ghost of the 2008 pre and post election period continues to haunt many communities in the country, and this has prevented attempts to return to some form of normalcy in their day to day activities.

This report documents the failure by some schools in Zaka district to open for the first term of 2009 as teachers refused to return to work following continued threats of victimisation by ZANU PF youths in the area. Teachers in Zaka district, like those in most rural districts, were forced to flee their homes and jobs prior to the 27 June Presidential Election Run-off due to victimisation and intimidation by ZANU PF youths. They were accused of campaigning for the opposition and causing disaffection for the government among the rural populace. The continued intimidation of teachers has adversely

affected the communities in which they served as many children are denied the opportunity to go to school. Political intimidation coupled with economic challenges, threatens recovery efforts within the education sector and the future of thousands of young Zimbabweans.

The signing of the Global Political Agreement (GPA) on 15 September 2008 brought hope for change in the Zimbabwean political landscape. The opening up of space for civic activities was one such anticipated change. However, the clampdown on civil society has continued leading to the arrest and detention of civic leaders. This report documents the arrest and detention of two *Women of Zimbabwe Arise (WOZA)* members in Bulawayo while seeking audience with the administration of Mpumelelo Primary School over the way the school is being run and the demands being made by the school on parents. The two women who were arrested have grandchildren at the school.

Student leaders in tertiary institutions have also continued to be targeted for arrest, detention and intimidation as they seek to have issues affecting them addressed. This report documents the arrest and detention of Bindura University students following a protest against high tuition fees. Protests against the tuition fee structure for tertiary institutions announced by government at the beginning of the year, have taken place at institutions around the country. Many student leaders have been arrested, detained, expelled or suspended from institutions or have appeared in court facing various charges, as a result of these protests. Some students who have been arrested have been beaten and tortured while in custody, a technique that has been used to interrogate and intimidate student leaders. Since the early 1990s, student activism has been viewed as a dangerous precedent and a threat to the government, hence the heavy-handed manner in which protests by the student movement have been dealt with.

The rule of law in Zimbabwe continues to be under the spotlight as a new wave of violence grips the farming community. This report documents disturbances on farms in Chegutu and Chiredzi where farmers have been forced to leave their homes and have had their property looted by war veterans and ZANU PF youths. In spite of rulings by the local courts allowing some of the farmers to continue with their farming activities, intimidation, arrests and looting of property have continued on commercial farms. Of note in this recent spate of violence on farms is the incessant looting of personal property that is totally unrelated to farming activities, a trend that has raised questions over the claimed intent of these farm occupations.

The recent violence on farms has not only affected the commercial farmers themselves but also a large proportion of farm laboures and their families who have also been forced to leave their homes,

and in some cases arrested for refusing to leave them. In a press statement,¹ the *General Agriculture* and *Plantation Workers Union of Zimbabwe (GAPWUZ)* notes that 1 500 families have been affected by the current violence on farms as farm labourers lose their homes and employment at farms where disturbances have occurred. Occupation of commercial farms has continued in disregard of the Southern African Development Community (SADC) Tribunal ruling which held that "In implementing Amendment 17, the Respondent has descriminated against the applicants on the basis of race and thereby violated its obligation under Article 6(2) of the SADC Treaty" ².

The judicial system has also not been spared by this plummeting in the rule of law in the country as seen by the arrest and subsequent charging of Mutare Magistrate Livingston Chipadze with criminal abuse of office for ordering the release of Roy Bennet, the Deputy Minister of Agriculture elect. The harassment and intimidation of judicial officers is worrying and will compromise the delivery of justice in Zimbabwe and taint efforts to move towards democratisaion which entails the separation of powers and thus the independence of the judiciary.

The total of 155 violations recorded in March is much lower than the 435 recorded in February. There was also a significant decline in the number of individual violations such as the freedom of assembly/association/expression which recorded 94 violations in February as compared to 30 in March. Another significant decline was in the number of unlawful arrests and unlawful detentions in which 105 violations were recorded in February as compared to 31 in March. Violations of political discrimination/intimidation/victimisation were also on the decline with 37 violations being recorded in March as compared to 110 in February. The decline in these violations can be attributed largely to the decrease in civic activity in March as compared to February when a number of protests occurred resulting in the arrests and detention of some of the protestors. The most significant increase was in property related violations which is attributed to the disturbances that have been occurring on commercial farms; seven in February and 16 in March. The first incident of torture in 2009 was recorded in March. It has been noted by the Human Rights Forum that violations of torture largely occur during election periods and decline in non-election periods, hence the decrease in the number of incidences of torture recorded since the beginning of the year.

