



Zimbabwe
HUMAN RIGHTS
N G O F o r u m

POLITICAL VIOLENCE REPORT

December 2007

13 February 2008

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

It is with the deepest regret and sadness that ten years after the formation of the Zimbabwe Human Rights NGO Forum (The Forum) to assist victims of the 1998 Food Riots, the organisation is still in existence battling with the same phenomenon of fighting impunity, seeking justice for victims of state sponsored and organised brutality and trying to combat torture on a larger scale. The year 2007 started and ended on a bad note in terms of politically - motivated violence and general abuse of state power by the police and state security agents. Several confirmed and unconfirmed reports to the Forum from January – December and in the press indicated excessive use of force by the state agents. Amidst deteriorating political, economic and social conditions, various groups such as the NCA, WOZA, ZINASU, ZCTU, lawyers and many other human rights defenders demonstrated to draw the Government of Zimbabwe's (GoZ) attention to these issues.

In February and March 2007, civil society activists attempted to hold numerous meetings and demonstrations in response to the plummeting political and economic conditions within the country. It had also become apparent by then that President Mugabe was planning to set the next parliamentary and presidential elections for March 2008, and opposition parties attempted to hold several meetings to launch their election campaigns. The ZRP did everything possible to try to prevent these activities and any other form of dissent from taking place. They disrupted, tear - gassed and banned meetings and demonstrations, and arrested close to 300 people in February alone. Many of those arrested over this period were tortured while in police custody, usually at the hands of the notorious Law and Order Section of the ZRP.

On 11 March 2007, a very gruesome tragedy occurred when police disrupted a planned prayer meeting organised by civil society organisations under the banner of the Save Zimbabwe Campaign. Close to 168 would be participants were tortured by the police on that fateful day in police stations dotted all over Harare. Furthermore, the ZRP shot and killed one Gift Tandari, NCA member allegedly for being the ring - leader in the running battles that ensued between the police and the people intending to have the prayer meeting.

Despite promises of changing the political environment especially in recognition of the Southern African Development Community (SADC) mediation initiative between the ZANU PF and the two MDC factions, politically motivated violence, and use of force by state security agents in Zimbabwe continued. In separate responses to the concerns raised by civil society and the MDC on the continuing politically motivated violence, the GoZ through the Minister of Home Affairs, Kembo

Mohadi¹ and President Mugabe² noted that any allegations of violence after the 11 March 2007 incidents were false. However, the Forum contends that the year 2007 has been the worst and evidence to corroborate these allegations is available.

Of the politically - motivated and state sponsored violence that occurred countrywide in 2007, statistical figures in this report show that there were 19 cases of abductions, 855 of assaults, 3 477 violations on freedoms of expression, association and movement, 586 cases of torture, 3 352 cases of unlawful arrest and detention in total and 3 murders. In the majority of the torture cases, members of the ZRP or the CIO or both working in concert were involved.

This report first gives a run down of the human rights violations that took place in December 2007 before giving a comparative analysis between 2006 and 2007. The statistics for 2006 and 2007 vary in terms of violations. However, what is quite apparent is that the violations which mainly restrict people in political participation increased significantly in 2007. Violations which mainly involve the police, CIO and other state security agents, such as freedom from torture, unlawful detention and arrest, assaults, freedoms of expression, association and movement were seriously violated in 2007.

This report is significant in the sense that it helps give an overall analysis on information submitted to the Forum on politically - motivated violence in 2007. There is no doubt that politically - motivated violence informs and influences political thinking amongst citizens and ultimately voting patterns in favour of those responsible for the violence. Given that the electoral process includes incidents that occur and influence elections, the March 2008 election has already been tainted by the violence that was attendant on the year 2007.

In 2007, the ZRP issued two reports, entitled 'Opposition Forces in Zimbabwe: A Trail of Violence'³ (1st report) and 'Opposition Forces in Zimbabwe: The Naked Truth, Volume 2'⁴ (2nd report). The reports sought to portray opposition parties and civic organisations as grouped together for the purpose of violently removing the Mugabe government. The Forum issued a response in August 2007⁵ after making a thorough assessment of the ZRP's allegations and came up with the conclusion that the arguments raised in the reports were false and did not hold water. This report will assist in disproving the allegations raised in the two ZRP infamous reports.

¹ See The Herald, Thursday 25 October 2007 at 1. Mohadi is reported to have said that the allegations made by the MDC were all hearsay and there seemed to be nothing of substance in them.

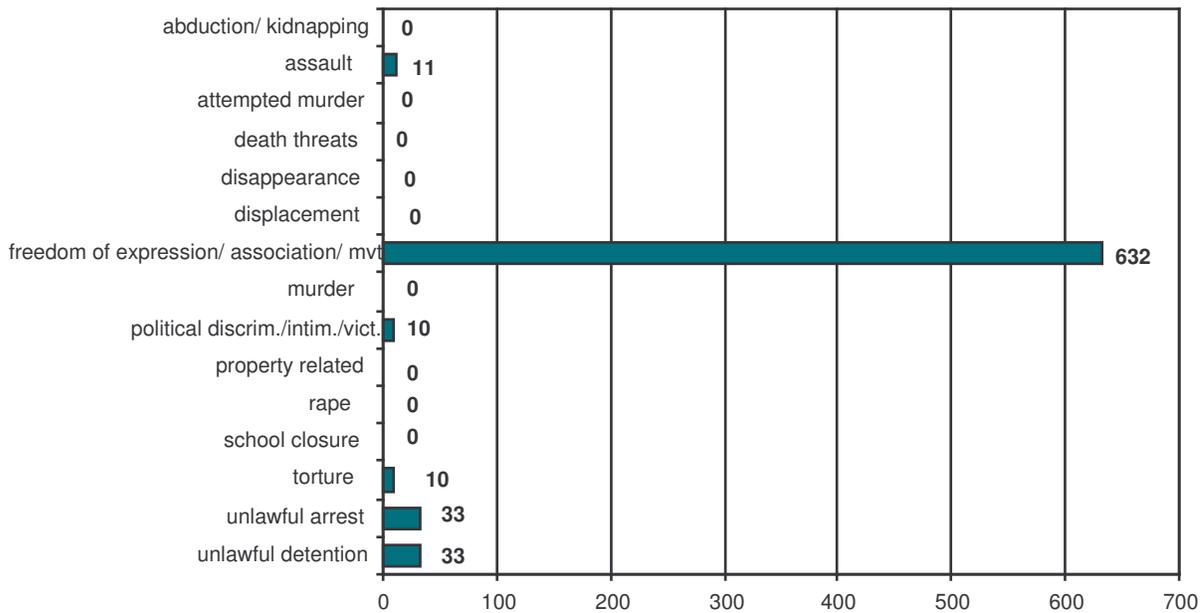
² See The Saturday Herald 27 October 2007 at 1.

³ See http://www.kubatana.net/docs/demgg/zrp_trail_violence_070401.pdf

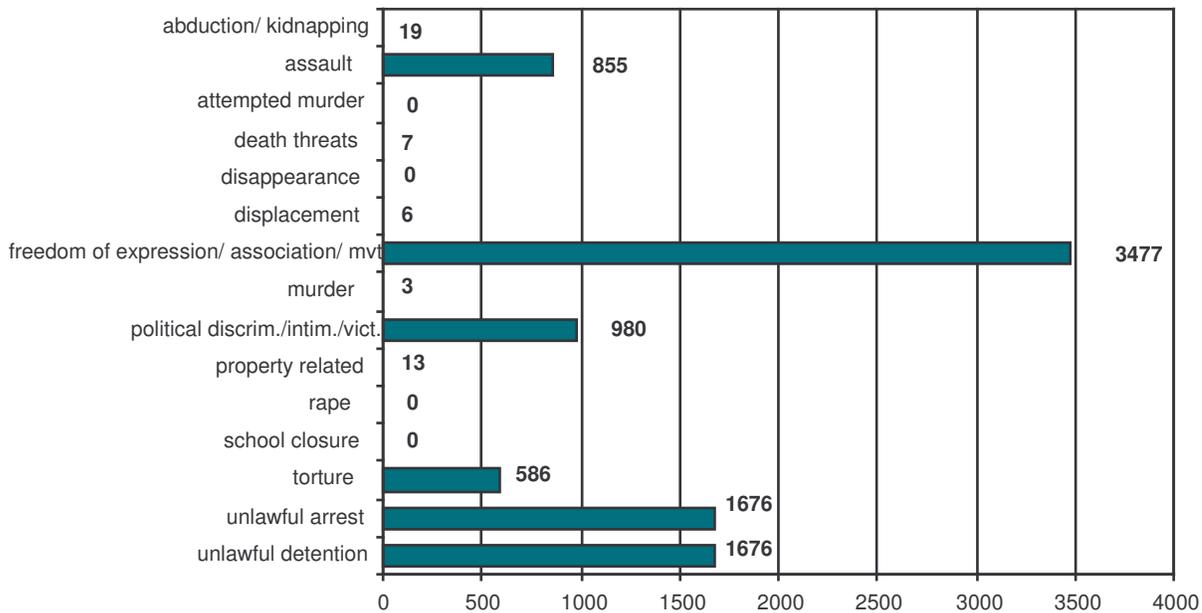
⁴ See http://www.kubatana.net/docs/demgg/zrp_naked_truth_0705.pdf

⁵ At Best A Falsehood, At Worst A Lie: Comments on the Zimbabwe Republic Police (ZRP) Report: Opposition Forces in Zimbabwe: A Trail of Violence'.

