



Zimbabwe
HUMAN RIGHTS
N G O F o r u m

POLITICAL VIOLENCE REPORT

May 2009

30 June 2009

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

Despite the signing of the Global Political Agreement (GPA), little progress has been made in the protection and promotion of human rights in Zimbabwe as seen by the sustained levels of violence from month to month. This report comes a year after the 27 June 2008 Presidential Election Run-off that saw some of the worst politically motivated violence the country has witnessed since independence. Alarming, to date, violations reminiscent in nature to those that occurred in 2008 pre and post the harmonised elections continue to be witnessed in some parts of the country.

Some reports received by the Human Rights Forum indicate that ZANU PF bases that were used as places to torture and maim supporters and purported supporters of the MDC during the electoral violence that engulfed most parts of the country in 2008, are still operational or re-activated. These bases continue to be used to harbour perpetrators of politically motivated violence. The continued existence of these bases raises fears of resurgence in violence especially in the rural areas that were also the most affected by the violence in 2008.

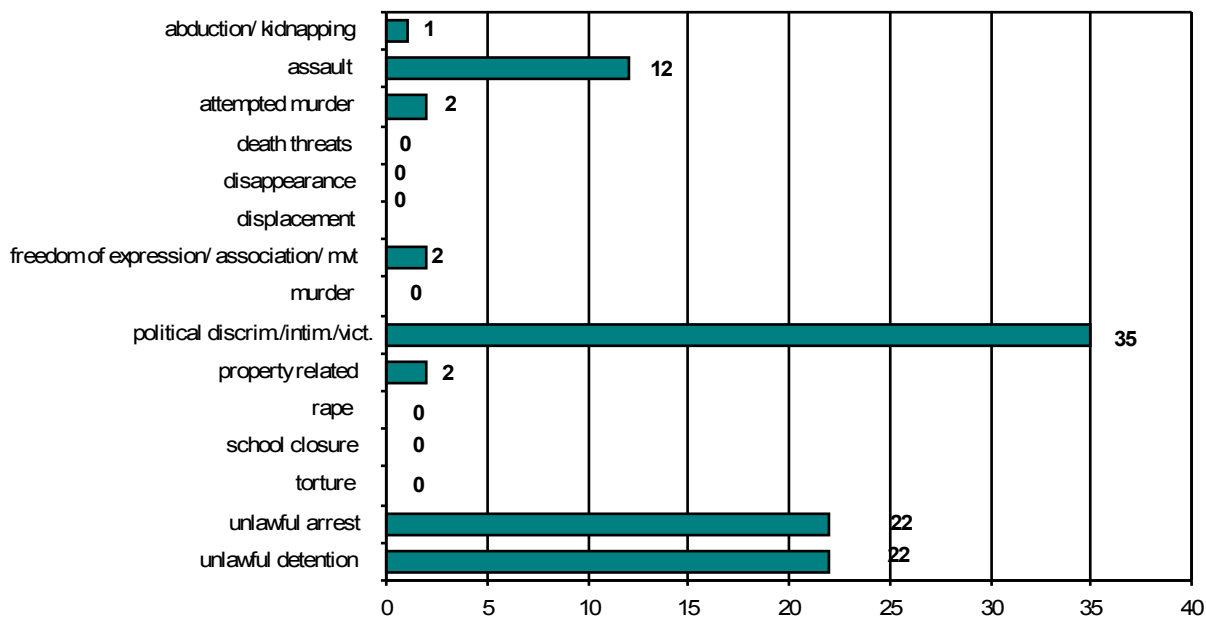
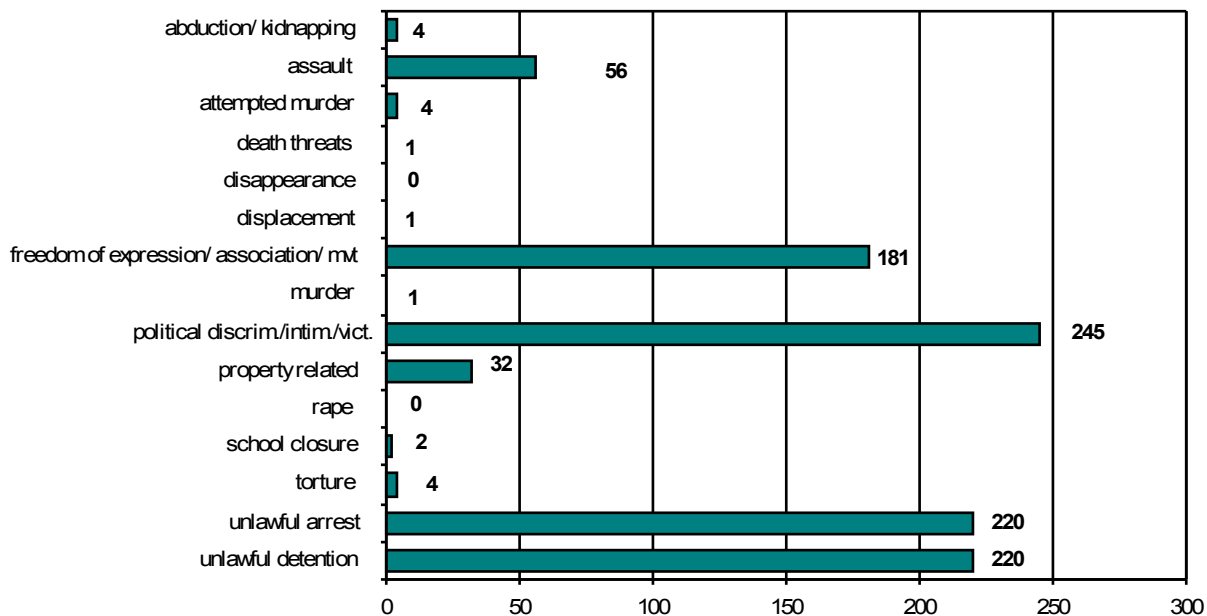
Suspicion and mistrust across the political divide have fuelled violence in many communities. This report documents the assault of two MDC members by ZANU PF supporters on suspicion that they had attended a meeting at which they were plotting to carry out retributive attacks on ZANU PF supporters who had been involved in the 2008 violence. Also documented in this report is the attack on ZANU PF supporters by MDC supporters in Buhera in retribution for the 2008 electoral violence. The inter-party violence that continues to take place around the country is a sign of the urgent need for national healing and justice for the victims of politically motivated violence.

