

ZIMBABWE HUMAN RIGHTS NGO FORUM

POLITICAL VIOLENCE REPORT

December 2005

13 February 2006

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

2005 cannot be regarded as a good year in the life of Zimbabwe. With yet another disputed Parliamentary election and the mass displacements that took place under *Operation Murambatsvina*, there were increasingly calls for Zimbabwe to be investigated for crimes against humanity. The year ended with an exceedingly strong resolution from the African Commission on Human and Peoples' Rights [ACHPR], in which the Commission called for an end to all human rights abuses, the amendment of various pieces of draconian legislation, and untrammelled assistance to the victims of *Operation Murambatsvina*. The Forum issued a number of reports on both the Parliamentary election and *Operation Murambatsvina*, indicating its concern over both¹.

Indeed, as our data show, in terms of the frequency of all violations, 2005 is the worst year since we began publishing our monthly reports in July 2001, and 2005 is markedly worse than 2004. It is also evident that the trend has been worsening over the past 5 years, and, despite the many interventions of international governments, international agencies and organizations, and national pressure groups, there is little indication that the Zimbabwe Government is taking its responsibilities under the Constitution and its international obligations seriously. Here the Forum can only endorse the resolution of the African Commission on Human and Peoples' Rights.

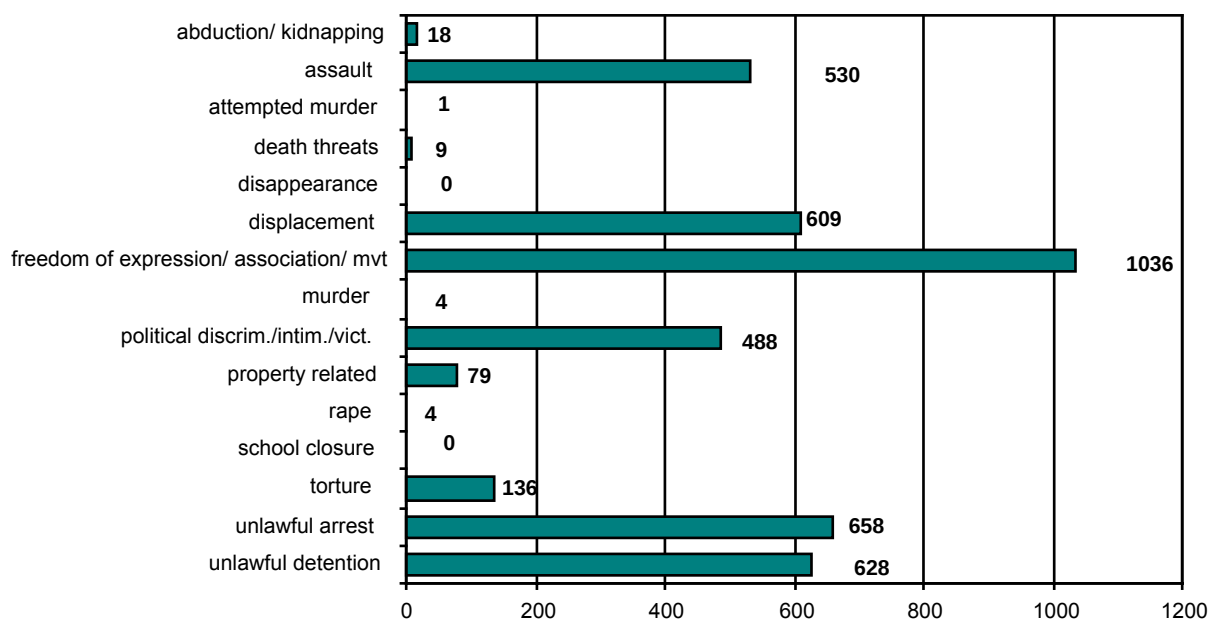
The trend towards declining rates of torture observed in 2004 has continued in 2005, but it was also evident that, in both years, the rates of torture and assaults increased during months in which there were elections. However, it was also seen that displacements, and unlawful arrests and detentions, increased markedly during 2005.

¹ For reports issued during the year, see the Appendix.

Totals: 1 December-31 December 2005



Cumulative totals: 1 January– 31 December 2005



The cumulative graph should be read along with the table depicting the monthly totals of violations from 1 January 2005 to 31 December 2005. The total quantifiable number of victims reported in December 2005 is 10.

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. 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 Σ .

HARARE

Chitungwiza

12 December 2005

On the day of the incident, around 2:15 hrs, the male victim reports that he was asleep when about 11 policemen forced entry into his house. The police were reportedly looking for the victim's brother. The victim enquired from the police what they wanted but they allegedly accused him of stabbing a ZANU-PF activist on the back and he was arrested for attempted murder. He claims he was poked in the abdomen with riffle butts, handcuffed and thrown into a police truck. He was taken to Chitungwiza Police Station, where there were about 20 ZANU-PF activists who upon seeing him, shouted that he was the culprit. It is purported that the victim was taken through the back door into the station and was forced to sit on the floor. Two policemen allegedly assaulted him with batons during interrogation. Three other policemen and 2 police women are said to have joined in the interrogation and continued the assault. He denied the charges and witnesses were brought against him. He was later put into the cells apparently in leg irons. He was also later allegedly assaulted all over his body by police officers in plain clothes using a hosepipe and whips. He was taken to court on 15 December 2005, where he was released on bail. The victim is now living in fear for his life.

Harare Central

10 December 2005

On the date of the incident, WOZA members participated in a ZimRights-organized march to commemorate World Human Rights Day. They gathered at Fourth Street before proceeding along Nelson Mandela Avenue. The women were however intercepted by the police at Second Street and 5 of them were allegedly arrested around noon. They were taken to Harare Central Police Station. The 5 reported that they were assaulted by the police with open palms and batons while they were in custody. They were further said to have been refused access to their lawyers. The 5 were released after payment of Z\$ 25 000 admission of guilt fines.

15 December 2005

A male victim claims that 2 police officers came to his work place and asked him about the whereabouts of his brother, who was suspected of having assaulted MDC Mabvuku MP Mr. Mabhawu. When he told them he was not aware of his brother's whereabouts, they continued interrogating him in front of his workmates. He later decided to go with them since they were embarrassing him. When they got to Harare Central Police Station, he was interrogated again and detained for assaulting MP Mubhawu though he denied the charges. He was kept in custody for 4 days before being released with no charges being preferred against him.