Totals: 1 December – 31 December 2007



Cumulative Totals: 1 January – 31 December 2007



The graph should be read along with the table depicting the monthly totals of violations for December 2007 on page 10.

Key Abbreviations

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

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

Makokoba

2 December 2007

Sheunesu Nyoni, (National University of Science and Technology (NUST) Students Executive Council (SEC) Secretary General,) Brian Mtisi (Secretary for information and publicity) and Themba Maphenduka were severely assaulted by uniformed members of the ZNA at the National Railways of Zimbabwe (NRZ) Station in Bulawayo.

The students were waiting to board the Harare bound train from Bulawayo on their way to a Zimbabwe National Students Union (ZINASU) workshop in Harare. NRZ officials however cancelled the journey for that day and announced information to that effect. The three students are reported to have mentioned in a discussion amongst themselves that the unavailability of the train service was due to the fact that the train was being used to transport delegates to the ZANU PF congress that was taking place in Harare at the time.

The students' utterances riled the soldiers, and the students were manhandled and assaulted by ZNA officers manning the train station. The soldiers used broomsticks, clenched fists and heavily booted feet to assault the students. The students sustained swollen eyes and bruises all over their bodies. They were later detained at Bulawayo Central Police Station and charged with being a criminal nuisance. They were released after paying admission of guilt fines.

HARARE

Harare Central

7 December 2007

The police are reported to have violently dispersed a demonstration by the members of the National Constitutional Assembly (NCA) in central Harare. The NCA was demanding a new, democratic constitution for Zimbabwe.

Close to 300 protesters were holding placards denouncing the recent Constitutional Amendment No. 18 agreed between the ruling ZANU PF and the opposition Movement for Democratic Change (MDC) party.

The police reportedly charged at the demonstrators who were marching along Nelson Mandela Avenue in central Harare beating them with truncheons. State security agents are alleged to have picked up Credence Sithole, an intern with the NCA's information department, as he took pictures during the commotion.

11 December 2007

Over 300 members of Women of Zimbabwe Arise (WOZA) conducted a peaceful protest to Parliament to deliver the *Peoples' Charter* to parliamentarians. The protest was blocked meters away from Parliament by riot police and 10 WOZA members were assaulted by police while dispersing near Angwa Street. One of the women sustained a dislocated elbow as a result of being beaten with a baton stick. Three women who were not involved in the protest were arrested and detained at the Law and Order section of Harare Central Police Station on allegations of being a criminal nuisance under the Criminal Law Codification and Reform Act. The three were allegedly taking pictures of the demonstration. They were released after paying admission of guilt fines of Z \$40 000 each.

Highfield

3 December 2007

The male victim reports that he was assaulted by a ZANU PF member at the ZANU PF Machipisa offices for not attending the 'million-man march' held on 30 November 2007. The march had been called by ZANU (PF) to support President Mugabe's succession to the Presidency in the forthcoming elections. On the day in question while at his place of work at Machipisa shopping center, the victim was summoned to the ZANU PF Machipisa offices by a ZANU PF youth. He reports that he was questioned on why he had attended the MDC rally on 2 December 2007, which he denied. He was

warned to stop sitting at the public park at the shopping center, as he was a “sell out”. The victim was dragged into another room at the offices and forced to sit on a wet floor and ordered to remove his shoes. He was slapped, assaulted with a broom on the left arm and under both feet and on the left leg. He reports that after the assault he was ordered to put on his shoes and leave the offices. He reported the matter at Machipisa police station on the following day.

MIDLANDS

Kwekwe

2 December 2007

Four student activists were arrested, tortured and detained in Kwekwe at a roadblock on allegations of being MDC supporters. The four activists, Gordon Mukarati, Stevenson Chitsungo, Mehluli Due and Laswet Savage were travelling to Harare from Bulawayo after a ZINASU workshop. They were wearing t - shirts with the picture of the late MDC activist Learnmore Jongwe. They were detained for 5 hours and later released after signing warned and cautioned statements.

MASVINGO

Masvingo North

3 December 2007

The wife and seven-year-old son of the MDC chairperson and council candidate for ward 7 in Masvingo urban were assaulted by five armed police officers and accused of harbouring weapons of war in their family home. The police officers slapped the woman and manhandled the boy injuring his left arm. The incident occurred while the woman’s husband for whom they were looking was attending an MDC rally.

MANICALAND

Chimanimani

23 December 2007

It is reported that Brighton Mashopeka Muchuwa, a ZANU PF supporter in Chimanimani, murdered Charles Sigauke an MDC supporter. The deceased is reported to have been in the company of his nephew when Muchuwa who was allegedly incensed by the fact that the deceased and his nephew had used a path close to his homestead.

Muchuwa allegedly assaulted the victim with clenched fists; open hands and kicked him all over the body. The deceased’s nephew fled from the attacker and tried to solicit help from residents of the area but assistance was not forthcoming. Following the attack, Sigauke was aided back home by his nephew. Muchuwa allegedly warned his victims not to report the incident to the police. Sigauke was taken to Chimanimani Hospital on 26 December and died that same evening. It is at this juncture that the matter was reported to the police and a post mortem was carried out. The results of the post-mortem apparently revealed that Sigauke had died as a result of injuries sustained during the attack by Muchuwa. Sigauke was buried in Goko village, Birchenough Bridge on 1 January 2008.

Mutare North

07 December 2007

Twenty - two people, twelve men and ten women, were arrested while attending a public meeting in a cleared bush area in Sakubva. Among the arrested were two female members of WOZA. The meeting had been convened to discuss social issues affecting the community such as unsafe sexual practices

among other issues. The two members of WOZA were detained over the weekend at Sakubva Police Station in Mutare and released after paying admission of guilt fines. The other 20 men and women were detained for a few hours and released after payment of admission of guilt fines

The table below and the graphs on page 4 depict the number of violations committed on the persons whose circumstances are described in the report. One individual may have been subjected to many violations and thus appear under several categories of violations.

Monthly totals of human rights violations from 1 January 2007 to 31 December 2007

Table 1

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Abduction/ kidnapping	0	0	8	2	1	0	1	7	0	0	0	0	19
Assault	45	183	128	68	43	14	176	103	16	36	32	11	855
Attempted murder	0	0	0	0	0	0	0	0	0	0	0	0	0
Death threats	0	2	1	1	0	0	1	0	1	0	1	0	7
Disappearance	0	0	0	0	0	0	0	0	0	0	0	0	0
Displacement	0	0	0	0	0	0	0	0	0	6	0	0	6
Freedom of expr/ass/mvt	553	294	597	125	167	201	296	71	29	386	126	632	3477
Murder	1	0	1	0	0	0	0	0	1	0	0	0	3
Political Discrim/ intim/vict	1	294	597	10	16	17	15	11	5	0	4	10	980
Property related	0	0	3	0	1	1	1	0	1	6	0	0	13
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
School closure	0	0	0	0	0	0	0	0	0	0	0	0	0
Torture	4	82	168	10	51	13	180	17	1	23	27	10	586
Unlawful arrest	16	278	203	51	47	207	275	169	43	254	100	33	1676
Unlawful detention	16	278	203	51	47	207	275	169	43	254	100	33	1676
Monthly Totals	636	1411	1909	318	373	660	1220	547	140	965	390	729	9298

COMPARATIVE ANALYSIS

2007 appears to have been the worst year for the number of violations reported to the Human Rights Forum. In fact, 2007 accounts for 30% of all violations reported to date, and 2006 and 2007 together are nearly half of all violations since the Human Rights Forum began giving statistical reports in July 2001. This can be clearly seen from the Table below. Furthermore, it is evident that the overall trend, apart from 2004, shows that human rights violations have been increasing each year since 2001.

