

ZIMBABWE HUMAN RIGHTS NGO FORUM

Political Violence Report

September 2005

14 November 2005

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

The month of September saw a new wave of farm invasions in Manicaland where 4 cases were reported. These invasions followed the signing into law of the 17th Amendment to the Constitution, which among other things, strips away the right of appeal to the courts by aggrieved parties in cases where their land has been acquired by the state. The only appeal they are allowed is for compensation for the improvements on the land. The Forum notes with concern that this clause in the Constitutional Amendment Act No 17 violates Zimbabwe's international obligations, more particularly Article 7 (1) of the African Charter on Human and Peoples' Rights, which states that "*every individual shall have the right to have his cause heard*". This right includes "*the right to appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force*."¹ The Forum urges the Government to respect and adhere to the international instruments to which it is a party.

The invasions also came in the wake of the precent statements made by State Security and Land Reform Minister, Didymus Mutasa who reportedly described white farmers as "*dirt*" which needed to be cleansed while speaking at a land audit meeting in Masvingo. These are irresponsible statements from a public official, which must not be condoned.

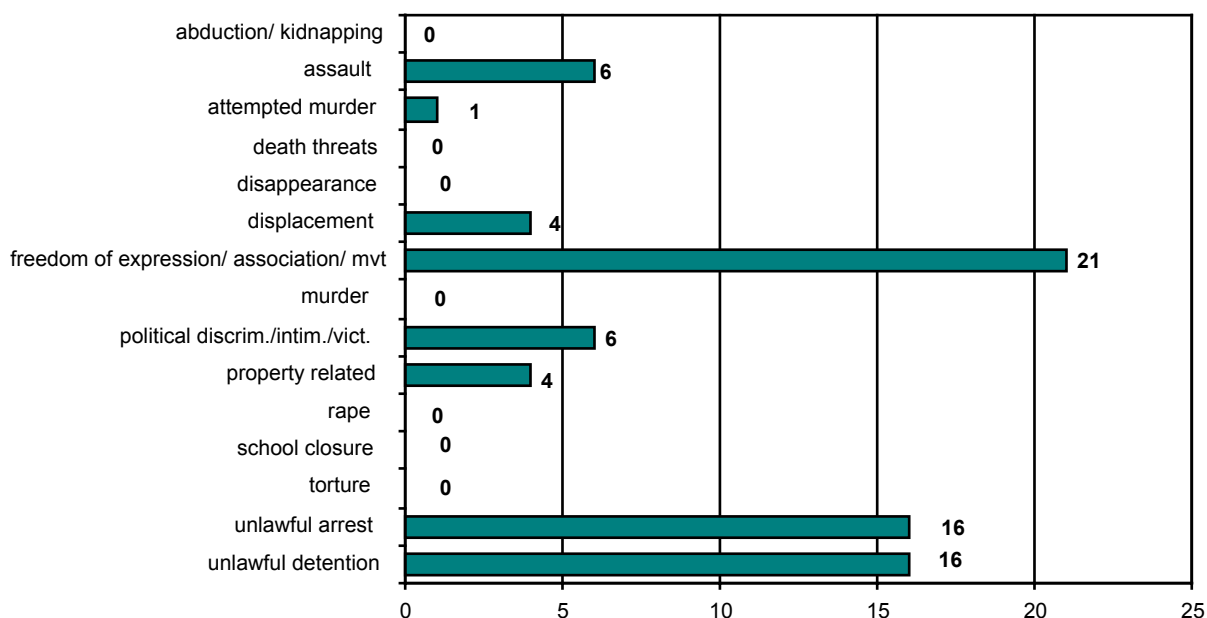
WOZA members demonstrated against poverty on 21 September, the International Day of Peace. The demonstrations took place in Harare and Bulawayo. Some of the demonstrators were reportedly assaulted, while some were arrested. The Forum deplores the heavy-handed manner with which the police handle demonstrators and urges them to respect the right to freedom of expression and assembly as enshrined in the Constitution and international instruments.