Hatfield

7 December 2005

The male victim claims that he was on his way to the shops to get some batteries when he met four men 2 of whom were dressed in ZANU-PF t-shirts. He reports that the 4 asked him to buy cigarettes for them but he told them that he had no money to which the perpetrators retorted saying that Tapiwa Mashakada, MDC Hatfield MP, was giving the victim enough money to buy cigarettes. The victim indicated to them that he did not know who Tapiwa Mashakada was but they reportedly took him about 100 metres away from where they were and allegedly assaulted him with fists, open palms, and sticks. He managed to escape when the perpetrators' attention was diverted. Whilst he was running away one of the perpetrators allegedly stoned him on the leg and he fell. The perpetrators are said to have caught up with him and assaulted him again before they left. He made a report to the police but he records that they were not helpful.

Highfield

4 December 2005

Σ. It is reported that Mabvuku MDC MP, Timothy Mabhawu, was assaulted by Tonderai Ndira and Edmore Mqulu on the date of the incident under the accusation that he was part of the pro-Senate faction. The MP had gone to Highfield for an MDC rally. He was reportedly rescued by Paul Madzore (Glen View MP) and Willas Madzimure (Kambuzuma MP). Mabhawu later drove away with an aide before the rally started. The MDC President reportedly condemned the violence. The two have since appeared in court on the charges of assaulting the MP and released on \$ 1 million bail.

MASVINGO

Masvingo Central

28 December 2005

Σ. It is reported that the house of the newly-elected chairman for the MDC pro-Senate faction in Masvingo Province, Mr Shacky Matake, was attacked. Mr. Matake was apparently out at the time of the attack. No one was injured but the windows and part of the building were reportedly destroyed. The perpetrators were reported to have run away after shattering several windows in the house.

COMPARATIVE ANALYSIS

Here some brief comparisons between 2005 and 2004 are made, and some brief comments will be made about some of the trends since the Forum began publishing these reports in July 2001. The full details of the violation recorded during 2004 and 2005 are given below.

	2005	2004
Abductions	18	62
arrest & detention	1286	389
Assault	530	401
attempted murder	1	8
Death threats	9	35
Disappearance	0	0
Displacement	609	189
Freedoms	1036	760
Murder	4	3
political discrimination	488	549
property violation	79	142
Rape	4	3
school closure	0	0
Torture	136	170
Total	4200	2711

As can be seen from the Table above, there were many more violations recorded in 2005 than in 2004, and it is also the case that 2005 recorded the highest number of violations since the Forum began recording in July 2001. Very marked increases are seen in the number of unlawful arrests & detentions, assaults, displacements, and interference with basic freedoms. A decline was noted in torture, political discrimination, and property violations, although this last may be masked by the huge increase in displacements. Thus, overall it cannot be concluded that 2005 has seen any improvement in the human rights climate.

The Parliamentary elections in 2005

2005 was another election year, and, as in the past, the Forum anticipated a marked increase in the number of violations. The elections in 2005 were held against the standards of the SADC Principles and Guidelines for Democratic Elections, and these ostensibly provided a set of criteria for evaluating the validity of elections. The Forum produced 2 reports on the elections, and unequivocally indicated that neither the pre-election period², nor the election itself³, conformed to the Principles and Guidelines.

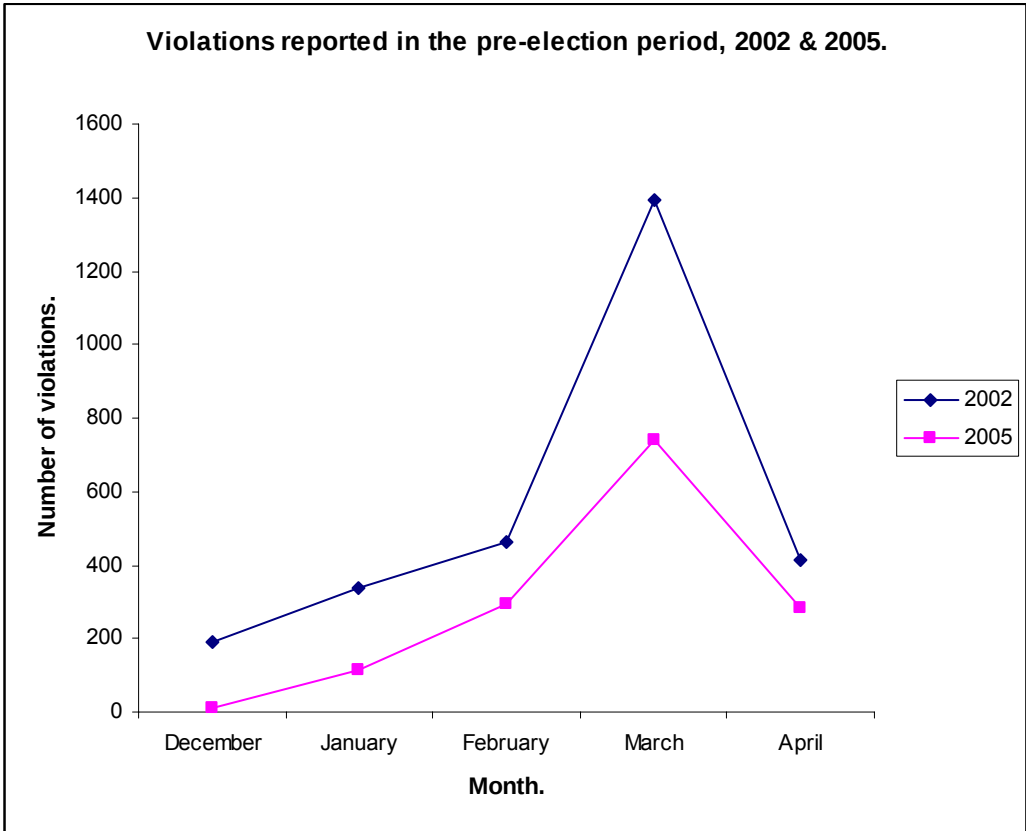
Although it was generally concluded that the 2005 elections were less violent than elections in the previous 5 years, it is not the case that they were free from human rights violations, and certainly allegations about the political use of food abounded⁴. It is evident, from the Forum's own data, that there was a significant rise in reported violations during the 3 months prior to the March Parliamentary Election in 2005, and, as can be seen from figure 1 below, this is similar to the 2 previous elections in 2002 and 2000.

Figure 1.