The decrease in the violations recorded in March cannot necessarily be attributed to an improvement

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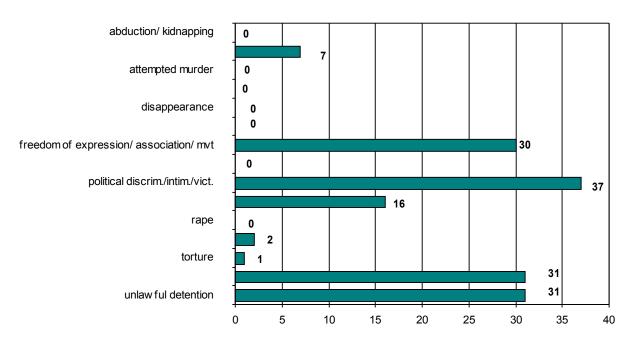
¹ Zimbabwe-Farm Workers Bear The Brunt of Invasions http://www.citizenjournalismafrica.org/node/1406 [Available on line 17 April 2009]

² Southern African Development Community:Real Property-Ruling on Expropriation in Zimbabwe. http://www.loc.gov/lawweb/servlet/lloc_news?disp3_818_text [Available on line 17 April 2009]

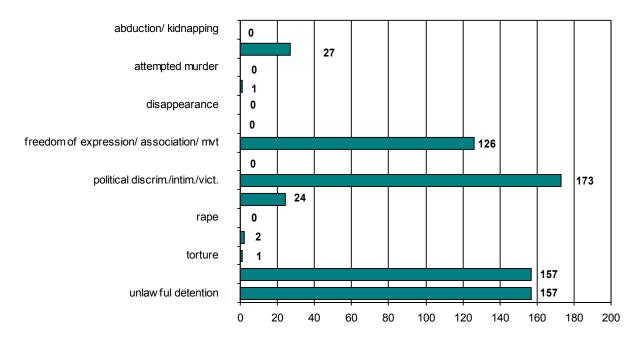
in the human rights situation in Zimbabwe but basically to a lack of stimulus such as an election or public protests; although some cautious optimism must be expressed that the situation will improve under the terms of the GPA. The Human Rights Forum therefore calls upon the GoZ to put in place measures to end violence and restore the rule of law. Unless such measures are taken, Zimbabwe's legacy of violence and human rights violations will continue unabated.

NB: Reports relating to OVT and deaths in the diamond fields in Marange remain unverified and have therefore not been included in the Monthly Political Violence Reports nor can they be until the situation is clearer. While efforts are being made to obtain information, tight state security prohibits this. Also cases of OVT, some of which occurred months ago, are continuing to be reported. While it is obviously not possible to record them in the relevant month, they will be incorporated in the database of the Human Rights Forum for the particular year and included in the statistics for that year.

TOTALS: 1 March to 31 March 2009



Cumulative Totals: 1 January -31 March 2009



The graphs should be read along with the table depicting the monthly totals of violations for March 2009 on page 14.

Key Abbreviations

Political	Violonoo	Donorti	March	2000
Political	violence	Report:	warch	2009

AIPPA – Access to Information and Protection of Privacy Act	WOZA – Women of Zimbabwe Arise
CIO - Central Intelligence Organisation	ZANU PF - Zimbabwe African National Union Patriotic Front
MDC - Movement for Democratic Change	ZCTU – Zimbabwe Congress of Trade Unions
MP – Member of Parliament	ZNA – Zimbabwe National Army
NCA – National Constitutional Assembly	ZPS – Zimbabwe Prison Service
OVT – Organised Violence and Torture	ZRP – Zimbabwe Republic Police
POSA – Public Order and Security Act	ZNLWVA – Zimbabwe National Liberation War Veterans Association
PTUZ - Progressive Teachers Union of Zimbabwe	ZIMTA – Zimbabwe Teachers Association
ROHR- Restoration of Human Rights Zimbabwe	ZINASU – Zimbabwe National Students Union
UMP – Uzumba Maramba Pfungwe	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
25 March 2009

Two WOZA members, Patricia Ndlovu, aged 53, and Georgina Muzaza, aged 84, were arrested whilst trying to engage the Headmistress of Mpumelelo Primary School over the way the school was being run and the demands being made by the school on parents. They were charged under Section 37 1 (b) of the Criminal Law (Codification and Reform) Act - 'participating in gathering with intent to promote public violence, breaches of the peace or bigotry'. They spent the night at Bulawayo Central Police Station before being released the following day after the prosecutor dismissed the case against them.