Table 2

	2001	2002	2003	2004	2005	2006	2007	Totals
Abductions	116	223	52	62	18	11	19	501
Unlawful arrest and detention	670	274	627	389	1286	2917	3352	9515
Assault	0	86	388	401	530	509	855	2746
attempted murder	0	2	10	8	1	3	0	24
death threats	0	12	80	35	9	7	7	150
disappearance	0	28	4	0	0	0	0	32
displacement	0	11	208	189	609	55	6	1078
Freedoms	12	39	809	760	1036	1866	3 477	7999
Murder	34	61	10	3	4	1	3	117
Political discrimination	194	388	450	514	488	296	980	3290
property violation	356	807	153	132	79	58	13	1577
Rape	0	7	6	3	4	1	0	21
school closure	0	45	1	0	0	0	0	46
Torture	903	1172	497	160	136	368	586	3822
Total	2285	3155	3295	2656	4200	6092	9298	30 918

Against this understanding, some brief comparisons between 2006 and 2007 are made. The trends between the 2 years will be analysed. The full details of the violations recorded during 2006 and 2007 are given below.

Table 3

	2006	2007
Abductions	11	19
Assault	509	855
Attempted murder	3	0
Death threats	7	7
Disappearance	0	0
Displacement	55	6
Freedoms	1866	3477
Murder	1	3
Political discrimination	296	980
Property violation	58	13
Rape	1	0
School closure	0	0
Torture	368	586
Unlawful arrest	1460	1676
Unlawful detention	1457	1676
Total	6092	9297

As can be seen from the Table above, there were many more violations recorded in 2007 than in 2006. Very marked increases are seen in the number of unlawful arrests & detentions, torture and interference with basic freedoms. Overall it cannot be concluded that 2007 has seen any improvement in the human rights climate.

11 March 2007 and other Incidents

On 11 March and in instances reminiscent of September 2006⁶ Zimbabwe witnessed alarming levels of politically motivated violence perpetrated by state agents including the ZRP, CIO, alleged ZANU PF supporters and in some instances suspected MDC supporters. This happened when opposition political party leaders, supporters, civil society activists, church leaders and scores of the general Zimbabwean public, under the banner of the Save Zimbabwe Campaign, were brutalised and arrested for converging at Zimbabwe Grounds in Highfield for an intended prayer meeting. A number of the victims on that fateful day were incarcerated in police stations dotted across Harare. Furthermore, the ZRP shot and killed one Gift Tandari, an NCA member, allegedly for being the 'ring – leader' in the running battles that ensued between the police and the people intending to hold the prayer meeting.

The police arrested over 50 opposition leaders, members and civil society activists who had tried to make their way to the meeting. About 30 were taken to Machipisa Police Station. Others such as MDC president Morgan Tsvangirai were arrested when they went to the Machipisa police station to locate

⁶ See September 2006 Monthly Political Violence Report by Zimbabwe Human Rights NGO Forum.

their colleagues. Eyewitness accounts of what followed at Machipisa were given by several victims, some of which are reproduced below. The activists were held in a fenced courtyard outside the police cells. A group of 15 men and some women then entered the court yard and ordered the arrestees to lie on the ground. They then commenced beating the activists with batons, iron bars, buckled belts and whips and kicking and jumping on them. The assaults continued for three hours, with the assailants working in teams of four. Prominent MDC leaders, among them Morgan Tsvangirai, Tendai Biti, Lovemore Madhuku, Grace Kwinjeh, Nelson Chamisa, and Sekai Holland, were singled out for special treatment. Nelson Chamisa was whipped for almost twenty minutes and Morgan Tsvangirai lost consciousness three times during the course of the assault, losing a large amount of blood from a head wound. An amputee was callously beaten on the stump of his leg and a man who had been disabled from polio had his disabled leg smashed at the ankle with an iron bar. Over 48 hours would pass before any medical attention was allowed to the injured. Zimbabwe Doctors for Human Rights (ZADHR) later noted the following concerning people treated by their members:

“Some of the injuries documented were consistent with beatings with blunt objects heavy enough to cause the following:

- Fractures to hands, arms and legs in 5 individuals including Lovemore Madhuku with a fractured ulna. 3 of these, Elton Mangoma, Sekai Holland and Morgan Tsvangirai sustained multiple fractures.
- Severe, extensive and multiple soft tissue injuries to the backs, shoulders, arms, buttocks and thighs of 14 individuals.
- Head injuries to 3 individuals, Nelson Chamisa, Morgan Tsvangirai and Lovemore Madhuku with the latter two sustaining deep lacerations to the scalp.
- A possible ruptured bowel in 1 individual due to severe blunt trauma to the abdomen.
- A split right ear lobe sustained by Grace Kwinjeh.
- Prolonged detention without accessing medical treatment resulted in severe haemorrhage in Morgan Tsvangirai leading to severe anaemia, which warranted a blood transfusion.
- Injuries sustained by Sekai Holland were also worsened by denial of timely access to medical treatment, which led to an infection of deep soft tissue in her left leg.
- Denial of access to treatment in another individual suffering from hypertension lead to angina”.⁷

After the assaults, the arrestees were ordered to board a truck. A group had to lift the prone body of Morgan Tsvangirai onto the truck. The group was taken to Harare Central Police Station and again put into a courtyard where they were questioned by police officers and members of the CIO. In a technique frequently used to make it difficult for lawyers to locate their clients, they were then ordered back onto the truck and dispersed to various police stations around Harare. Further beatings were inflicted on some of the activists at these police stations.

The government’s bland denial of the violence perpetrated on Tsvangirai was made farcical after pictures of his injuries, particularly a deep gash on his head, were broadcast worldwide, so various other explanations were proffered by government representatives. Among the more fanciful was a claim that Tsvangirai and Madhuku had launched an attack on Machipisa police station and that the police acted in self - defence. David Mangota, the Secretary for Justice, Legal and Parliamentary Affairs, suggested to representatives from the International Commission of Jurists and a delegation from the Pan - African Parliament investigating the incident that the pictures of Tsvangirai’s wounds

⁷ See the March 2007 Monthly Political Violence Report by the Zimbabwe Human Rights NGO Forum p10.

were the work of make-up artists. In an interview on 13 March 2007 broadcast on South Africa's radio SAfm, ZANU PF spokesperson, Nathan Shamuyarira, floundering in his attempts to deny the obvious, stated that the assaults were "part of the normal interaction with the police". All these attempts at obfuscation were undone by President Mugabe himself who stated in relation to Tsvangirai:

"Of course he was bashed. He deserved it. I told the police to beat him a lot. He and his MDC must stop their terrorist activities⁸."

After the arrests and assaults, the ZRP denied the activists access to both legal practitioners and the urgent medical attention they required. Lawyers attempting to insist on their rights in this regard were themselves assaulted. A court order compelling the police to allow such access was ignored by the police.⁹ Shamuyarira, in the interview referred to above, was asked why the police had denied the arrestees access to lawyers and medical attention. He was left embarrassed when, having denied that this was the case, the interviewer crossed by telephone to the lawyers waiting outside the court in Harare who were, as Shamuyarira spoke, struggling to get the court order for access enforced.

Lawyers representing those arrested finally managed to have the court order enforced late on 13 March 2007 and their clients were admitted into the Avenues Clinic for medical attention. However, in further defiance of the court order and with singular callousness, later that night the police arrived at the hospital, removed "the accused" from their beds and took them down to the Magistrate's Court. The court was, unsurprisingly, deserted. Notwithstanding the fact that most were receiving treatment at the hospital as in-patients, the accused were told to return to the court at 09.00 hours the following day. When they did so, some of them in wheel chairs, there was no one there prepared to undertake the prosecution or to sit to hear the matter. In accordance with the High Court order, the "accused" left the court without being charged. No charges have ever been preferred in this matter.