² See Zimbabwe Human Rights NGO (2005), *It's the Count that Counts: Food for Thought. Reviewing the Pre-election Period in Zimbabwe. March 2005.* HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

³ See Zimbabwe Human Rights NGO Forum (2005), *Of Stuffed Ballots and Empty Stomachs. Reviewing Zimbabwe's 2005 Parliamentary Election and Post- Election Period.* July 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁴ See again Zimbabwe Human Rights NGO Forum (2005), *Of Stuffed Ballots and Empty Stomachs. Reviewing Zimbabwe's 2005 Parliamentary Election and Post- Election Period.* July 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.



Although the overall number of violations is lower in 2005 than in 2002, the same trend can be seen. There is a near-linear increase in the number of violations reported up to the date of the elections, and then a corresponding decline after the elections. Here it should also be pointed out that another trend seen in previous elections, that of government supporters and state agents being the major perpetrators, and the MDC and others being the major victims, was continued in 2005. Below, some additional comments in respect of the relationship between torture and elections are made.

Thus, the Forum was able to conclude, in respect of the 2005 Parliamentary Elections:

“Although many of these reports do not come from non-partisan sources, the allegations of violence and denial of food aid are remarkably consistent with the reports of threats made prior to the elections, outlined earlier in this report. This consistency lends credibility to all allegations of this nature made prior to, and after, the elections. It also supports the hypothesis advanced in this report that ZANU(PF) won the election in a manner which was neither free nor fair, not due to stuffed ballot boxes, but by creating a captive electorate dependent upon the favours of the ruling party and one which was starved of information, free choice and food.”⁵

Operation Murambatsvina

The 2005 Parliamentary Elections were followed very quickly by the now-notorious *Operation Murambatsvina*. The magnitude of the displacements have drawn widespread comment, and the Forum too issued 2 reports in connection with this event⁶. It is not the intention of this report to recover the ground of these two previous reports, but it is worth making several brief comments on events subsequent to the publication of the reports.

Firstly, it is evident that the Government of Zimbabwe has shown no inclination to accept any liability for the enormous harm caused to many hundreds of thousands of ordinary Zimbabweans, and, as was pointed out in the second Forum report, continues merely to vilify and denigrate all persons and organizations raising concerns about *Operation Murambatsvina*.

Secondly, the concerns raised by the Forum and others have been matched by the recent resolution of the African Commission for Human and Peoples' Rights. Again the Government of Zimbabwe has responded by vilifying and denigrating the Commission, rather than addressing directly the concerns of all these parties and bodies. Here it is worth pointing out that the African Commission, in its resolution on Zimbabwe, raised many other areas of concern, including the continuation of gross human rights violations, the continued application of draconian legislation, and recent amendments to

⁵ See again Zimbabwe Human Rights NGO Forum (2005), *Of Stuffed Ballots and Empty Stomachs. Reviewing Zimbabwe's 2005 Parliamentary Election and Post- Election Period*. July 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁶ See Zimbabwe Human Rights NGO Forum (2005), *Order out of Chaos, or Chaos out of Order? A Preliminary Report on Operation "Murambatsvina"*. June 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.;

Zimbabwe Human Rights NGO Forum (2005), *The Aftermath of a Disastrous Venture. A Follow up report on "Operation Murambatsvina"*. August 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

the Constitution of Zimbabwe. These are all issues about which the Forum has seen fit to comment in the past.

Thirdly, there is evidence that the Government of Zimbabwe is still obstructing efforts by humanitarian agencies to render assistance to those affected by *Operation Murambatsvina*, which is contrary to the Government's Responsibility to Protect.

Thus, the Forum remains concerned about the effects of the displacements, and considers that the crisis engendered by the Government is continuing rather than abating as the Government asserts.

Assault and other incidents of violence

Incidents of assault were markedly higher in 2005 as compared to 2004 recording 530 and 401 respectively for each year. In 2005 the highest number of assaults recorded in a month were for March, which recorded 259, almost half the number of assaults recorded in the year. This is attributable to incidents surrounding the 31 March 2005 Parliamentary Elections, which included the Women of Zimbabwe Arise (WOZA) vigil on the night of the elections themselves. WOZA held a candlelight vigil as they prayed for divine intervention that the elections would not be rigged. In the process, the women who had gathered at Africa Unity Square for the vigil were assaulted and arrested under POSA. In the run up to the elections, there were also assaults reported against MDC candidates and activists who were apparently assaulted for trying to campaign particularly in Zvimba North.

The highest number of assaults recorded for 2004 was 109, which was for March. This was during the Zengeza by-election, which also claimed the life of Francis Chinozvina, an MDC activist. The trend therefore continues that the number of politically motivated assaults rises during election periods. The least numbers of assaults recorded in both years are for December, which recorded 2 incidents in 2004 and 8 in 2005. December is usually a month where most organizations are preparing to close down so the low numbers might not necessarily reflect reduced numbers of violations but reflect the fact that information collected at this time is collected within a short period of time as the organizations are closing shop for the Christmas and New Year holidays.

Abduction and kidnapping

Abduction/kidnapping was markedly higher in 2004 when 62 cases of abduction/kidnapping were recorded compared to 2005, when 18 were recorded. This is a huge decrease and a welcome change. The highest number of abductions/kidnappings recorded in 2004 was in May, when 13 were recorded. This was during "*Chipangano*" violence in Mbare. '*Chipangano*' is a ZANU-PF militia, which was reported to be operating in Mbare area assaulting and intimidating any suspected opposition activists. The abductions were also because of the post MDC rally retribution in Chendambuya, Makoni North Constituency. The lowest number recorded for abductions in 2004 was December possibly for reasons given above.

For 2005, the highest number of abductions recorded are 6, in March and the lowest are 0, recorded in the months of July and September through to December. The 6 recorded in March were again recorded during the March 2005 Parliamentary Elections. Elections in Zimbabwe are a bed rock of human rights violations.

Attempted murder

There were more attempted murders recorded in 2004 than in 2005, being 8 and 1 respectively. The highest number recorded in 2004 was in January, when 3 attempted murders were recorded. This was just before the Gutu North by-election, which was held in February and also during political violence in Shamva where Alex Chigega was murdered. In 2005 the only attempted murder incident recorded

was in September during a new wave of farm invasions, which befell the country, particularly in Manicaland, in Chipinge and Nyazura areas.