Three University of Zimbabwe student activists were reportedly arrested over allegations that they had incited public violence through a flier addressing sanitation, food, payout, transport and other student

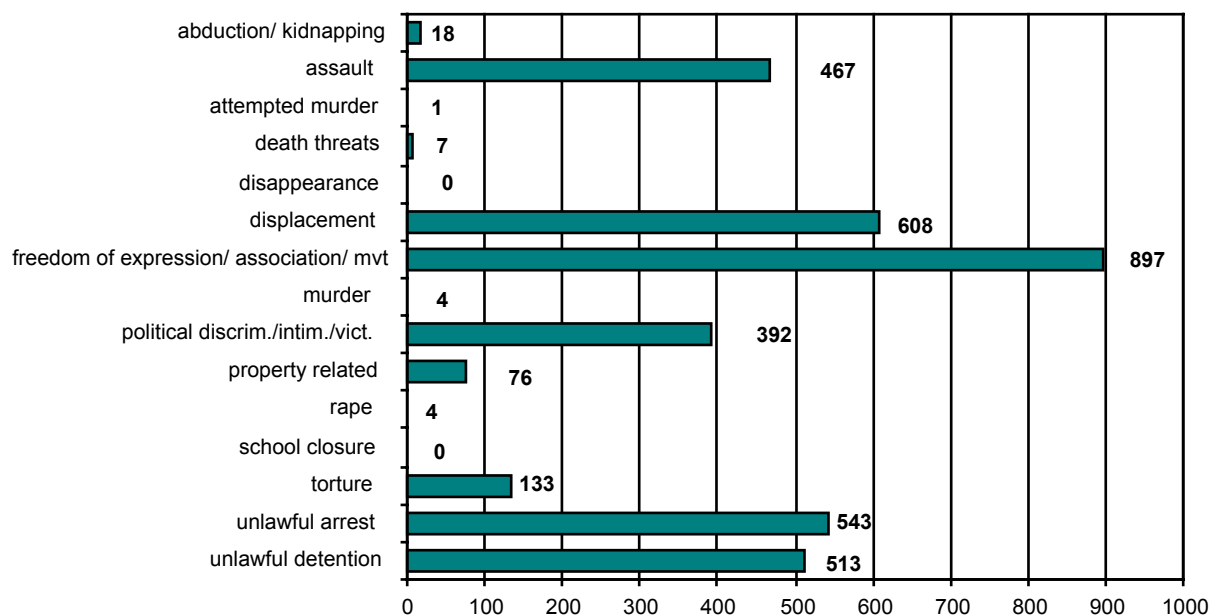
¹ Article 7 (1) (a) of the African Charter on Human and Peoples' rights.

needs. The Forum urges the University authorities to deal with issues being raised by the students responsibly rather than victimise the students themselves.

Totals: 1 September-30 September 2005



Cumulative totals: 1 January – 30 September 2005



The cumulative graph should be read along with the table depicting the monthly totals of violations from 1 January 2005 to 30 September 2005. The total quantifiable number of victims reported in September 2005 is 24.

Key Abbreviations

AIPPA – Access to Information and Protection of Privacy Act	UMP – Uzumba Maramba Pfungwe
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
ZPS – Zimbabwe Prison Service	ZRP – Zimbabwe Republic Police
NAGG - National Alliance for Good Governance	ZNLWVA – Zimbabwe National Liberation War Veterans Association
NCA – National Constitutional Assembly	ZIMTA – Zimbabwe Teachers Association
OVT – Organised Violence and Torture	ZUPCO – Zimbabwe United Passenger Company
POSA – Public Order and Security Act	
PTUZ – Progressive Teachers Union of Zimbabwe	

Sources: The information contained in this report is derived from statements made to the Public Interest Unit of the Zimbabwe Human Rights Forum, 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 include the ZRP, ZNA, ZPS and the ZNLWVA (as a reserve force of the ZNA) and by any other grouping when directly sanctioned by the state.

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, political party, ZNLWVA, ZNA, MDC, Zanu PF etc

Disappearance:

Kidnapped persons whose whereabouts remained unknown at the time of reporting. Their whereabouts have still to be ascertained through follow up reports or further investigation.