Following the violence of 11 March, an orgy of violence and a resurgence in abductions ensued, mainly perpetrated against human rights defenders, MDC supporters and leadership reportedly by state security agents. The abductees in most instances from Harare were dumped outside Harare after having been tortured. Cases of lawyers being physically and verbally assaulted on occasions when they visited their clients at police stations were recorded.

On 17 March, security was heightened at the Harare International Airport for unspecified reasons. However, Arthur Mutambara (President of the Pro - Senate MDC faction), Sekai Holland and Grace Kwinjeh all senior members of the Tsvangirai led MDC faction on separate occasions, were denied permission to leave the country for South Africa. The latter two wanted to seek further medical treatment. On the following day, Nelson Chamisa (MDC MP for Kuwadzana) was brutally assaulted by unknown persons at the same airport. Chamisa was on his way to an African - Caribbean - Pacific European Union Parliamentary Assembly meeting in Belgium. The callousness of the ZRP was clearly exhibited when they shot and wounded 2 MDC supporters at Gift Tandari's funeral wake in Glen View on 13 March.

28 March climaxed the mode of violence in March when Harvest House, the HQ of the MDC, was raided by heavily armed police. Business came to a halt in the greater part of the city centre whilst

⁸President Robert Mugabe addressing a ruling party rally on 29 March 2007.

⁹The courts seem to be getting inured to this sort of defiance. Giving judgment in the case of *S v Mabika & Ors* CRB B472-84/07, Kamocho J recalled that the police had been ordered to afford the accused persons medical attention. He went on: "Needless to say ... the court order was defied by the police."

police conducted searches of the offices for alleged weapons. Scores of people including MDC employees were arrested, bussed to Harare Central Police Station where they were severely tortured.

The Human Rights Forum notes with great dismay the speeches by President Robert Mugabe condoning violence on 15 and 29 March¹⁰. The President said the police would bash anyone who provoked them. These sentiments were emphasized by his two security ministers who in separate interviews mentioned that ‘we don’t arrest anybody and torture people in Zimbabwe’¹¹ ‘people are being beaten for provoking the police ... and I’m happy with the work they did’¹². The Human Rights Forum urges the Government of Zimbabwe to desist from using such statements as they fuel political divisions, expose government’s intolerance to dissent and create a false sense of impunity for those who commit these heinous crimes.

Involvement of the police

N.B Part of this section have been largely reproduced from an August 2007 publication of the Forum, entitled ‘At Best A Falsehood, At Worst A Lie: Comments on the Zimbabwe Republic Police (ZRP) Report: Opposition Forces in Zimbabwe: A Trail of Violence’.

It is significant that over the ten-year period since 1998, the Forum and its members have frequently documented and publicised the involvement of the ZRP in the perpetration of gross human rights violations. The Forum has issued numerous reports on torture and other gross human rights violations, and members of the ZRP have featured prominently as perpetrators in all these reports. Two reports have been issued specifically on the ZRP, and in both of these reports the Forum made serious allegations about the involvement of the ZRP in torture and other violations.¹³ These allegations have been supported and matched in their conclusions by the reports of respected international human rights groups, such as Amnesty International and Human Rights Watch, and have received support from the African Commission on Human and Peoples’ Rights Fact Finding Mission of 2002.

The allegations have not been idle or frivolous, as is often claimed by the Zimbabwe government, and, as the Forum demonstrated in a report issued in 2006, the allegations are supported by judgments emanating from Zimbabwe’s High Court.¹⁴

As was shown in the 2006 report, in the completed cases, the allegations of the complainants, supported by the Forum, have been upheld by the court in nearly 90% of the cases, many of which were determined after state counsel effectively acknowledged the truth of the complainants’ allegations by consenting to the orders sought. This is an extraordinary trend and one that strongly

¹⁰ President Robert Mugabe commented that anyone who provoked the police would be ‘bashed’ whilst addressing ZANU PF rallies. In September 2006 in a speech delivered during a stopover in Cairo from his visit to the United Nations in New York the President was on record saying that: the police were right in dealing sternly with the ZCTU leaders. He added that “Some people are now crying foul that they were assaulted, yes you get a beating...when the police say move, move, if you don't move, you invite the police to use force’.

¹¹ Minister of Home Affairs, Kembo Mohadi speaking to Violet Gonda on SW Radio. See the Zimbabwean 19 – 25 April 2007 at 21.

¹² State Security Minister Didymus Mutasa talking to Shakeman Mugari Zimbabwe Independent 20 – 25 April 2007 at 5.

¹³ See Zimbabwe Human Rights NGO Forum (2003), *Torture by State Agents in Zimbabwe: January 2001 to August 2002* & “Who Guards the Guards?”

¹⁴ See Zimbabwe Human Rights NGO Forum (2006): *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*.

supports the views of the Forum and others in regard to violations of human rights by the ZRP. The Forum continues to support similar civil suits against the ZRP and its governing ministry, the Ministry of Home Affairs, and it is worth noting that the Forum has filed further notices of intention to sue in 127 cases related to the violations which have occurred since 11 March 2007.

These cases provide evidence of systematic and egregious abuse of power by the ZRP. A recent judgment in the High Court¹⁵ provides further indication of abuse by the police. In March 2007 the ZRP descended on Harvest House where the MDC has its main offices. Several small enterprises also operate from the building. In violation of the Criminal Procedure and Evidence Act and Constitution, which requires a reasonable suspicion of the commission of an offence, the police indiscriminately arrested everyone in the building, being customers of the small businesses, the business employees and MDC officials. Most of those arrested were detained for the day at Harare Central Police Station while a "screening" process took place. None were informed of the reason for their arrest. The group was whittled down to 18 MDC officials and members, some of whom had been arrested in different places around Harare. Under cover of darkness and over a period of two consecutive nights, the police then engaged in systematic torture of those remaining in custody.

This torture consisted of brutal beatings that included falanga, a well-known torture technique in which the victim is beaten on the soles the feet. The torture appeared partly aimed at extracting confessions from the victims that they had been involved in the spate of petrol bomb attacks referred to in the ZRP reports. Unable to obtain any evidence in this manner, the police set about fabricating the same. After forcing one victim to sign a document confessing to various offences, the ZRP eventually preferred charges of undergoing military training for the purposes of engaging in insurgency and acts of banditry against 15 of those detained and took these accused to court. Until this time, the accused had been denied access to legal and medical practitioners. At the Court the magistrate refused to hear the matter until the accused had been given medical treatment. The intervention of the magistrate came at a crucial moment for one victim of the torture who had collapsed at the court and whose condition appeared life threatening. Although the magistrate had ordered that the remand of the accused take place in hospital, later that night police arrived at the hospital, removed the drips from the arms of the in - patients and took them to the remand prison.

When the matter came to court, in sworn affidavits and other testimony the ZRP presented false evidence in an attempt to support their allegations that the 15 members and office-bearers of the MDC had undergone military training in South Africa with a view to overthrowing the Zimbabwean government by force. On the basis of this perjury, all 15 accused persons were denied bail from the time of their arrest and most spent four months in custody as a result. In ultimately ordering the release on bail of some of the 15, in a judgment delivered on 24 July, 2007, the judge noted that the allegations against them were vague and that the police kept revising even the dates on which they were supposed to have undergone training, first alleging that it had taken place in 2006, and then, presumably to counter the alibis proffered by the accused, changed the dates to a period extending from 2002 to 2006.¹⁶ Not only that, but the Court concluded that the place where ZRP alleged the training took place did not exist:

"The police had alleged that the applicants had trained at a farm known as Lala Bundu Farm. When challenged to show on the map where Lala Bundu Farm was they failed to do so. It turned out to be non-existent."¹⁷

¹⁵ *S v Mabika & Ors* CRB B472-84/07, delivered by Kamocha J on 24th July 2007.

¹⁶ Page 2 of the judgment.

¹⁷ Page 7 of the judgment.