Death Threats

There were 35 death threats reported in 2004 and only 9 in 2005. There is therefore a marked decrease in incidents of death threats. In March 2004 12 cases were recorded, exceeding the total for 2005. This was during the Zengeza by-election, which went down in history as possibly the worst by-election ever in Zimbabwe. During this by-election, Francis Chinozvina was murdered. November 2005 recorded 0 incidents of death threats. 2005 recorded a total of 9 cases of death threat of which 3 were in April. This is because of the post election retribution that pervaded the country after 31 March 2005 Parliamentary Elections and also the MDC demonstration against the election results. In May and October 2 incidents were recorded each month and in January and March there were 1 each.

Disappearances

Disappearances are becoming more and more an uncommon phenomenon in Zimbabwe. In 2004 as in 2005 there were no disappearances recorded.

Displacement

Displacement was markedly higher in 2005 than in 2004 recording 609 and 189 respectively. The highest number recorded in 2004 was 69 in October, followed by 57 in September. The number for October was because of political displacements due to the Tsvangirai treason trial verdict, which was handed down on 15 October 2005. After the verdict, many MDC activists who had been identified celebrating the not guilty verdict were targeted for displacement from their places of residence. Some ran away due to violence being perpetrated against them. September 2004 saw Porta farm residents being evicted from a farm that had been their home for more than 14 years.⁷ 2005 saw a very high increase in incidents of displacement due to *Operation Murambatsvina/Restore Order*.⁸ In August 2005 the highest displacement incidents were recorded between the 2 years under review, amounting to 500 incidents. This was due to displacements at Donhoro farm. In May when *Operation Murambatsvina* began, 27 displacements were recorded, which was lower than April where displacements were due to post-election retribution when 55 displacements were recorded. In January 2005 17 displacements were recorded due to Vice President Mujuru's celebrations, which led to political violence throughout the country where there were celebrations of her appointment as Vice President.

Freedom of expression/association/movement

The right to freedom of expression, association and movement continues to be the most violated right in Zimbabwe. This is possibly due to POSA and other repressive legislation as well as a general culture of repression and intolerance. In 2004, a total of 760 cases of violation to this right was recorded for the year with a markedly higher number of 1036 being recorded in 2005. This shows that

⁷ Please see September 2004 Monthly Political Violence Report

⁸ See again Zimbabwe Human Rights NGO Forum (2005), *Order out of Chaos, or Chaos out of Order? A Preliminary Report on Operation "Murambatsvina"*. June 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2005), *The Aftermath of a Disastrous Venture. A Follow up report on "Operation Murambatsvina"*. August 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

violations of this right are by no means decreasing. In 2004, the highest number recorded was 142 in September followed by 140 in June and the lowest was in December recording 0. In September 2004, the high number is due to WOZA and National Constitutional Assembly (NCA) demonstrations and the MDC 5th year anniversary celebrations at Zimbabwe Grounds in Highfield. In June 2004 there were 2 WOZA demonstrations.

In 2005, the highest number was recorded in May, 349. This was due to the continuation and intensification of post election retribution. The election month itself, March 2005 recorded 268 violations of the right to freedom of expression, association and movement. In December the least number of incidents, namely 8, were recorded.

Murders

In 2004 only 3 murders were recorded, one in each of the first three months of the year, and none thereafter. All three were MDC supporters or associates; a worker at the farm of MDC MP for Chimanimani, Roy Bennett, Shemi Chimbarara, was killed as the farm was invaded by war veterans and ZANU PF supporters; an MDC supporter, Alexander Chigega, was killed during inter-party violence in Shamva constituency, Mashonaland Central; and an MDC supporter, Francis Chinozvina, was murdered during the Zengeza Parliamentary by-election in March. However in 2005 there was 1 more murder than in 2004. Of the 4 people murdered in 2005, 2 were ZANU-PF, 1 was from the MDC and the other unknown. In April during post election retribution, Ebrahim Mofat, an MDC activist, was murdered by ZANU-PF activists on 28 April in Hurungwe East constituency. In the same month Febby Muchacha was murdered at Kimcote farm in unclear political circumstances in a gruesome murder that shocked Zimbabwe. The other 2 murders were of Gift Chimbandi and Godwin Ganda in March and May respectively. Gift Chambandi was burnt to death when his house was burnt down.

Political discrimination/intimidation/victimization

More cases of political discrimination/intimidation/victimisation were recorded in 2004 than in 2005 :550 and 448 respectively. Inter-party violence during the Zengeza Parliamentary by-election in March probably accounts for the 141 cases recorded in 2004, with the majority of the victims being MDC supporters. By December, when only 5 cases were recorded, the likely implementation of the NGO Act, passed by Parliament on 9 December, made the collection of information on human rights violations problematic. (The day after the NGO Bill was passed through Parliament was, ironically, World Human Rights Day). In 2005, the highest number of cases was recorded in March and April was close by with 128 and 113 respectively. The least number of cases, namely 4, was recorded in 2005, December. March 2005 saw the Parliamentary Elections and the WOZA vigil and April saw post election retribution as well as an MDC demonstration against the results of the March 31 Parliamentary Elections.

Property related

Property-related violations of human rights halved in 2005 from 145 in 2004 to 79.

Rape

Four politically-motivated rape cases were recorded in 2005, which was 1 more than was recorded for 2004. The 4 cases in 2005 were recorded in April at Kimcote farm in a gruesome incident that pricked the conscience of many Zimbabweans. The low figures undoubtedly reflect the reluctance of victims to report.

School closure

School closure is one of the less violated category of rights. There were no incidents of school closure recorded in both years under review.

Torture

Torture remains a perennial problem in Zimbabwe. February 2004 brought forth the largest number of reports for 2004. 74 reports were made, mainly associated with the NCA demonstrations disrupted by the ZRP in Harare, and the violent clashes of war veterans, farm workers, police and army at Roy Bennett's Chimanimani farm. The highest number of torture cases between the years under review was in March 2005, being 98 cases, which occurred during the Parliamentary Elections. These were mostly attributed to the 97 WOZA women who were allegedly tortured on the night of 31 March 2005, while holding a prayer vigil for the elections not to be rigged.

Although documented cases dropped from 170 in 2004 to 136 in 2005, this decrease could suggest that one of the objectives of the perpetrators of torture is being met – publicised or rumoured accounts of torture have deterred activism. Alternatively, or in addition, the reduction in torture cases could reflect a reduction in the state's power to inflict torture, and even a shift in tactics by the State, with a shift from torture to other forms of violation. However, closer analysis of torture indicates that it was much more frequently reported during the months when elections took place, and this was evident for both 2004 and 2005.