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 by the use of initials. 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 Human Rights Forum and other partner organisations. Use is also made of press reports on politically motivated violence. The Monthly Political Violence Report cannot therefore 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 $\Sigma \setminus$

BULAWAYO

Bulawayo East

21 September 2005

Thirteen members of Women of Zimbabwe Arise (WOZA) were arrested in Bulawayo following a demonstration against poverty on 21 September 2005, the International Day of Peace. Reports are that the target for the procession was the ZRP offices at Southampton House at the corner of main Street and 9th Avenue. The women are said to have arrived at the Police Station and chanted slogans. As they were dispersing, it is reported that 3 of the women were arrested by plain clothes officers and another 10 were arrested at St Mary's Cathedral which is 3 blocks away from the Police Station. One of the women arrested reports that she was an innocent bystander. The women spent the night in the cells. They refused to pay the admission of guilt fines insisting on being charged and taken to court.

HARARE

Harare Central

21 September 2005

While the WOZA demonstrations were taking place in Bulawayo, reports are that other members of WOZA were demonstrating in Harare as well. Three of the WOZA women were assaulted by riot police during the demonstration held on the International Day of Peace. They were part of 250 women who had marched peacefully from Market Square to Town House. One of the victims claims that as they were singing and waving banners about 7 riot police caught up with them and the women dispersed in different directions. The 3 remained seated as instructed by their leader and were allegedly assaulted by the police. One of the women is said to have been struck 5 times with a baton

on the head, right shoulder, buttocks and both hands. The police then reportedly left them and pursued those who were running away. The demonstrators report that they did not manage to submit their petitions to the Chairperson of the Commission running Harare, Mrs Sekesai Makwavarara and the Minister of Local Government, Dr Ignatius Chombo.

Harare North

29 September 2005

Three student activists from the University of Zimbabwe report that they were arrested for inciting public violence through a flier addressing sanitation, food, payout, transport and other student needs. The student activists were reportedly picked up by the Avondale Police after Campus security went into the room of one of the activists where they found the fliers. The fliers had apparently not yet been distributed. The activists spent a night in police cells at Avondale Police Station before being released the following day on the intervention of lawyers. They were released without charges being preferred against them. Reports are that sanitation on campus has deteriorated to the extent that there are only 10 functional toilet seats, which are servicing more than 3 000 students in the halls of residence. Further to that, the Students' Union building, which was originally donated to the students years ago, was seized by the University administration.

Hatfield

7 September 2005

A male victim reports that after the destruction of houses during Operation *Murambatsvina* he and others were staying in the open. Due to deep seated divisions between ZANU-PF and MDC supporters the victims of the Operation had to sleep on different sides. Helpage gave the victims food, but the ZANU-PF faction reportedly took over distribution of the food. The victim and his friend were allegedly told that the food was for ZANU-PF supporters only and were asked to leave by the ZANU-PF supporters who were distributing the food. The victim was allegedly assaulted using fists, slaps and booted feet on his left ear and on his lip, which was split. A crowd reportedly gathered and a police officer arrived. The ZANU-PF supporters are said to have taken the opportunity to report that the victim was actually trying to assault them. He was allegedly assaulted with a baton by police officer but the crowd pleaded with the officer to stop. The victim says he tried to report what had happened to the officer who told him to go to the police station since he could not help him. However, he was subsequently able to make a full report to the police.

MANICALAND

Chipinge North

20 September 2005

Σ \ Gideon Mostert was reportedly evicted from his Brackenridge farm in Chipinge by a suspected senior official based at the Zimbabwe Embassy in London. It is reported that the official was accompanied by 12 police officers and when they arrived at the farm and they instructed Gideon to vacate the farm that night. It is also reported that neighbours and workers were ordered not to assist Gideon pack his belongings.

21 September 2005

Σ \ Allen Warner was reportedly assaulted by Joseph Chiminya and 5 others who are believed to be members of the CIO. Reports are that the 6 arrived at Ashanti farm where Warner is manager. They allegedly assaulted him with hoses and steel pipes. Chiminya then allegedly fired a gun at him but the

gun jammed and could not fire. Warner reportedly tried to escape on a motobike but he failed and was allegedly assaulted until David Wilding-Davies, a co-owner of the farm, pleaded with the assailants not to harm Warner.