HARARE

Glenview

25 March 2009

The male victim reports that he was severely assaulted by suspected ZANU PF supporters for "being too loyal to the MDC". Two of the assailants came to the victim's home at 20:00hrs and dragged him to their home which is about 100 metres away. Two other men who were already there then tied his hands and feet. One of the assailants allegedly told the victim that as he was "too loyal to the MDC" he had to be punished. The victim allegedly tried to negotiate with the assailants arguing that since the Global Political Agreement had been signed and consummated, there was no need for parties to continue fighting. The assailants then took turns to assault the victim using an axe handle and a baton stick to beat him on his back and under his feet. He was also beaten on the head twice with the axe handle. One of the assailants then brought a large dish of cold water into which the victim was submerged. During the attack, the assailants were playing loud music to prevent the victim's screams being heard by passers by. After one of the assailants had apparently decided that the victim had been punished enough, he was thrown out of the assailant's yard and left in front of the gate before being taken to Glen View Four Police Post by a passer-by, where a report was made. At the Police Post, he was given a letter to take to the hospital, but he could not go to the hospital due to lack of funds. He was taken to the MDC offices in Harare the following day to seek assistance.

Glen Norah

zimbabwejournalists.com 31 March 2009

∑.A Glen Norah Anglican Parish Priest, Vincent Fenga, was reportedly arrested and detained for two nights on allegations of inciting public violence. He was charged together with the assistant priest, a youth leader and the churchwarden. A group of parishioners, together with their parish leaders, tried to reclaim the church building that has been under the control of former Harare Bishop Nolbert Kunonga since 2007. A man who was in his yard during the disturbances was reportedly shot and injured by a stray bullet after police fired gunshots and teargas to disperse the crowd and prevent parishioners from entering the church. A feud has been raging in the Anglican Church following the stripping of former Bishop Nolbert Kunonga's credentials to practice as a priest by the Anglican Church of the Province of Central Africa. Kunonga has since formed his own church, which he named the Anglican Province of Zimbabwe. With the help of the police, Kunonga has prohibited worshipers and members of the clergy, who are not aligned to his church, from using any of the church premises around the country.

Mufakose

25 March 2009

Six MDC office bearers report that while holding a meeting at Mufakose area J Hall, they were assaulted by suspected ZANU PF supporters. The group of ZANU PF supporters reportedly came to the area J Hall and disrupted the meeting, demanding to see the Member of Parliament (MP) and man-handling the MDC party chairman for the Mufakose area. Some of the assailants then turned on the other MDC officials, assaulting them with booted feet. The MDC officials managed to flee from the attack and went to Mufakose Police Station to report the incident. They were however referred to Marimba Police Post, Crowborough, where a report was made.

MANICALAND

Buhera West

swradioafrica.com 11 March 2009

∑.Ten homes and livestock belonging to known MDC supporters in Buhera West were reportedly burnt to the ground after violence erupted between ZANU PF and MDC supporters at the funeral of the Prime Minister's late wife Susan Tsvangirai. It is further alleged that family members of MDC office bearers in the area were targeted for harassment and intimidation during the spurt of violence. In the Zimunya area, suspected ZANU PF supporters also reportedly burned the home of MDC provincial security officer Robert Jack Saunyama.

swradioafrica.com 16 March 2009

∑.17 MDC supporters were reportedly arrested and detained after violence broke out between MDC and ZANU PF loyalists at the funeral of the Prime Minister's late wife, Susan Tsvangirai. Mutare Deputy Mayor Admire Mukorera was also arrested in connection with the violence, and released the following day. It is alleged that the arrests targeted known MDC supporters in the area. After appearing before a magistrate in Murambinda on 16 March, the 17 were denied bail and remanded in custody to 30 March 2009.