As is seen from the Table below, there were some distinct differences seen between Non-election months and Election months. Assaults and torture were more frequently reported in Election months as compared with Non-Election months, whilst all other violations occurred more frequently in Non-election months.

It is a frequent assertion by many observers, including the Forum, that human rights violations increase in association with elections. This association has drawn frequent comment from the Forum, and the Forum has issued a number of reports in this regard⁹. Thus, it is significant that torture can be seen to have only declined relative to the absence of elections, and this adds depth to the conclusions stated above, that the elections in 2005 conformed in the most minimal respects to the SADC Principles and Guidelines. It also adds depth to the call by the African Commission on Human and Peoples' Rights for the Zimbabwe Government to take firm steps to eliminate human rights abuses.

⁹ See Zimbabwe Human Rights NGO Forum (2001), *Who was responsible? A consolidated analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.;

Zimbabwe Human Rights NGO Forum (2002), *"Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002"*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2002), *Human Rights and Zimbabwe's Presidential Election: March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Comparison of Non-election and Election months, 2004 & 2005:

	Non- election months <i>n</i>=16	Election months <i>n</i>=8
Abductions	31	49
arrest & detention	1439	236
Assault	415	516
attempted murder	3	5
death threats	19	25
Disappearance	0	0
Displacement	729	69
Freedoms	1282	514
Murder	4	3
political discrimination	575	462
property violation	126	95
Rape	6	1
school closure	0	0
Torture	137	169
Total	4766	2145

n signifies the number of months, 16 being the number of months where there were no elections and 8 being the number of months in which elections were held in the 2 years under review.

Unlawful Arrest and Detention

In September 2004, 253 cases of unlawful arrest were recorded as reactions to the demonstrations against the NGO Bill by NCA and WOZA, and to MDC gatherings. WOZA and NCA activists were arrested in the process. In the same month, many MDC supporters were unlawfully arrested or victimised during the MDC 5th Year Anniversary Celebrations. 2005 recorded an increase in the number of unlawful arrests and detention-658 unlawful arrests and 628 unlawful detentions. Unlawful arrests and detentions go hand in glove but sometimes an arrest can be lawful but the detention is unlawful because it exceeds the time stipulated in the Criminal Procedure and Evidence Act viz 48 hours.

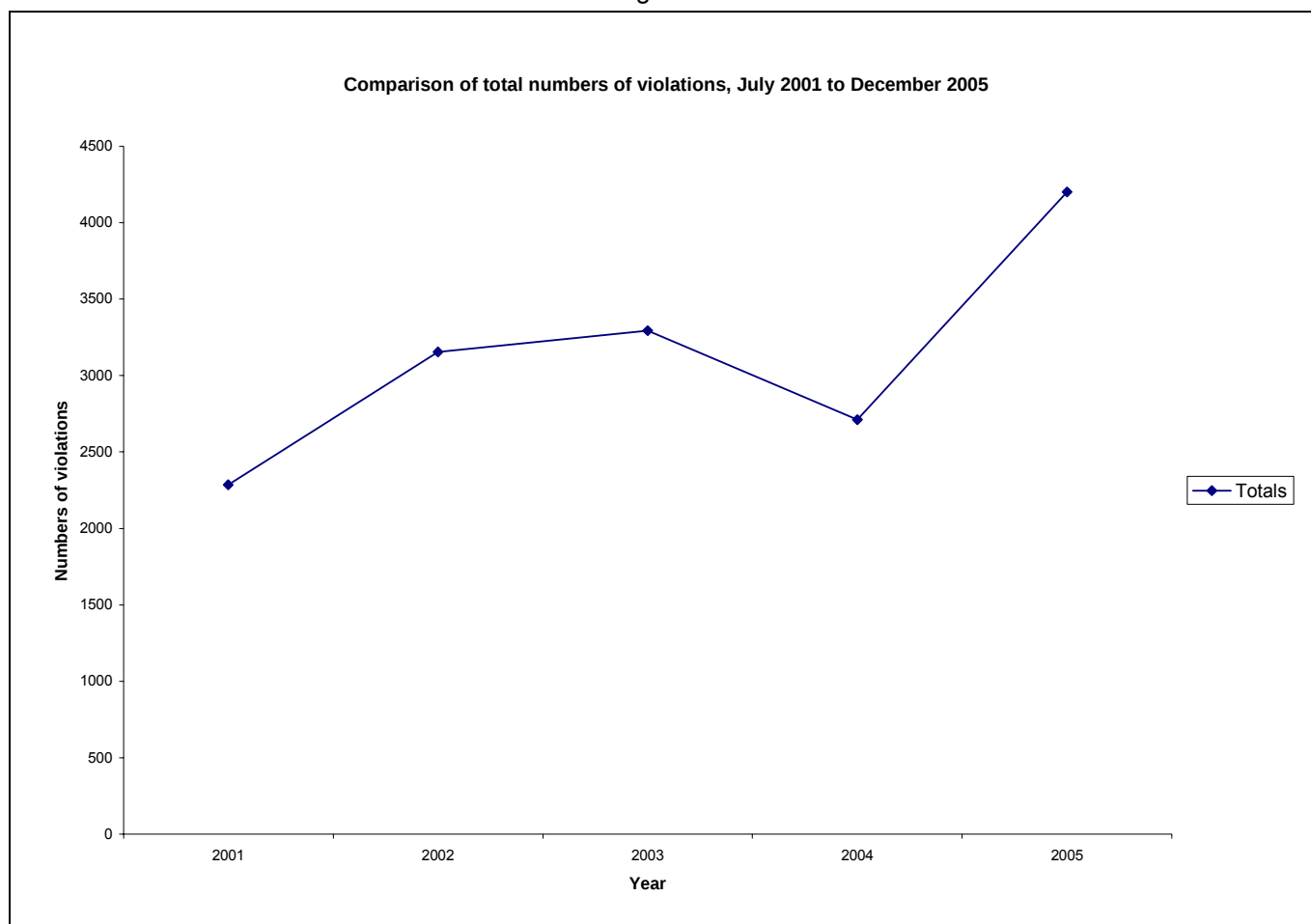
ANALYSIS OF ANNUAL TRENDS

Whilst it is useful to compare each year with the previous year, it is also very important to examine the trends over the longer period. As we noted earlier, the Forum has been recording violations since July 2001, and has now recorded a total of 15,646 violations over the period. During this time, there have been 3 major national elections, unprecedented social and economic changes, and a host of other events. The Forum has recorded the violations associated with most of the events that have taken

place, and hence has a unique data set for examining the relationships between the various events and the associated human rights violations. Other organizations, making use of the Forum's published reports, have already made some observations about these relationships¹⁰. There is clearly a pressing need for more detailed analysis of the data relating to abuses of human rights in Zimbabwe, but here the Forum would merely wish to point out some general trends.