Makoni East

19 September 2005

Σ \ It is reported that Jane Herrer was evicted from her Tsungwezi Source farm in Nyazura by suspected war veterans who claimed that they were acting on instructions from a Makoni Rural District Council top official. She reports that she had not been given notice whatsoever. Herrer, who is a tobacco farmer, claims she bought the farm in 1980. She is now staying in Mutare.

21 September 2005

Σ \ David Banard was reportedly ordered to leave his farm by suspected members of ZNLWVA. The farmer reported that he had no option as he knew the fate of those who had resisted leaving. The farmer also reported that he was told that the recently promulgated Constitution of Zimbabwe Amendment (No 17) Act stripped him of any rights to the land.

MIDLANDS

11 September 2005

On the date of the incident, a male victim claims that he was among MDC activists who were expecting the arrival of MDC leader Morgan Tsvangirai in Kwekwe MDC offices. They were reportedly singing and chanting some slogans. The victim alleges that ZANU-PF activists attacked them, throwing stones at the opposition members. The victim was allegedly hit on the head and on his mouth by the stones.

Full alphabetical list of reported deaths related to political violence 1 January 2005 to 30 September 2005 recorded indicating name, political affiliation, date of death, constituency and province.

TOTAL:4 ZANU PF 2 MDC 1 UNKNOWN 1

SURNAME	FIRST NAME (S)	POLITICAL AFFILIATION	DATE OF DEATH	CONSTITUENCY	PROVINCE
1 CHIMBANDI	GIFT	ZANU PF	3 MARCH 2005	MAZOWE EAST	MASONALAND CENTRAL
2 GANDA	GODWIN	ZANU-PF	2 MAY 2005	MARONDERA EAST	MASHONALAND EAST
3 MOFAT	EBRAHIM	MDC	28 APRIL 2005	HURUNGWE EAST	MASHONALAND WEST
4 MUCHACHA	FEBBY	UNKNOWN	13 APRIL 2005	MARONDERA WEST	MASHONALAND EAST

	MAIN EVENTS 2005
January	-WOZA women arrested and detained unlawfully as they demonstrate against hikes in school fees. -The newly appointed woman Vice President holds celebrations throughout the country and in Bindura, press reported that people are forced to attend the celebration. -ZANU PF youths reportedly move from door to door forcing Epworth residents to register as voters and to vote for ZANU PF
February	-Political violence and victimization surrounds campaigns and preparations for the 31 March 2005 Parliamentary elections. -WOZA members demonstrate on 12 February in Bulawayo to commemorate Valentine's Day under the theme "<i>the power of love will conquer the love of power</i>". -Police reportedly disrupt an MDC training session of Parliamentary candidates in the March 31 Parliamentary elections and MDC supporters on 16 February at Harare Sheraton Hotel. They arrest MDC Director of Elections Mr. Ian Makoni. -NCA members are arrested and assaulted by the police after holding a demonstration dubbed "<i>no election without new constitution</i>" on 17 February in Harare.
March	-ZANU PF supporter and war veteran, Gift Chimbandi, is reportedly burnt to death under unclear circumstances. MDC supporters are suspected to have burnt his house leading to his death. -Zimbabwe's 6th Parliamentary Election since Independence is held on 31 March 2005. -A WOZA peaceful candle light vigil is disrupted by riot police and the women are reportedly badly assaulted and arrested. The vigil was held at Africa Unity Square in Harare to safeguard the March 31 vote from manipulation. -MDC activists throughout the country are arrested or assaulted for putting up posters and distributing campaign material and people are victimized for attending MDC rallies by ZANU PF supporters. -MDC Parliamentary candidate for Zvimba North constituency is reportedly victimized for trying to campaign in the area.
April	-Febby Muchacha a 70 year old woman living at Kimcote Farm in Beatrice is reportedly raped and murdered when a gang of 5 attacks the resettled farmers around 3:00 hrs on 13 April 2005 -Ebrahim Mofat is reportedly murdered by ZANU-PF activists in Hurungwe East on 28 April 2005. -MDC supporters demonstrate against the election results on 4 April 2005 in Harare. -Widespread post-election retributive displacements and post-election victimization is reported. -Independence celebrations are held on 18 April 2005 marking what the Government termed the '<i>silver jubilee</i>' of Independence
May	-<i>Operation Murambatsvina</i>, officially announced on 19 May 2005 by the Chairperson of the Commission running Harare, Sekesai Makwavarara, leaves many people homeless and closes down informal traders. -ZCTU offices are raided by police Fraud Section as the police search for illegal forex transactions in what many think was a clamp down on civil society. -MDC is involved in violent intra-party political squabbles. -War veteran Godwin Ganda is murdered on 2 May 2005 in what is suspected to be political victimisation. -Post election political victimisation and displacement is rampant in Mount Darwin South Constituency.
June	-<i>Operation Murambatsvina</i> continues, ironically during the same Month as the World Refugee Day and the International Day against Torture which are on 20 June and 26 June respectively. -WOZA demonstrates against the effects of <i>Operation Murambatsvina</i> on 18 June 2005 in commemoration of World Refugee Day, which is on 20 June. 2005.