Accomplices who were said to have implicated the accused persons “vigorously denied doing so.” Other alleged accomplices, it transpired, were fictitious:

“The applicants [i.e. the accused] went on to further point out that in a desperate attempt the State even claimed that it had evidence from one Peter Chindodana and one John Zhiwawo but these turned out to be fictitious persons who did not exist. When the State was ordered by the court to produce these individuals to show that they existed it failed to do so.”¹⁸

Significantly, the judge observed that all the accused persons had proffered alibis

“which the police had never bothered to investigate in an effort to rebut them. Their alibis therefore remain intact.”¹⁹

During the raid on the Harvest House offices, much of the MDC’s office equipment, including computers, was confiscated or damaged. The torture and extended incarceration of the MDC officials and members took place without the police having any evidence that they had been involved in the petrol bombing. These events thus indicate that the raid on Harvest House had more to do with the continued suppression of the opposition in Zimbabwe than any real desire to determine the identity of those involved in the petrol bomb attacks.

In view of all this, it is not surprising that the considered view of Zimbabwean civil society, as a whole, is that the State is complicit in violations of human rights and, as was concluded at a Symposium in Johannesburg in 2003, the extent of the violations leads strongly to the conclusion that the violations may constitute crimes against humanity.²⁰ As was stated in the Symposium Summary:

“From 2000 onwards, there have been increasing levels of violence resulting in pervasive human rights abuses. All available evidence indicates that the government has engaged in a widespread, systematic, and planned campaign of organized violence and torture to suppress normal democratic activities, and to unlawfully influence electoral process. The government has also created, and the law enforcement agencies have vigorously applied, highly repressive legislation. These measures were directed at ensuring that the government retained power rather than overcoming resistance to achieving equitable land redistribution and correcting historical iniquities”.

“Brutalisation of students in higher and tertiary education institutions

The whole of 2007 witnessed the continued harassment, intimidation and torture of students in higher and tertiary education institutions by state security agents acting in concert with security officers from the different institutions. The victimisation that students at institutions of higher and tertiary learning continue to endure is due to their questioning of the GoZ on such issues as the availability, accessibility and quality of higher and tertiary education in Zimbabwe. A cursory review of the Monthly Political Violence Reports of the Forum will show that students have in the past year borne the brunt in much of the violent activities of the state. Although the Forum continued to record cases of human rights violations against students, the climax was on July 7 when armed police officers descended on students at the University of Zimbabwe who were gathered for a general meeting that had been called for by the Students Representative Council (SRC).

¹⁸ Page 7 of the judgment.

¹⁹ Page 2 of the judgement.

²⁰ See Themba Lesizwe (2004), *Civil Society and Justice in Zimbabwe*, Proceedings of a symposium held in Johannesburg, 11-13 August 2003.

The meeting had been convened in order to discuss the issue of an extra Z\$1 million that the University was charging all students living in the halls of residence. Riot police reportedly dispersed the gathering using teargas canisters and randomly beat up students using baton sticks. It is also reported that six students, including three student leaders were arrested, detained and tortured at Avondale Police Station. Following these disturbances, the Vice - Chancellor of the University of Zimbabwe, Levy Nyagura ordered students out of halls of residence in instances reminiscent of the infamous *Operation Murambatsvina*. A short notice was given before students were evicted from the halls of residence under the supervision of riot police. The evictions resulted in the majority of students having to sleep in the open for a number of days. Furthermore, the Vice Chancellor suspended 26 students indefinitely on allegations of unbecoming behaviour and damage to property after the demonstrations.

Assault and other incidents of violence

Incidents of assault were higher in 2007 as compared to 2006 recording 855 and 509 respectively. February, March and July 2007 recorded 183, 128 and 103 cases of assault respectively compared to high figures for 2006 which were 178 in March and 107 in November. 2007 had an average of 71 cases of assault per month compared to a monthly average of 42 for 2006. The high figures for 2007 can be attributed to the violence that occurred in February in what was then dubbed as the 'month of demonstrations'.

In February 2007, many civil society organizations staged demonstrations at different levels. The NCA and WOZA held more than 2 demonstrations each, while students, the MDC and teachers, under the auspices of PTUZ, also held demonstrations. In exercising their right to freedom of expression, association and assembly, civil society organizations were met with brute force and repression by the state. Reports indicated that widows and elderly women in St Mary's were brutally assaulted after demonstrating against high rentals and high water bills. The MDC also demonstrated against the Presidential Elections being scheduled for 2010 rather than the original 2008.

Furthermore, the MDC attempted to hold a rally on 18 February 2007 at Zimbabwe Grounds in Highfield but the would - be participants were met with repression and brute force before it could even take off. People were allegedly assaulted for trying to attend the rally and others who were close to the venue of the rally and had absolutely nothing to do with it were also brutally assaulted. Earlier in the month the police had imposed a ban on all "political gatherings". This was an unfortunate development since the opposition MDC was campaigning for the 2008 Presidential elections. This is contrary to the rights of people to participate in the governance of their own country as espoused in article 21 of the Universal Declaration of Human Rights²¹ and article 13 of the African Charter on Human and Peoples' Rights²².

It seems that cases of assault in 2007 were on the decline with September recording 16, October 36, November 32 and December 11. This certainly would be a welcome development if it were matched with a corresponding decline on other violations such as assaults on freedom of association, expression and movement. However, what needs to be noted as well is that the low numbers recorded for the months of November and December 2007 might not necessarily reflect a true record of the human rights situation in relation to politically motivated assaults. This is because, for December in

²¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR).

²² The African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (Banjul Charter).

particular, information is collected within a short period of time as organisations are closing shop for the Christmas and New Year holidays.

Abduction and kidnapping

Abduction/kidnapping was slightly higher in 2007, where 19 cases were recorded, whereas only eleven cases were recorded in 2006. May 2006 recorded 5 abduction and kidnapping violations. This was during the Bindura University tortures, the Budiriro House of Assembly By – election and a number of NCA demonstrations in support for a new constitution for Zimbabwe. March and August 2007 saw the highest violations with 8 and 7 recorded respectively.

Following the violence on 11 March, an orgy of violence and a resurgence in abductions ensued, mainly perpetrated against human rights defenders, MDC supporters and leadership reportedly by state security agents. Another disturbing trend in 2007 was the abduction of MDC supporters by suspected CIO agents usually driving unmarked vehicles. For those abductions that occurred in Harare, the abductees in most instances were dumped outside Harare after having been tortured.

The abductions/kidnappings in 2007 can be attributed to a case whereby 6 members of WOZA in Bulawayo were allegedly taken by force from their various homes by the police in vehicles bearing South African number plates to a secluded area 40 km away from Bulawayo. The police reportedly questioned the victims on the whereabouts of the WOZA leaders who they were failing to locate. The traumatised women were only released the following day.

In another grisly incident on 27 March 2007, Last Maengehama was abducted at gunpoint by five suspected CIO officers at Sam Levy's Shopping Centre in Borrowdale. Earlier on in the day, the victim had joined MDC President Morgan Tsvangirai in leading a song at the memorial service of Gift Tandari held in the same suburb. Maengehama was found dumped in Mutorashanga with serious injuries after being heavily tortured.

In another incident, a journalist who works for the *Standard*, an independent newspaper in Zimbabwe was abducted by suspected ZANU PF supporters in Gutu on allegations that he was on a spying mission for the US based radio station Studio 7. The said journalist had been in the area wanting to investigate reports that MDC supporters had been barred by CIO officers and ZANU PF supporters from attending the late MDC National Chairman, Isaac Matongo's memorial service.

There were no reported cases of abductions/kidnappings to the Forum in the months of January, February, June, September, October, November and December 2007. This definitely was a welcome development.

Attempted Murder

There were 3 cases of attempted murder recorded in 2006 two in April and one in December. April 14, saw the torture and attempted murder of Nixon Nyikadzino, an NCA activist, by Military Intelligence officers in Harare. There were no cases of politically motivated attempted murder recorded in the course of 2007 by the Forum.

Death threats

2006 recorded a total of 7 cases of death threats, 2 in March and April and 1 in June, July and December. 2007 recorded the same number of death threats as in 2006. However, those in 2007 can be attributed to the orgy of violence that ensued in March and April.

Disappearances

As reported in the December 2006 MPVR disappearances have become an uncommon phenomenon in Zimbabwe. In 2005, 2006 and 2007, The Forum did not receive any reported cases of politically motivated disappearances. This is a welcome state of events.