Firstly, the point should be made again that 2005 is the worst single year since the Forum began publishing monthly reports in July 2001. This is clearly shown in the figure below.

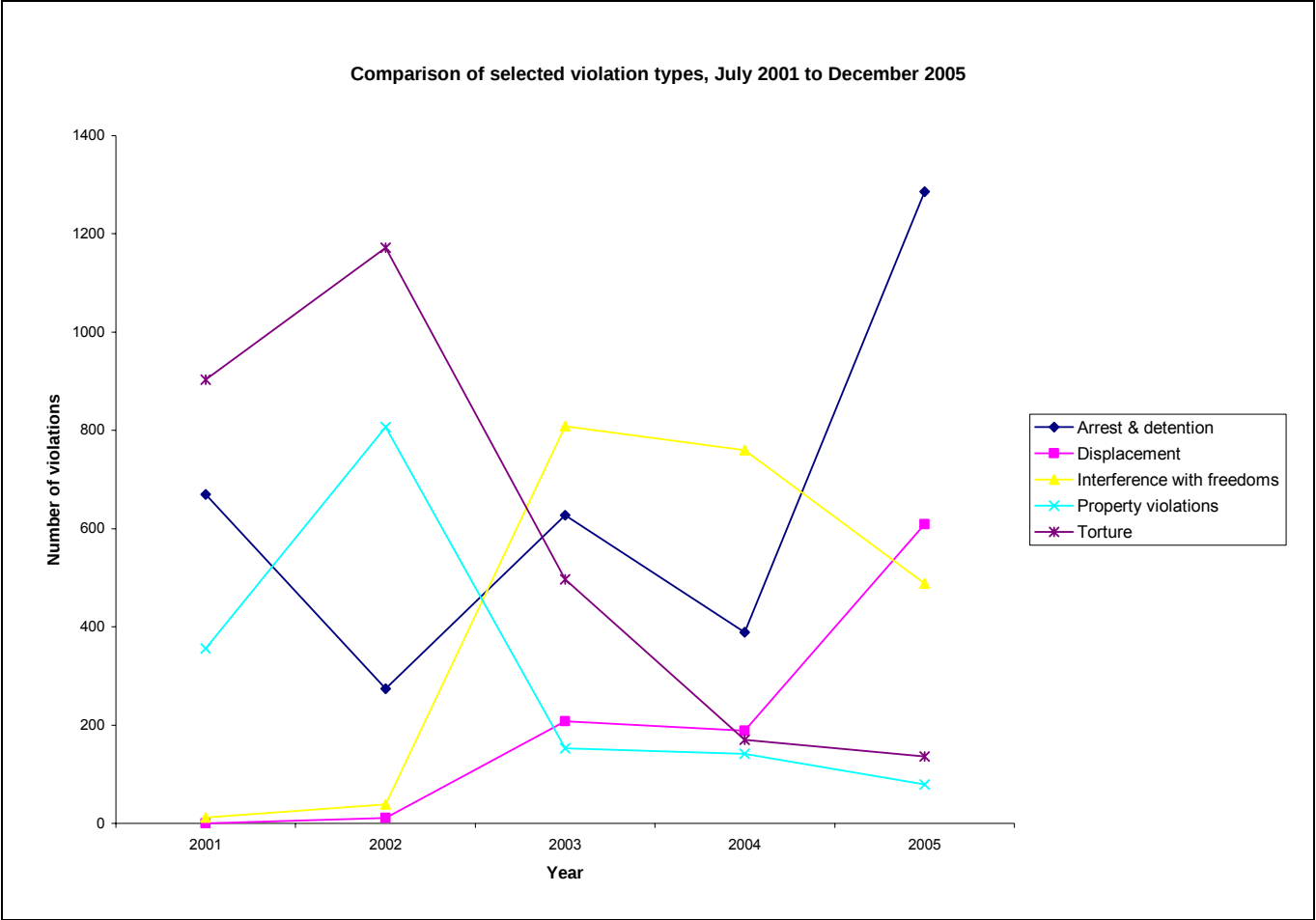
Figure 2.



¹⁰ Here see Redress Trust (2004), *ZIMBABWE. TORTUOUS PATTERNS DESTINED TO REPEAT THEMSELVES IN UPCOMING ELECTION CAMPAIGN. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003*, LONDON: REDRESS TRUST; Redress (2005), *ZIMBABWE: THE FACE OF TORTURE AND ORGANISED VIOLENCE. Torture and Organised Violence in the run-up to the 31 March 2005 General Parliamentary Election*, LONDON: REDRESS TRUST.

As can be seen from Figure 2 above, there is generally a linear trend towards violations increasing over the years. There is a small dip in the frequency of violations during 2004, but the trend towards increasing numbers of violations returns during 2005. Hence, as was commented earlier, there can be no sense in which it can be claimed that the human rights climate in Zimbabwe is improving, but it is also important to point out that there are substantial changes over time in the patterns of the violations. This can be seen in the Figure below.

Figure 3.



As can be seen from Figure 3 above, there are very appreciable changes in the frequency of the violations seen over the past 5 years. These violation types were selected to provide the contrast between alleged crimes involving bodily harm and those alleged crimes that represent serious infringements of human rights. The trend towards declining rates of torture is very clear, as is the declining trend in respect of property violations. The decline in the frequency of alleged property violations seems offset by the very dramatic increase in the frequency of reported displacements. The displacements in 2005 in Buhera were noted earlier, but it is also evident that *Operation Murambatsvina* was a very significant event contributing to an increase in displacements.

There is also a trend towards a decline in the interference with basic freedoms – movement, association, etc - but, as can also be seen, there is a very appreciable trend towards an increase in the number of cases of alleged unlawful arrest and detention. Here it is evident that the increase in unlawful arrests and detentions has followed the promulgation of the Public Order and Security Act [POSA], which has frequently drawn comment by the Forum and its members. Here it should be pointed out that at least 2 reports in the past have strongly endorsed the belief that POSA is indiscriminately used to harass opponents of the Government¹¹, and it seems evident, on the Forum's data, that torture has been replaced by more subtle forms of pressure. It cannot be claimed that a shift away from crimes involving bodily harm is any kind of improvement in the context of a general increase in violations, and it should be pointed out that an improvement in the human rights climate would require a decrease in all kinds of violations, and not merely in a particular sub-set of violations.