The harassment and intimidation of human rights and MDC activists in the month of May was persistent. The arrest of human rights lawyer Alec Muchadehama and the re-arrest of the Director of the Zimbabwe Peace Project (ZPP), Jestina Mukoko and 17 others after their indictment are cases in point. Mukoko and the 17 others are facing charges of “banditry and sabotage”. The harassment of journalists, especially those from the private media, also continued with the arrest of Vincent Kahiya and Constantine Chimakure of the *Zimbabwe Independent* on allegations of “publishing falsehoods”. The victimisation of human rights practitioners, journalists and MDC activists is worrying especially at a time when the political leadership of the country, even at the highest level, has expressed their commitment to the implementation of the GPA.

This report includes an incident of police violence in a civil case that cannot be categorised as political violence but shows the alarming practice of the use of violence by the police, presumably to punish or extract confessions from the accused. The Human Rights Forum continues to call upon the Zimbabwe Republic Police (ZRP) to abide by set international standards of policing and to protect the rights of all citizens regardless of their political, economic or social standing.

Property rights continued to be trampled upon in the month of May, with some reported violence and property destruction on commercial farms. Farm workers and their families continue to bear the brunt of this violence and as documented in this report, two farm workers were assaulted at Karori Farm for refusing to cooperate with Brigadier General Mujaji who has occupied the farm. At Mount Carmel Farm suspected war veterans also assaulted another worker and his wife as punishment for continuing to work for the owners of the farm.