Displacement

Zimbabweans are still nursing anguish and loss as a result of the infamous *Operation Murambatsvina* that happened in 2005 when close to 700, 000 people were displaced by the government from their homes. Against this background, there were 55 cases of displacement recorded by the Forum in 2006. The 54 cases that were recorded in April 2006 were due to the eviction of residents of Nenyere Flats in Mbare by ZANU – PF activists who wanted to occupy the places and also due to the eviction of squatters along Macheke River in Masvingo by the police. Some ran away due to violence being perpetrated against them. There were only 6 cases of displacement in 2007 in October 2007. The evictions that took place in 2007 were linked to some victims of *Operation Murambatsvina*, who having failed to find alternate accommodation, had their illegal shacks and household properties razed to the ground by members of the ZRP in a bid to remove them from an area close to Borrowdale, one of Harare's leafy suburbs. The legality of the eviction is not in contention but The Forum reiterates the requirement for the authorities to notify people in advance of intended evictions, to make more vigorous efforts to address the acute housing shortage in the country and to apply more humanity to the plight of homeless people.

Freedom of Expression, Association and Movement

The right to freedom of expression, association and movement continues to be the most violated right in Zimbabwe. The selective application of repressive legislation such as POSA, the CCA coupled with a general culture of intolerance from the security services has contributed to this phenomenon. In 2007, a steep rise in these violations saw a total of 3 477 cases compared to a total of 1 866 in 2006.

December 2007, had the highest number of violations – 632 after the police had thwarted demonstrations by members of the NCA and WOZA in central Harare.

In 2007, the highest number of violations – 597, was on 11 March and the days surrounding the aborted prayer meeting. January 2007 was relatively bad as well with 553 cases. 2007 started on a bad note in terms of politically motivated violence and general abuse of state power by the army, police and state security agents. The ZRP continued to use POSA²³ extensively on members of the NCA who are advocating for a new constitution. On 25 January 2007 the rights of approximately 500 NCA members to freedom of expression and assembly were infringed when the police descended on

²³ Before the amendments in Constitutional Amendment No. 18, The Public Order and Security Act (POSA), 2002. Sections 23 – 31 of the Act regulated the organisation and conduct of public gatherings. Section 24 of the POSA required the organiser of a public meeting or gathering to notify the regulating authority of the intention to hold a public gathering. The organiser of a public gathering was required to give at least four clear days written notice of the gathering to the regulating authority for the area in which the gathering is to be held. However, what emerged was that the police had to a large extent interpreted this proviso as giving them powers to grant permission for the demonstrations and gatherings which they usually denied and still do on vexatious grounds.

their demonstration in central Harare and dispersed them by assaulting them using baton sticks, open fists, booted feet and anything at their disposal.

February 2007 witnessed a high number of 294 as well and most of these violations were on MDC members who had sought to attend a rally in Highfield. February 2007 can be aptly dubbed the “month of demonstrations”. In this month, many civil society organizations staged demonstrations at different levels. The NCA and WOZA held more than 2 demonstrations each, while students, the MDC and teachers, under the auspices of PTUZ, also held demonstrations. In exercising the right to freedom of expression, association and assembly, civil society organizations were met with brute force and repression by the state. Reports indicated that widows and elderly women in St Mary’s (a high density residential suburb of Harare) were brutally assaulted after demonstrating against high rentals and high water bills. The MDC also demonstrated against the Presidential elections being scheduled for 2010 rather than the original 2008.

The MDC attempted to hold a rally on 18 February 2007 at Zimbabwe Grounds in Highfield but the would- be participants were met with repression and brute force before it could even take off. People were allegedly assaulted for trying to attend the rally and others who were close to the venue of the rally and had absolutely nothing to do with it were also brutally assaulted. Earlier in the month the police had imposed a ban on all “political gatherings”. This was an unfortunate development since the opposition MDC was campaigning for the 2008 Presidential elections. This is contrary to the rights of people to participate in the governance of their own country as espoused in article 21 of *the Universal Declaration of Human Rights* and article 13 of the *African Charter on Human and Peoples’ Rights*.

October 2007 saw a high number of 386 arrests following demonstrations in Harare and Bulawayo by groups such as Women of Zimbabwe Arise, the NCA and members of the opposition MDC and students from higher and tertiary education institutions. The groups mainly protested against the prevalence of state sponsored violence as well as shortage of basic goods and commodities on the formal market.

Other months such as April, May, June, July, August and September had fairly low cases recorded with an average of 148 cases per month for the six months.

In 2006 the highest number of violations to the right to freedoms was recorded in September, namely 560 violations. This was the month in which WOZA women demonstrated against poor service delivery by Harare City Council supported by the ZCTU and their members were brutally assaulted and tortured. In February 2006 a very high number of violations of this right was recorded as well, namely 410 cases. This was due to WOZA demonstrations against the deteriorating state of the economy as well as country - wide demonstrations by students against increases in tuition fee hikes in tertiary and higher education institutions. The NCA also demonstrated in this month on the President’s birthday.

All these demonstrations, like every demonstration in Zimbabwe, were met by brutal suppression and undue force against the unarmed citizens. This was done in clear violation of the Constitution of the country and article 19 of the *UN Universal Declaration of Human Rights*, article 9 of the *African Charter on Human and Peoples’ Rights* and against the resolution by the *African Commission on Human and Peoples’ Rights* of 2005 that POSA and AIPPA should either be amended or repealed to give full observance to the right to freedom of expression, association and movement. The lowest number of violations against on this right was recorded in June 2006, being only 4 violations.

The Forum supports the right of people to peacefully demonstrate or hold meetings protesting against certain aspects of governance in the country as long as the demonstrations or meetings do not turn violent, obstruct traffic, become a public nuisance or cause anything that will disturb peace and security in the country. The notion apparently held by some members of the ZRP that they should give opposition political parties, civil society organisations and the general public permission to hold a meeting is false at law. Groups who want to hold such meetings are only required to give notice to the police 4 days in advance of the meeting.

Murders

A number of murder cases were reported to The Forum but the organisation considered 4 cases to be categorised as politically motivated. 1 case was recorded in January when state security agents guarding diamond fields in Manicaland unleashed a reign of terror, shooting and assaulting villagers arrested for illegal diamond mining in the area. On 28 January, it is alleged that one, Modern Chibururu, was shot by the police near Marange for illegal diamond mining. According to one press report, the police, the police surrounded the mine - field and threw a search light over the area before spraying bullets on over 30 illegal miners.

On the ill fated 11 March 2007, a member of the ZRP shot and killed Gift Tandari, in Highfield (a high density suburb in Harare) an NCA member, allegedly for being the 'ring leader' in the running battles that ensued between the police and the people intending to attend the prayer meeting.

The callousness of the ZRP was clearly exhibited when they shot and wounded 2 MDC supporters at Gift Tandari's funeral wake in the Glen view suburb of Harare on 13 March.

Such unethical practices by the state security agents are in clear breach of Zimbabwe's international obligations to respect and protect its citizens from human rights violations. *The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* and the *Code of Conduct for Law Enforcement Officials* provide that law enforcement agents should apply non - violent means in carrying out their duties and only use force when strictly necessary.²⁴ When the use of force is unavoidable, it should be used in proportion to the seriousness of the offence and the legitimate objective to be achieved, and should minimise damage and injury.²⁵

Political Discrimination/intimidation/victimisation

There were more cases of political discrimination/intimidation/victimisation in 2007 than in 2006, 980 and 296 respectively. A grave difference and a true reflection of the levels of intolerance, abuse of state power and the undemocratic conduct of political processes in Zimbabwe. February 2007 saw 294 cases mainly due to the disrupted MDC and NCA demonstrations in that month. The bulk of the cases amounting to 597 were in March. May 2006 recorded the highest number of political discrimination/intimidation/victimization cases, 179 and July and August recorded 2. In May 2006, the events surrounding the Budiriro House of Assembly By-election, Bindura students' torture and the NCA demonstration account for the high number of cases recorded.

²⁴ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990 and United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A res. 34/169, annex, 34 U.N. GAOR Supp. (No 46) at art 3.

²⁵ Ibid, UN Basic Principles, principle 5.

Property related

Property-related violations of human rights decreased from 79 in 2005 to 58 in 2006 and 13 in 2007. Violations of this right are on the decrease possibly due to the individual personal criminal consequences that can befall perpetrators.

Rape

In Kadoma West, there was one incident of rape recorded in October 2006. The victim was allegedly assaulted and raped by ZANU PF activists at Tsungai Business Centre. There were no cases of politically motivated rape recorded in 2007. The low figures undoubtedly reflect the reluctance of victims to report. However, if rape is on the decrease as a means of political torture, this is a welcome indicator.