11 March 2009

The male victim reports that he was assaulted by MDC supporters while attending the funeral of the Prime Minister's late wife, Susan Tsvangirai. The assailants accused the victim of being one of the ZANU PF supporters who victimized MDC supporters pre and post the 29 June Presidential election Run-off. The victim reports that he was pelted with stones and kicked with booted feet. He sustained injuries on his neck, head and lacerations on his face.

Mutare Central

swradioafrica.com 6 March 2009

∑.Mutare Magistrate Livingstone Chipadze was reportedly arrested for ordering the release of Roy Bennett. He was charged with criminal abuse of office for allegedly contravening section 174, subsection 1A of the Criminal Law Codification and Reform Act, Chapter 9.23. He was detained at Mutare Central Police Station and released on bail on 7 March 2009. The Mutare Magistrate's court latter ruled that there was no evidence that he had committed any offence when he permitted MDC treasurer and Deputy Minister of Agriculture designate, (Whom President Robert Mugabe reportedly refused to swear in), Senator Roy Bennett to pay bail and later signed a warrant for the politician's release from jail. The court also ruled that even though the appeal by the state effectively nullified the High Court order granting Bennett freedom, Chipadze had acted within the law when he authorised the politician's release because the state had been late in filing its appeal.

MASHONALAND CENTRAL

Bindura Central swradioafrica.com 4 March 2009

∑. Three student leaders, Respect Ndanga, Innocent Kapoya and Kelvin Veremu, were reportedly arrested and detained at Bindura Central Police station, following a protest at the campus. Students reportedly arrived at the University campus while all entry points were locked, with security guards only allowing in students who had paid tuition fees. The students then began to protest against being barred from entering the campus as well as what they complained was an inadequate reduction of fees by the Ministry of Higher and Tertiary Education.

MASHONALAND WEST Chegutu East

19 March 2009

Suspected ZANU PF supporters reportedly targeted New March farm owned by Jocky Beattie for occupation. Clever Kunonga, accompanied by police officers, came to the farm wanting to leave one of the youths taking part in the occupation in the Beatties' home. Their son, who was at home at the time, refused to let them into the house and the group left. That night, all electrical gadgets and food items were taken from the house, allegedly by the youths who had come to the house earlier in the day. A police report was made, but no follow up was done. New March farm has reportedly been allocated to a Mr. Chigwada, a Senator for the Mhondoro-Ngezi constituency.

19 March 2009

Bill Nicolson of Umfuli Banks farm was forced to leave his home following a visit from members of the Local Lands Committee and a police Sergeant Zuze and two others claiming that Mr. Shingrai Bob Makoni had been designated as the new owner of the farm. Nicolson was told that Mr. Makoni needed to move into the farm cottage immediately. Despite being in possession of, and showing to the police officer present, a High Court Order, allowing Nicolson to stay on the farm, the Nicolsons were threatened and had to leave the farm. Mr. Makoni had been previously arrested following disturbances on Stockdale Estate at which he allegedly took 14 weapons. He was released on free bail.

MASVINGO Chiredzi thezimbabwetimes.com 17 March 2009

∑.Suspected ZANU PF supporters reportedly evicted John Bolland, a commercial farmer, from his Chidza farm. He was placed on the Masvingo Police 's wanted list on allegations of refusing to leave state allocated land disregarding earlier notices to do so. A group of ZANU PF supporters chanting slogans and singing, reportedly camped outside Bolland's residence and demanded that he leaves the property within 24 hours. Following the incident, Bolland reportedly relocated to South Africa. Five commercial farmers in the area are also reported to have appeared in court facing charges similar to those of Bolland.

21 March 2009

The two farmers Ben Fayd'herbe, and Tony Sarpo were arrested and detained overnight on allegations of illegally occupying state property. They had been staying in their homes on their farms. They were released on free bail and remanded out of custody to 16 April 2009. Two farm supervisors in the area were also reportedly arrested.

23 March 2009

The farm of Digby Nesbitt, a commercial farmer, was looted by suspected ZANU PF youths who occupied his farm. Nesbitt and his family had left the farm ten days earlier following disturbances there. Upon their return they found most of their furniture and personal belongings had been taken. They also found an unknown woman in their kitchen cooking a meal on their stove. The woman claimed she had been given permission by one Police Commissioner Veterai to use appliances in the house

Zaka East

radiovop.com 23 March 2009

∑.It is reported that some schools in the Zaka area did not open for the first term as teachers refused to return to work following threats and harassment by ZANU PF youths. It is alleged that the teachers refused to return to the Zaka area, until their security was guaranteed. Some of the teachers, accused of being MDC supporters, were forced to flee their homes to cities and towns following victimization by ZANU PF youths. The most affected schools are reported to be Zivavose Secondary School, Chitonhora Secondary School and other schools in the Ndanga area.