Although the total number of violations recorded in May is significantly lower than those in April, the trends of violence have remained predominantly the same. May recorded a total of 103 violations as compared to 204 in April. No cases of torture were recorded in May. There was a significant decrease in the number of violations of the freedom of expression, association and movement. This can be attributed to a reduction in civic activities carried out during the month. WOZA and MOZA managed to hold a peaceful protest on 18 May in which no arrests were reported. There was also a significant reduction in the number of cases of unlawful arrests and unlawful detentions recorded in May compared to those in April. April recorded 41 as compared to 22 in May.

TOTALS: 1 May to 31 May 2009**Cumulative Totals: 1 January –31 May 2009**

The graphs should be read along with the table depicting the monthly totals of violations for May 2009 on page 11.

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**

Thezimbabwean.com

15 May 2009

Σ .Patrick Masunda was reportedly shot five times by suspected war veterans reportedly employed by the Minister of State Responsible for National Healing John Nkomo. Patrick is a brother to Langton Masunda, a Bulawayo businessman who has been involved in a four-year land dispute with the Minister that involves Jijima Lodge where the shooting took place. A group of 14 war veterans are reported to have arrived and camped in some of the chalets two days before the incident. It is alleged that the shooting was a case of mistaken identity as the war veterans intended to shoot Langton instead. Some of Nkomo's workers were arrested over the incident and are facing charges of attempted murder.

HARARE

Harare Central

5 May 2009

The Director of the Zimbabwe Peace Project (ZPP), Jestina Mukoko and 17 other human rights and MDC activists accused of banditry and sabotage, had their bail conditions revoked following their indictment. They spent a night at Chikurubi Maximum Prison before being released on US\$600 bail the following day.

11 May 2009

The *Zimbabwe Independent* Editor, Vincent Kahiya and News Editor, Constantine Chimakure were arrested for allegedly publishing and communicating falsehoods. These allegations arose from the newspaper's article published on 8 May 2009 implicating members of the CIO and the police in the abduction of human rights and MDC activists in 2008. They were released on 12 May 2009 on US\$200 bail each. Their trial was set for 16 June 2009 and postponed to 9 July to enable the prosecution to file its response. Their lawyer asked the magistrate for a referral to the Supreme Court arguing that section 31 of the Criminal Law Codification and Reform Act, which attracts a maximum sentence of 20 years is unconstitutional and infringes section 20 of the bill of rights which guarantees the right to freedom of expression.

13 May 2009

Human Rights Lawyer, Alec Muchadehama, was arrested on allegations of obstructing the course of justice after allegedly conniving with a junior High Court clerk to facilitate the release on bail of photo-journalist Shadreck Manyere and MDC officials Ghandi Mudzingwa and Kisimusi Dhlamini. He was arrested at the Rotten Row Magistrate's Court by two police officers identified as Marimbo and Piwa. He was detained overnight at the Harare Law and Order section and released the following day on US\$100 bail. He was remanded to 28 May 2009.

Hatfield

25 May 2009

The male victim reports that he was assaulted by three police officers who accused him of loitering. He was at a bus-top with a friend when the three police officers who were on bicycles confronted them. The victim was ordered to lie on his abdomen but he refused and was assaulted with a baton stick. He eventually complied with the order and lay on his abdomen and was assaulted on his back and buttocks. He was also kicked on the head with booted feet. The police officers then ordered him to go back home. Another lady who was at the bus-stop was also assaulted and accused of loitering.

Mbare*5 May 2009*

The male victim, an MDC supporter, reports that he was thrown off the balcony of the 2nd floor by ZANU PF youths who had come to disrupt the funeral wake of another MDC supporter. The ZANU PF youths arrived at the funeral wake armed with large sticks and broken bottles and began assaulting mourners who were in the flat. Three of the youths grabbed the victim and threw him from the balcony of the 2nd floor. He fractured his right hand. The incident was reported at Matapi Police Station.