School Closure

School closure is one of the less violated category of rights. There were no incidents of school closure recorded either year under review.

Torture

Torture remains a perennial problem in Zimbabwe. There was a marked increase in the incidents of torture from the 136 in 2005 to 368 cases in 2006 and 586 in 2007. For 2006, these are attributed to the ZCTU demonstrations in September and the Bindura State University students' demonstration and subsequent barbaric torture in May 2006. September 2006 recorded the highest number of cases in the year, 143 in total and May recorded 86. In 2007, there were 82 cases of torture recorded for February, which can be attributed to the NCA and WOZA demonstrations and the thwarted MDC rally in Highfield in that month. March had the highest number of 68 for reasons that have already been noted before and July 180.

The month of July was again characterised by police brutality on peaceful demonstrators. The ZRP arrested 279 NCA members following a countrywide demonstration against Constitutional Amendment (No 18) Bill. Close to 170 of the demonstrators, including the NCA National Director, Ernest Mudzengi, were hospitalised after being severely tortured while in police custody at Harare Central Police Station. It is reported that the police arrested 243 NCA members in Harare while 12 people were arrested in Mutare, 10 in Masvingo and 14 in Gweru. The Forum notes with concern the continued use of force by the ZRP in contravention of its Police Charter and other international norms and standards that regulate the conduct of law enforcement officials.

The practice of torture is proscribed in all international human rights instruments to which Zimbabwe is a party. The Universal Declaration on Human Rights (Article 5), *the International Covenant on Civil and Political Rights (Articles 7 and 10)* the *African Charter on Human and Peoples' Rights (Article 5)* all unequivocally prohibit the practice of torture. The provisions in these international human rights treaties are legally binding on states parties and Zimbabwe has every obligation to adhere to the norms enshrined therein. The fundamental nature of the human right to be free from torture is emphasized by the fact that under the major international human rights instruments no derogation is permitted from this right either in times of "public emergency which threatens the life of the nation"²⁶ or

²⁶ *International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).*

“in time of war, or other public emergency threatening the life of the nation” or “in time of war, public danger, or other emergency that threatens the independence of Security of a State Party.” Article 3 of *the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)* states, “No state may permit or tolerate torture or other cruel, inhuman and degrading treatment or punishment”. The Forum notes with great concern that after the torture of ZCTU members, the President of Zimbabwe Robert Gabriel Mugabe condoned and encouraged the police to continue in this disgraceful conduct when he said “when the police say move, you move. If you don’t move, you invite the police to use force”.²⁷ Zimbabwe is also urged to ratify and domesticate CAT.

It is also the case that torture is not merely confined to political cases, and more cases are being reported of torture being used in ordinary criminal cases. This is a very alarming matter, and it is clear that there is need for serious reform of the Zimbabwe Republic Police. Here it is worth pointing out that the practice of torture by the Zimbabwe Republic Police has been mentioned in other reports of the Forum, and is also confirmed by civil suits mounted by the Forum in the Zimbabwean courts.

Unlawful Arrest and Detention

2007 recorded an increase in the number of unlawful arrests and detention - 3 352. 2006 recorded 1 460 unlawful arrests and 1 457 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 and this does not include weekends or public holidays.

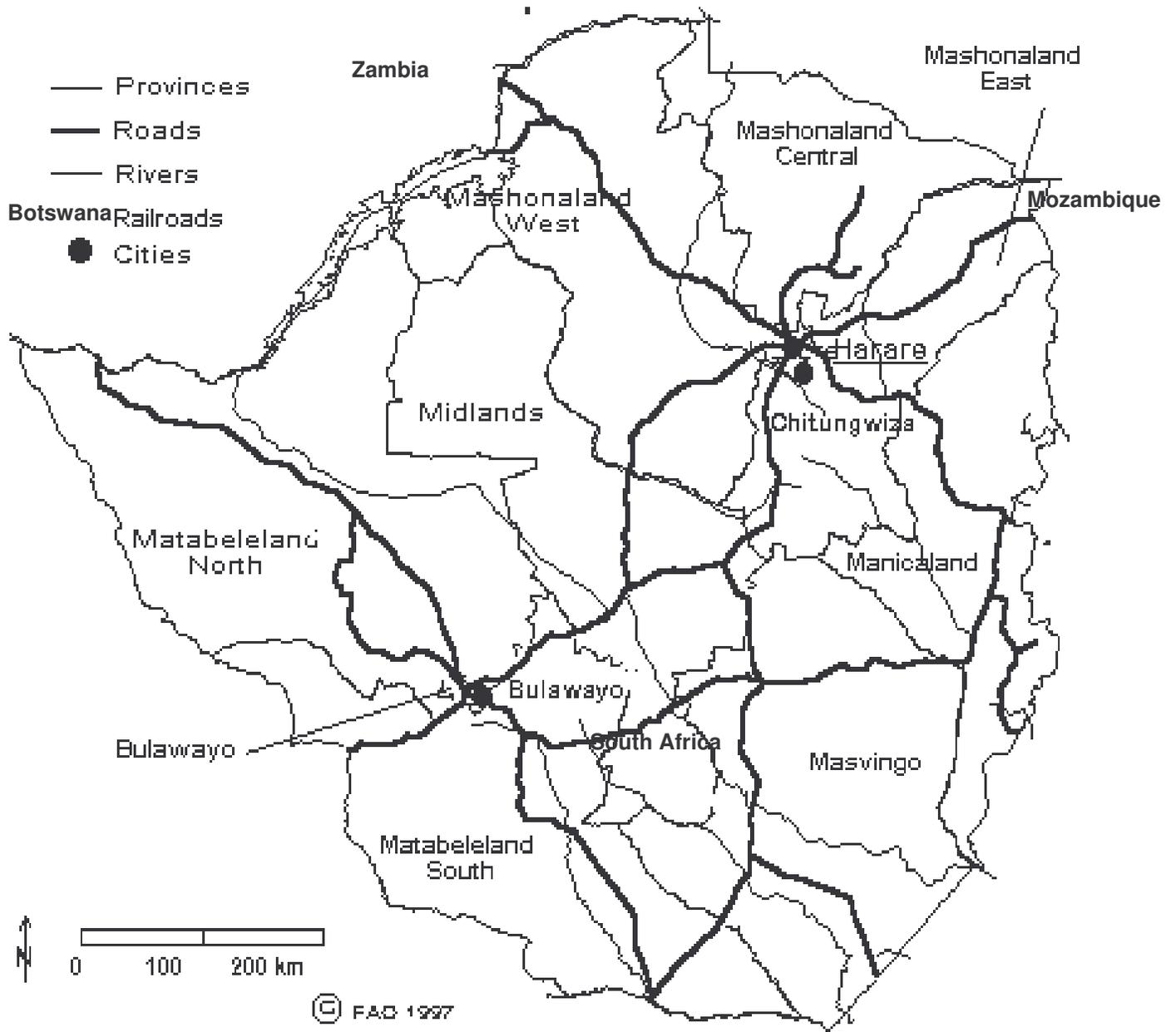
²⁷ President R. G. Mugabe addressing Delegates at the Zimbabwe Embassy in Cairo, Egypt on the torture of ZCTU activists.