Full alphabetical list of reported deaths related to political violence 1 January 2005 to 31 December 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

¹¹ Here see Solidarity Peace Trust (2004), "Disturbing the Peace". An overview of civilian arrests in Zimbabwe: February 2003 – January 2004. July 2004. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST; IPU (2004), Committee on the Human Rights of Parliamentarians: Report of its mission to Zimbabwe, 28 March - 2 April 2004. GENEVA: INTERNATIONAL PARLIAMENTARY UNION.

4	MUCHACHA	FEBBY	UNKNOWN	13 APRIL 2005	MARONDERA WEST	MASHONALAND EAST
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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 31 December 2005

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Assault	17	54	259	59	34	16	12	10	6	43	12	8	530
Abduction/ kidnapping	2	3	6	2	3	1	0	1	0	0	0	0	18
Attempted murder	0	0	0	0	0	0	0	0	1	0	0	0	1
Death threats	1	0	1	3	2	0	0	0	0	2	0	0	9
Disappearance	0	0	0	0	0	0	0	0	0	0	0	0	0
Displacement	17	1	3	55	27	0	1	500	4	1	0	0	609
Freedom of expression/ass/m vt	31	57	268	112	349	36	15	8	21	43	88	8	1036
Murder	0	0	1	2	1	0	0	0	0	0	0	0	4
Political Discrim/vict/intim	31	49	128	113	41	7	11	6	6	5	87	4	488
Property related	0	0	0	18	2	1	1	50	4	0	2	1	79
Rape	0	0	0	4	0	0	0	0	0	0	0	0	4
School closure	0	0	0	0	0	0	0	0	0	0	0	0	0
Torture	1	5	1(97) ¹²	16	7	4	1	1	0	0	2	1	136
Unlawful arrest	8	63	86	16	315	30	9	0	16	30	78	7	658

¹² 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.

Unlawful detention	8	63	57	15	315	30	9	0	16	30	78	7	628
Total	116	295	907	415	1096	125	59	576	74	154	347	36	4200

	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.
October	- Chitungwiza residents demonstrate over poor services being provided by the Municipality on 13 October. The demonstration becomes violent as MDC and ZANU-PF supporters clash. - The police, army and prison officers indiscriminately assault people at Budiro 4 Shopping Centre on 15 October. Targeted assaults take place thereafter. - Six researchers of the Mass Public Opinion Institute are assaulted by self styled war veterans in Waterfalls whilst seeking public opinion on the political, social and economic variables in Zimbabwe. - On October 24, Nomination Courts in Zimbabwe's 10 administrative provinces sit for the aspiring candidates to submit their names for the Senate elections scheduled for November 26.
November	- NCA members demonstrate for a new constitution and against the Senate Elections set for 26 November 2005 on 5 November 2005 - ZCTU members demonstrate on 8 November 2005 for the reduction of taxes, cost of living adjustment and against the rising costs of fuel and other basic commodities. Many of them are arrested and detained in inhuman prison conditions. - The 16 Days of Activism against Gender Violence begins on 16 November 2006. - Senate Elections are held together with the Gutu North by-election on 26 November 2005.
December	- - The world commemorates World Aids Day on 1 December - MDC MP for Mabvuku, Hon. Mabhawa is reportedly assaulted in Highfield just before an MDC rally as the divisions in the MDC persist - The world celebrates World Human Rights Day on 10 December and WOZA demonstrates in Harare and Bulawayo to commemorate the day.

Monthly totals of human rights violations: 1 January to 31 December 2004

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Totals
Assault	34	32	109	16	29	12	12	44	41	49	21	2	401
Abduction/kidnapping	7	3	12	1	13	6	1	8	6	4	1	0	62
Death threats	2	2	12	1	7	3	1	1	2	2	0	2	35
Displacement	5	2	19	6	13	3	4	6	57	69	5	0	189
Freedom of association, assembly, expression	32	97	18	48	82	140	27	27	142	113	34	0	760
Murder [including attempted murder]	4	2	3	1	0	1	0	0	0	0	0	0	11
Political discrimination/victimization	24	100	141	68	35	21	28	31	50	36	10	5	550
Property-related violations	10	12	35	5	11	4	3	33	29	3	0	0	145
Torture	2	74	23	16	18	15	1	10	6	2	3	0	170
Unlawful arrest/detention	2	8	23	23	7	15	3	8	263	2	35	0	389
Total:	122	332	395	185	215	220	80	168	596	280	109	9	2711

Main Events 2004

January	- ZANU PF and MDC inter-party violence: pre Gutu North constituency (Masvingo Province) by-election. - Violence in Shamva constituency (Mashonaland Central Province), one person killed, Alexander Chigega (MDC).
February	- NCA demonstration to call for a new constitution in Harare Central constituency (Harare Province) reportedly disrupted by ZRP. - Violence on Charleswood Estate, Chimanimani (Manicaland Province) belonging to MDC MP for Chimanimani, Roy Bennett. One person killed, Shemi Chimbarara (farm worker).
March	- Inter-party violence: Zengeza constituency by-election (Harare Province), majority of victims reportedly MDC supporters/members. One person killed, Francis Chinozvina (MDC).
April	- Post Zengeza by-election retribution. Main targets reportedly MDC members. - Inter-party violence in Mabvuku constituency (Harare Province). - MDC intra-party violence in St Mary's constituency (Harare Province).
May	- ZANU PF and MDC inter-party violence: Violence against MDC members in Mbare East constituency (Harare Province) reportedly perpetrated by members of <i>Chipangano</i>, reported to be a ZANU PF youth gang based in Mbare. - ZANU PF and MDC inter-party violence: Alleged retribution against those who attended MDC rally in Chendambuya, Makoni North constituency (Manicaland Province).
June	- ZRP reportedly disrupts WOZA meeting on 16 June 2004 in Mpopoma constituency (Bulawayo Province). - ZRP reportedly stops WOZA demonstration in commemoration of World Refugee Day on 19 June in Mpopoma constituency (Bulawayo Province).
July	- Inter-party violence: ZANU PF youths reportedly attack MDC Provincial Assembly Meeting in Mvurwi, Mazowe West (Mashonaland Central Province).
August	- ZANU PF intra-party violence in Makoni North (Manicaland Province) where a senior Government Minister is alleged to have instigated and encouraged his supporters to perpetrate acts of violence against the supporters of a rival candidate from his own party. - ZNA reportedly torture civilians in Mabvuku, (Harare Province). - ZANU PF and MDC inter-party violence in Hatfield (Harare Province).