Zengeza East*5 May 2009*

The male victim reports that he was assaulted and detained by suspected ZANU PF supporters for wearing an MDC t-shirt. He was on his way home from Nyatsime when he was confronted by two armed men who told him that his party would never rule in their area. One of the assailants was armed with a rifle while the other was armed with a knobkerrie and an axe. The assailants forced the victim to lie on his abdomen and assaulted him. After the assault, the victim was taken to a nearby compound where he was locked in a tobacco barn overnight. He was released on the following day and sought medical treatment at Chitungwiza Hospital.

MANICALAND**Buhera Central***swradio.com**29 May 2009*

Σ. Some ZANU PF supporters, who were allegedly involved in the victimisation of MDC supporters during the run-up to the 27 June 2008 Presidential Election Run-off, are reported to have fled their homes in fear of retributive attacks. The group is reported to have gone to the home of one Josiah Mabvuregudo in Ward 17 of Buhera Central Constituency under Chief Nyashanu to seek protection against MDC-T supporters who were seeking retribution. One person was allegedly seriously assaulted.

Headlands*swradio.com**22 May 2008*

Σ. Two farm workers at Karori Farm were reportedly assaulted by people working for Brigadier General Mujaji who has occupied the farm. Charles Lock the owner of the farm has been forced into hiding as the farm occupation became increasingly violent. Mujaji had reportedly closed down operations at the farm and threatened workers with violence for refusing to work for him. Mujaji then hired tractors elsewhere and planted his wheat on land that had been prepared for tobacco planting by Lock. Mujaji then reportedly demanded Lock's irrigation pipes from his employees. When they refused to cooperate with him he then assaulted two of the farm's foremen over the head. The matter was reported to the police but they did not intervene citing the unavailability of fuel and that they did not have the mandate to deal with Mujaji.

Mutare Central

29 May 2009

A former commercial farmer, Ian Campbell-Morrisson, was arrested and sentenced to 12 months in prison or a US\$800 fine, on allegations of illegally occupying state property. Campbell-Morrison lived in the Vhumba Mountains next to a hotel where he was the "green keeper". He used to farm coffee and tobacco before his land and farmhouse were taken over by the state during the land reform programme, leaving him and his wife with the farm cottage in which they had been staying over the years. He had not been carrying out farming activities since the re-allocation of the farm. He was given less than a week to leave the cottage

MASHONALAND CENTRAL***Muzarabani North***

18 May 2009

Two male MDC members report that they were assaulted by six ZANU PF supporters on allegations of plotting to kill them in retributive attacks. The victims had just attended a memorial service at Chaona village to remember those who were killed during the 2008 electoral violence. The assailants, who are from the same family, accused the victims of attending a meeting at which MDC supporters were planning retributive attacks on ZANU PF supporters who were involved in the 2008 electoral violence. The victims were assaulted all over their bodies with large sticks. One of the victims sustained injuries to his left leg while the other sustained injuries to his left eye.

18 May 2009

The male victim, an MDC supporter, reports that he was assaulted by a group of ZANU PF supporters following an attempt to resolve a dispute with one of them. One of the assailants had been harassing members of the victim's family as well as other MDC supporters and the victim had gone to his home to resolve the matter. The victim however left the assailant's home when he realised that he had lost his temper. The following morning the assailant's five brothers came to his home and dragged him to their home where they assaulted him with sticks all over his body. He sustained a fracture to his left arm.

18 May 2009

Mazowe North

18 May 2009

The male victim reports that he was abducted and assaulted by ZANU PF youths for being an MDC supporter. He was taken from his home to a ZANU PF base at Mashiri village where he was assaulted all over his body with sticks. He was told that MDC members were not welcome in the area. They took his MDC t-shirt and party materials. The victim reported the incident to Chambira Police Station

MASHONALAND WEST

Chegututu East

5 May 2009

Nine suspected war veterans assaulted a farm worker and his wife at Mount Carmel farm as punishment for continuing to work for the owners of the farm. The assailants, who were armed with rifles broke into the victim's house and dragged him to a nearby shed where they hit him under the feet and on his head. They also beat his wife with a rifle. The victim was detained overnight and taken to Chegututu Police Station the following day, where the assailants accused him of assaulting their colleagues. A docket was opened against him.