	MAIN EVENTS 2007
January	<p>State security agents allegedly go on a rampage assaulting, torturing and shooting at illegal diamond miners near Marange in Manicaland.</p> <p>The ZRP Anti - Riot Squad violently disrupts a demonstration of close to 500 NCA members.</p> <p>8 Christian Alliance members are arrested and harassed by members of the ZRP at the launch of the Christian Alliance Kadoma Chapter.</p> <p>Arnold Tsunga (Director of Zimbabwe Lawyers for Human Rights and Acting Secretary of the Law Society of Zimbabwe) is arrested and interrogated by CIO operatives at the Harare International Airport on his return from the World Social Forum in Kenya.</p>
February	<p>Police impose a ban on “political gatherings”</p> <p>Students, WOZA, NCA and the MDC hold a number of demonstrations separately against tertiary fee hikes, for “love” and against violence; for a new Constitution and for elections to be held in 2008 rather than 2010 respectively</p> <p>Raymond Majongwe and other PTUZ leaders are arrested as teachers protest against their low salaries.</p> <p>Suspected MDC supporters allegedly assault police at Ximex Mall in Harare and angry vendors assault Municipal Police Officers.</p> <p>St Mary’s (Harare) widows and elderly women are assaulted by the police as they demonstrate against high rentals and high water bills.</p> <p>The MDC attempts to hold a star rally in Highfield at Zimbabwe Grounds on 18 February 2007 but the rally is dispersed by police.</p>
March	<p>Save Zimbabwe Campaign attempts to hold a prayer meeting on 11 March in Highfield. The riot police, using brute force on civic leaders and others who intended to participate, thwart the meeting.</p> <p>Gift Tandare dies after being shot by the police on 11 March at the aborted prayer meeting in Highfield</p> <p>Following the violence on 11 March, widespread assaults and abductions ensue mainly perpetrated against human rights defenders, MDC supporters and leadership, reportedly by state security agents.</p> <p>Officers from the CID raid ZCTU offices on 13 March ahead of a planned stay away.</p> <p>Nelson Chamisa, MDC MP for Kuwadzana, is severely assaulted at the Harare International Airport on his way to attend a meeting of the ACP – EU in Brussels</p> <p>A memorial service for Gift Tandare is held on 27 March in Borrowdale.</p> <p>Last Maengahama, Deputy Secretary for Local Government in the Tsvangirai led faction of the MDC, is abducted in Borrowdale and dumped in Mutorashanga by suspected state agents after attending a memorial service for Gift Tandare on 27 March.</p> <p>Police cordon off much of the central business district of Harare as they conduct a raid at the MDC headquarters on 28 March. 80 people, including senior MDC officials, are arrested during the raid.</p>
April	<p>82 WOZA members are arrested for protesting against incessant power cuts by the Zimbabwe Electricity Supply Authority in Bulawayo’s High Density suburbs.</p> <p>Levison Chikafu, a Prosecutor in Mutare, is detained for six hours at Mutare Central</p>

	<p>Police Station. He is questioned over his alleged acceptance of a bribe from a jailed murderer and granting bail to undeserving suspects. It is suspected that he was being victimised for prosecuting the Minister of Justice Legal and Parliamentary Affairs.</p> <p>Two National University of Science and Technology (NUST) students, Trust Nhubu and Valencio Jachi, are reportedly abducted and tortured by suspected CIO operatives in Bulawayo on 19 April.</p> <p>The Chivi North legislator and the former Masvingo Governor, Josiah Hungwe as well as other ZANU PF members, are reportedly injured following a skirmish between the two ZANU PF factions that were contesting in the ZANU PF Masvingo Provincial Elections.</p>
May	<p>Alec Muchadehama and Andrew Makoni (lawyers) are arrested by the police and held in detention being denied access to lawyers, food and families.</p> <p>Jonathan Samkange (a lawyer) is arrested by the police for allegedly having connived with a witness in a case he is handling.</p> <p>Scores of students at the University of Zimbabwe are arrested, assaulted and brutalised by the University's security agents and the police.</p> <p>The police disperse students at the National University of Science and Technology (NUST) in Bulawayo.</p> <p>Members of the Law Society of Zimbabwe, gathered outside the High Court in Harare to proceed to the Ministry of Justice, Legal and Parliamentary Affairs with a petition protesting the arrest of two of their colleagues, are dispersed by the police and some assaulted with baton sticks. Later, their President, Beatrice Mtetwa and four others are savagely assaulted by the police in a field near the city.</p>
June	<p>MDC activists who had been incarcerated for almost 72 days are released on free bail on 7 June</p> <p>Arthur Mutambara, the leader of the pro-senate MDC faction's passport is taken away by police.</p> <p>Bans on political rallies and gatherings are lifted in Harare on 29 June The world commemorates International Day Against Torture on 26 June</p> <p>9 people are arrested and tortured in relation to an alleged foiled coup plot</p>
July	<p>About 267 NCA activists are detained and arbitrarily beaten up country wide as they demonstrate against Constitutional Amendment (No 18) Bill on 25 July.</p> <p>Armed police officers assault and arrest students from the University of Zimbabwe following demonstrations against fees top up on 7 July. Furthermore, resident students are evicted from campus and sleep out of doors after they are left stranded.</p> <p>The University of Zimbabwe Vice – Chancellor, Levy Nyagura, suspends 26 students for allegedly inciting students to demonstrate and engaging in riotous behaviour.</p>
August	<p>A 62 - member delegation of the Southern African Peoples' Solidarity Network (SAPSN) travelling to Lusaka, Zambia, for the SADC Peoples' Summit is turned back by the Zambian immigration authorities at the Chirundu Border Post. The Zambian authorities then hands over the Zimbabwean civil society activists to the Zimbabwean police who detain and harass 40 of the victims at Chirundu Police Post.</p> <p>Clever Bere, National University of Science and Technology Students Representative Council President is arrested and tortured at Bulawayo Central Police Station on 6 August</p> <p>Police reportedly round up close to 100 commuter omnibus drivers and their assistants in Harare on 29 August before assaulting them for defying a government directive to</p>

	<p>reduce fares</p> <p>On 6 August, it is alleged that members of the Zimbabwe National Army brutalise women and children in the high-density suburb of Dzivaresekwa in Harare for vending.</p> <p>More than 70 uniformed soldiers go on a rampage, assaulting villagers and looting goods in Esigodini, Matabeleland South on 8 August after some of their colleagues had been involved in a scuffle during a drunken brawl in the village.</p> <p>A journalist from the Standard newspaper, is reportedly abducted and held captive by suspected ZANU PF supporters in Gutu, Masvingo on suspicions of spying for the US based Studio 7 news station.</p> <p>It is alleged that armed police and CIO Officers bar members of the MDC who want to attend the memorial service of the late MDC National Chairperson, Isaac Matongo, on 11 August in Masvingo.</p>
September	<p>Police arrest 11 Members of Restoration of Human Rights Zimbabwe (ROHR Zim) in Harare on 14 September.</p> <p>ZCTU organises a stay - away on 19 and 20 September. The stay - away protested the Presidential Proclamation on salary and wage freezes.</p> <p>The NGO Expo is held from 19 – 22 September. Memory Kadau, the Crisis in Zimbabwe Coalition intern, is arrested whilst manning the organization's stand at the Expo.</p> <p>MDC holds its 8th year Anniversary celebrations in Masvingo on 28 September. Masvingo residents are assaulted by ZANU PF supporters prior to the celebrations.</p> <p>The wife of Zimbabwe's Minister of Finance, Tecla Mumbengegwi, allegedly takes part in the assault and resultant murder of a villager accused of stealing from the Minister's farm.</p>
October	<p>Police arrest 158 members of WOZA in Bulawayo for protesting against the deteriorating political and economic crisis in Zimbabwe, on 11 October.</p> <p>Police in Harare arrest 200 members of WOZA for carrying out a peaceful demonstration on 15 October.</p> <p>Police in Harare assault 34 NCA activists for demonstrating against the Constitutional Amendment No 18 Bill on 16 October</p>
November	<p>Police arrest 98 WOZA members on 5 November during a protest for the repeal of POSA and AIPPA outside the Parliament building in Harare.</p> <p>Police in Harare allegedly assault and torture some of the NCA activists who had gathered to protest against Constitutional Amendment No 18 Bill during the visit to Harare by South African President Thabo Mbeki on 22 November.</p> <p>Violent clashes erupt between MDC supporters loyal to the ousted MDC National Women's Assembly Chairperson Lucia Matibenga and those in favour of her replacement Theresa Makone on 18 November</p>
December	<p>Police violently disrupt and disperse an NCA demonstration in central Harare on 7 December.</p> <p>Over 300 members of WOZA conducting a peaceful demonstration are violently dispersed on 11 December by members of the ZRP.</p> <p>Five Zimbabwe National Students Union (ZINASU) members are arrested and tortured by police at a roadblock in Kwekwe.</p>

ADMINISTRATIVE MAP OF ZIMBABWE



The Zimbabwe Human Rights NGO Forum (also known as the “Human Rights Forum”) is a coalition comprising 17 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)
- Human Rights Trust of Southern Africa (SAHRIT)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitoring Project of Zimbabwe (MMPZ)
- Nonviolent Action and Strategies for Social Change (NOVASC)
- Transparency International (Zimbabwe) (TI (Z))
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

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