Monthly totals of human rights violations from 1 January 2009 – 31 March 2009

Table 1

	January	February	March	Total
Abduction/	0	0	0	0
kidnapping				
Assault	6	14	7	27
Attempted	0	0	0	0
Murder				_
Death threats	1	0	0	1
Disappearance	0	0	0	0
Displacement	0	0	0	0
Freedom of	2	94	30	126
expr/ass/mvt				
Murder	0	0	0	0
Political				
Discrim/	26	110	37	173
intim/vict				
Property	1	7	16	24
Related				
Rape	0	0	0	0
School	0	0	2	2
Closure				
Torture	0	0	1	1
Unlawful Arrest	21	105	31	157
Unlawful Detention	21	105	31	157

Zimbabwe Human Rights NGO Forum

Political Violence Report: March 2009

Monthly	78	435	155	668	
Totals					

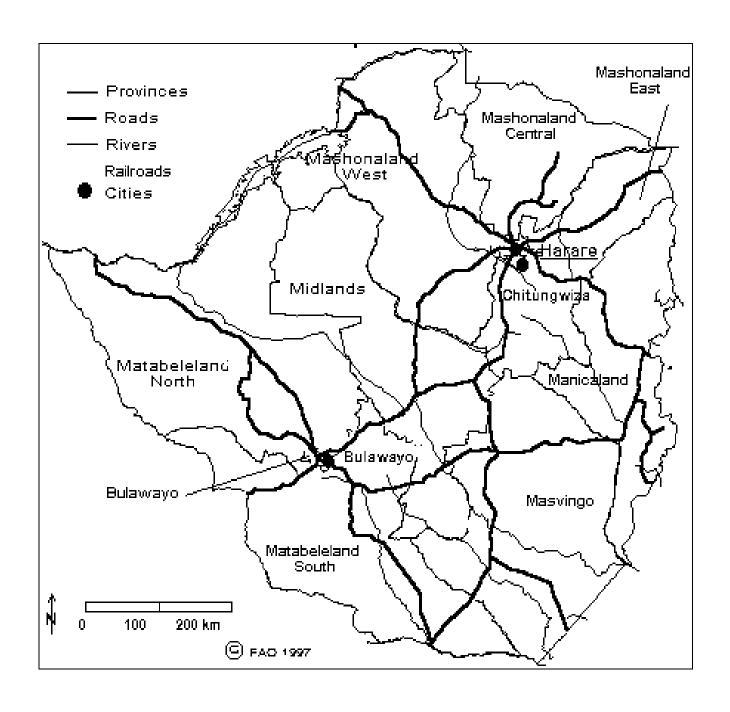
	MAIN EVENTS 2009		
January			
1	A group of soldiers in Masvingo goes on the rampage assaulting residents and looting property.		
8	Armed Security personnel raid an outdoor adventure camp in Ruwa on allegations that it is being used to train bandits.		
10	Rowdy soldiers assault traders and loot goods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

Februar	у
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 <i>Women of Zimbabwe Arise (WOZA)</i> members and two lawyers, Roslyn 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 (MDC T) and Arthur Mutambara (MDC M) 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."

 3 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]

babwe Huma	n Rights NGO Forum	Political Violence Report: March 2009
March		
4	,	a, Innocent Kapoya and Kelvin Veremu are al Police Station on allegations of inciting public violence sees being charged at state universities.
6	Bennett the Deputy Minister of Agricultu	e is arrested for ordering the release of Roy are Elect. He is charged with criminal abuse of office for or section 1A of the Criminal Law Codification and Reform
11	MDC and ZANU PF supporters clash at Tsvangirai. Ten homes and livestock a	the funeral of the Prime Minister's late wife Susan re burnt during the violence.
25		aged 53, and Georgina Muzaza, aged 84, are arrested in eadmistress of Mpumelelo Primary School over the running the school on parents.

ADMINISTRATIVE MAP OF ZIMBABWE



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 of 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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