MASVINGO

Chiredzi

The Mirror.com

29 May 2009

Σ.Chiredzi war veterans reportedly victimised Celine Pote, a ZANU PF Politburo member and former Member of Parliament, who testified in the trial of a former commercial farmer Sean Nesbitt. Sean Nesbitt of Farm 30 Hippo Valley Settlement is facing charges of refusing to vacate state-acquired land. Celine Pote, a defence witness in the case, told magistrate Enias Magate that Nesbitt was still the lawful owner of the farm as the matter is still to be decided by the courts. Some war veterans were not happy with her testimony and accused Pote of being a sell-out. The war veterans are reported to have followed Pote home, shouting and swearing at her.

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

Table 1

	January	February	March	April	May	Total
Abduction/ kidnapping	0	0	0	3	1	4
Assault	6	14	7	17	12	56
Attempted Murder	0	0	0	2	2	4
Death threats	1	0	0	0	0	1
Disappearance	0	0	0	0	0	0
Displacement	0	0	0	1	0	1
Freedom of expr/ass/mvt	2	94	30	53	2	181
Murder	0	0	0	1	0	1
Political Discrim/ intim/vict	26	110	37	37	35	245
Property Related	1	7	16	5	3	32
Rape	0	0	0	0	0	0
School Closure	0	0	2	0	0	2
Torture	0	0	1	3	0	4
Unlawful Arrest	21	105	31	41	22	220
Unlawful Detention	21	105	31	41	22	220
Monthly Totals	78	435	155	204	103	975

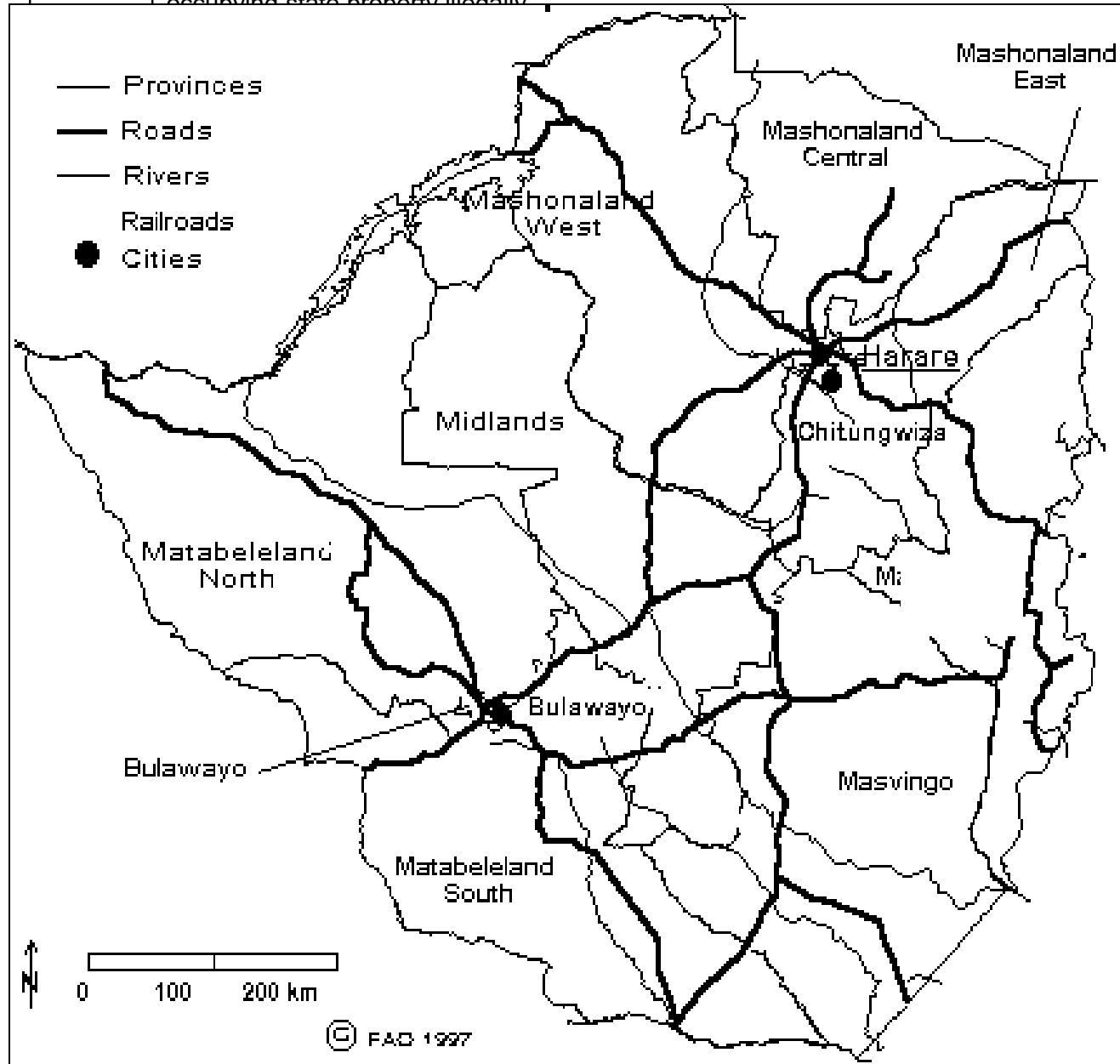
	MAIN EVENTS 2009
January	
1	A group of soldiers in Masvingo goes on the rampage assaulting residents and looting property.
8	Armed Security personnel raid an outdoor adventure camp in Ruwa on allegations that it is being used to train bandits.
10	Rowdy soldiers assault traders and loot goods at Makoni Shopping Centre in Chitungwiza.
13	War veterans loot goods and cash at a shopping centre 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 <i>Women of Zimbabwe Arise (WOZA)</i> 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 (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, they must vacate those farms." ⁴