	MAIN EVENTS 2005
July	- NCA members are reportedly assaulted and arrested as they demonstrate for a new constitution on 21 July 2005. - <i>Operation Murambatsvina</i> continues and Porta Farm residents are forcibly evicted by the riot police. - ZCTU Women Advisory Council (WAC) meeting disrupted as infighting in the ZCTU reportedly intensifies.
August	- NCA members are reportedly assaulted as they demonstrate for a new constitution on 4 August 2005. - Vendors are rounded up and their goods confiscated by police on horse-back in Mutare as <i>Operation Murambatsvina</i> continues and 500 residents of MacDonald (dhonhoro) farm are reportedly evicted by police in Harare.
September	- The Constitutional Amendment Bill No 17 is signed into law by the President. The Act establishes the senate, takes away the right of appeal from people aggrieved by the acquisition of their farms and limits appeal to the courts only to the amount offered for compensation. It also seeks to take away travel documents from people perceived to be against the economic interests of the country - Members of WOZA demonstrate in Harare and Bulawayo on 21 September 2005 to mark the International Day for Peace. - A new wave of farm invasions hits Manicaland Province.

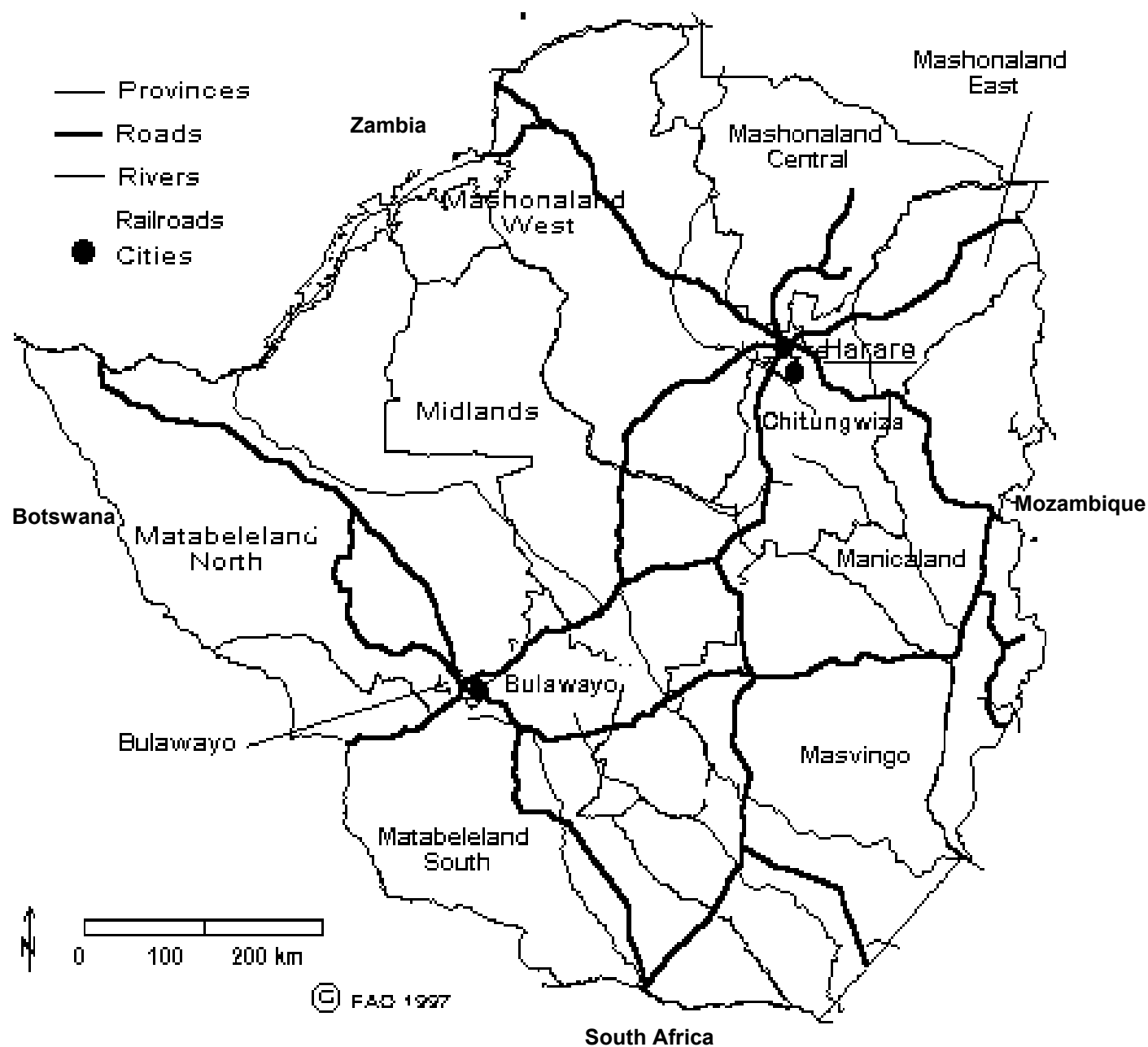
The table below and the graphs on page 3 above depict the number of violations committed on the persons whose circumstances are described in the report. One individual may have been subject to many violations and thus appear under several categories of violations.

Monthly totals of human rights violations from 1 January 2005 to 30 September 2005

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Assault	17	54	259	59	34	16	12	10	6	467