September	- Porta Farm residents displaced from a farm they have lived on for 14 years. The residents are forcibly evicted by the police and national youth service youths, despite a High Court Order granting them temporary relief from eviction. - WOZA women and NCA activists are arrested on separate occasions as they demonstrate during a march of protest against the NGO Bill. - Political victimization surrounds the MDC 5th year anniversary celebrations. - NCA youth and gender representatives meeting disrupted by the police and national service youths in Chikomba, Sadza T/Ship, Mashonaland East.
October	- Political violence surrounds the delivery of the verdict in the treason trial of MDC leader Morgan Tsvangirai on 15 October 2004. - NCA activists are arrested as they demonstrate against the NGO Bill. - WOZA women and 3 photographers are arrested as the WOZA women hand a petition to the Speaker of Parliament in conclusion of their march, which began in late September from Bulawayo to Harare in protest against the NGO Bill.
November	- NCA members are arrested in Harare city centre as they demonstrate against the NGO Bill
December	- The Zimbabwe Parliament passes the NGO Bill on 9 December 2004, the eve of World Human Rights Day and it now awaits Presidential assent.

APPENDIX

Reports issued by the Human Rights Forum in 2005.

General Reports:

Zimbabwe Human Rights NGO (2005), It's the Count that Counts: Food for Thought. Reviewing the Pre-election Period in Zimbabwe. March 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), Of Stuffed Ballots and Empty Stomachs. Reviewing Zimbabwe's 2005 Parliamentary Election and Post- Election Period. July 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), Order out of Chaos, or Chaos out of Order? A Preliminary Report on Operation "Murambatsvina". June 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

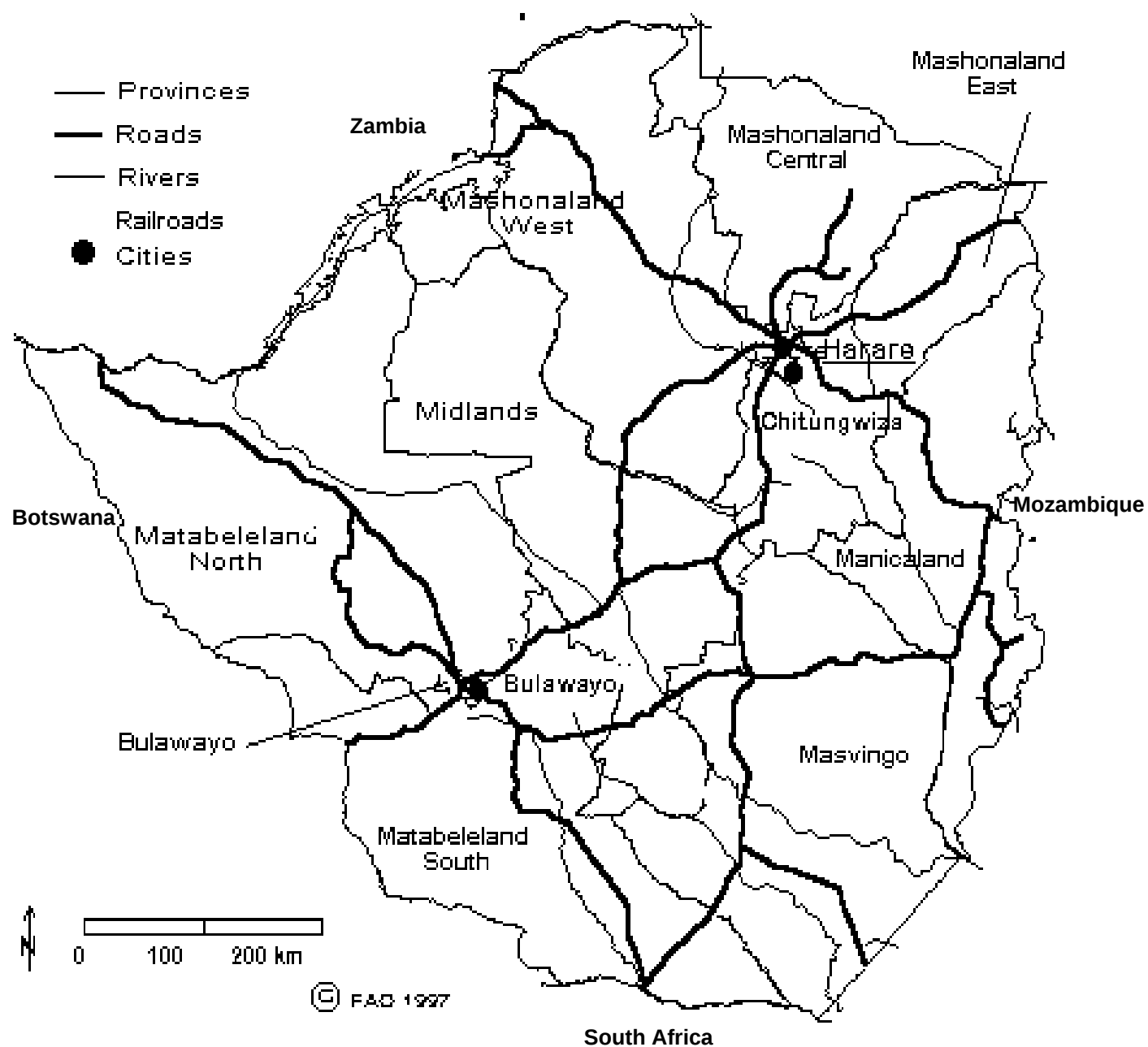
Zimbabwe Human Rights NGO Forum (2005), The Aftermath of a Disastrous Venture. A Follow up report on "Operation Murambatsvina". August 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), Zimbabwe "Facts and Fictions: An Audit of the Recommendations of the Fact-Finding Mission of the African Commission on Human and People's Rights, November 2005, HARARE, ZIMBABWE HUMAN RIGHTS NGO FORUM

Political Violence Reports:

Zimbabwe Human Rights NGO Forum (2005), MONTHLY POLITICAL VIOLENCE REPORTS FOR JANUARY-NOVEMBER 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

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 «GreetingLine» (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)

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