⁴ 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]

March	
4	Three student leaders, Respect Ndanga, Innocent Kapoya and Kelvin Veremu, are arrested and detained at Bindura Central Police Station on allegations of inciting public violence following a protest against high tuition fees being charged at state universities.
6	Mutare Magistrate Livingstone Chipadze is arrested for ordering the release of Roy Bennett the Deputy Minister of Agriculture-elect. He is charged with criminal abuse of office for allegedly contravening section 174, sub- section 1A of the Criminal Law Codification and Reform Act, Chapter 9.23.
11	MDC and ZANU PF supporters clash at the funeral of the Prime Minister's late wife Susan Tsvangirai. 10 homes and livestock are burnt during the violence.
25	Two WOZA members, Patricia Ndlovu, aged 53, and Georgina Muzaza, aged 84, are arrested in Bulawayo while trying to engage the Headmistress of Mpumelelo Primary School over the running of the school and the demands made by the school on parents.
April	
6	Students at the National University of Science and Technology (NUST) in Bulawayo protest against the high tuition fees being charged at state universities.
17	An interparty task force led by Deputy Prime Minister Arthur Mutambara is set up to investigate disturbances on commercial farms.
20	Four farm workers are reportedly severely assaulted by ZANU PF youths for talking to the Deputy Prime Minister Arthur Mutambara about the situation on Twyford farm in Chegutu.
20	Thirteen students from Great Zimbabwe University (GZU) in Masvingo are arrested and detained at Rujeko Police Station after participating in a protest against the high tuition fees being charged at state Universities.

May	
5	Jestina Mukoko, the Director of the Zimbabwe Peace Project (ZPP), and 17 others accused of banditry and sabotage, are incarcerated following their indictment. They are released on bail the following day.
11	The Editor of the weekly <i>Zimbabwe Independent</i> newspaper, Vincent Kahiya and News Editor Constantine Chimakure are arrested. They are released on bail after being detained for 48 hours.
13	Prominent human rights lawyer, Alec Muchadehama, is arrested and detained by officers from the Police's Law and Order Section on charges of obstructing the course of justice. He is released on bail the following morning
29	A former commercial farmer Ian Campbell Morrison is arrested and fined US\$800 on allegations of occupying state property illegally.



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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