Abduction/kidnapping	2	3	6	2	3	1	0	1	0	18
Attempted murder	0	0	0	0	0	0	0	0	1	1
Death threats	1	0	1	3	2	0	0	0	0	7
Disappearance	0	0	0	0	0	0	0	0	0	0
Displacement	17	1	3	55	27	0	1	500	4	608
Freedom of expression/ass/mvt	31	57	268	112	349	36	15	8	21	897
Murder	0	0	1	2	1	0	0	0	0	4
Political Discrim/vict/intim	31	49	128	113	41	7	11	6	6	392
Property related	0	0	0	18	2	1	1	50	4	76
Rape	0	0	0	4	0	0	0	0	0	4
School closure	0	0	0	0	0	0	0	0	0	0
Torture	1	5	1 (97) ²	16	7	4	1	1	0	133
Unlawful arrest	8	63	86	16	315	30	9	0	16	543
Unlawful detention	8	63	57	15	315	30	9	0	16	513

² The 97 torture cases in brackets relate to the WOZA women who held a vigil in Harare's Africa Unity Square on the night of the 2005 Parliamentary Election on 31 March 2005 (see March 2005 Report). It was only established after the publication of the March 2005 Report, after expert advice from medical practitioners, that the level of the assaults was sufficiently severe to constitute torture. Accordingly the 97 are included in the statistics of torture as well as assault since they were also assaulted in the process.

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 through the Public Interest Unit of the (formerly the Legal Unit of the ZHRF.)

Member organisations of the Human Rights Forum are:

- Amnesty International (Zimbabwe) (AI (Z))
- Catholic Commission for Justice and Peace (CCJP)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Human Rights Trust of Southern Africa (SAHRIT)
- Legal Resources Foundation (LRF)
- Media Monitoring Project of Zimbabwe (MMPZ)
- Nonviolent Action and Strategies for Social Change (NOVASC)
- Transparency International (Zimbabwe) (TI (Z))
- 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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