



COUNTRY OF ORIGIN INFORMATION REPORT

# ZIMBABWE

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25 MARCH 2009

**UK BORDER AGENCY**

COUNTRY OF ORIGIN INFORMATION SERVICE

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## Preface

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- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 13 February 2009. The 'Latest News' section contains further brief information on events and reports accessed from 14 February 2009 to 25 March 2009. The report was issued on 25 March 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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**ADVISORY PANEL ON COUNTRY INFORMATION**

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at [www.apci.org.uk](http://www.apci.org.uk). Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

## Latest News

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### EVENTS IN ZIMBABWE, FROM 14 FEBRUARY TO 25 MARCH 2009

The news articles below have been organised thematically and then chronologically.

#### Politics and politically motivated violence

**24 March** Minutes of a meeting between Roy Bennett and MDC colleagues reportedly stated that high-ranking, hard-line elements within Zimbabwe's military and members of the ZANU-PF are resisting political reforms. The minutes reported that resistance could soon see Zimbabwe entering a "perilous period" that might threaten the current transitional arrangement. But the minutes also stated that "There is a feeling of hope amid the MDC in that Zanu (PF) realises the game is up" and gave an example of a senior official in the ministry of agriculture appointed by President Mugabe who had "crossed the floor".

Business Day, Zanu (PF) hardliners 'a threat to transition, 24 March 2009.

[http://www.zimbabwesituation.com/mar24a\\_2009.html#Z4](http://www.zimbabwesituation.com/mar24a_2009.html#Z4)

Date accessed 25 March 2009

**19 March** Home Affairs co-ministers Kembo Mohadi (ZANU-PF) and Giles Mutsekwa (MDC) called for political parties to ask their supporters to desist from violence in the spirit of the inclusive government. Both ministers also acknowledged the need to reform the police.

The Zimbabwe Times, Ministers call for end to political violence, 19 March 2009.

<http://www.thezimbabwetimes.com/?p=13637>

Date accessed 20 March 2009

**18 March** Roy Bennett, the deputy minister of Agriculture, who was released the previous week after a month in jail, described conditions in prison as an "absolute humanitarian disaster", likening conditions to those of German concentration camps during the 2nd World War.

The Zimbabwean, Starvation rife in prison – Bennett, 18 March 2009

[http://www.thezimbabwean.co.uk/index.php?option=com\\_content&task=view&id=19766&Itemid=7](http://www.thezimbabwean.co.uk/index.php?option=com_content&task=view&id=19766&Itemid=7)

Date accessed 20 March 2009

**17 March** Livingstone Chipadze, the provincial magistrate who was arrested after he allowed Roy Bennett to be freed on bail was released after a senior magistrate ruled there was no evidence to show he had committed a criminal offence.

The Zimbabwe Times, Court frees magistrate who freed Bennett, 17 March 2009.

<http://www.thezimbabwetimes.com/?p=13542>

Date accessed 19 March 2009

While deputy agriculture minister designate Roy Bennett and Zimbabwe Peace Project Director Jestina Mukoko have recently been released on bail, dozens of other activists remain in police detention. Reportedly 45 members of the MDC are being held in Manicaland province. They include Mutare Deputy Mayor Admire Mukorera, who was detained Saturday, released, and then rearrested early Tuesday morning. Of the 45 being held, 17 were arrested in the town of Buhera the previous week for fighting with ZANU-PF supporters, while a further 18 were being held without charge in Harare.

Voice of America, Despite Release of High-Profile Prisoners, Zimbabwe Activists Remain Behind Bars, 17 March 2009.

<http://www.voanews.com/english/Africa/Zimbabwe/2009-03-17-voa37.cfm>

Date accessed 19 March 2009

- 15 March Schools in Zaka district (Masvingo Province) have not opened due to threats by ZANU-PF youths that “they will deal with all teachers on their black list who monitored last year’s harmonised elections.”

Radiovop, Zanu PF Youths Terrorise Teachers, 15 March 2009.

[http://www.radiovop.com/index.php?option=com\\_content&task=view&id=5710&Itemid=755](http://www.radiovop.com/index.php?option=com_content&task=view&id=5710&Itemid=755)

Date accessed 17 March 2009

- 14 March Zimbabwe President, Robert Mugabe, attending the funeral of Vitalis Gava, a former commander in Zimbabwe’s military forces, called for an end to political violence and saying that the new unity government should bring peace and stability to the country. Mr. Mugabe said those who believe they must keep fighting are enemies of Zimbabwe.

Voice of America, Zimbabwe’s Mugabe Calls for End to Political Violence, 14 March 2009.

<http://www.voanews.com/english/2009-03-14-voa15.cfm>

Date accessed 17 March 2009

- 12 March Zimbabwe authorities released MDC official Roy Bennett from custody, a day after the Supreme Court ordered his release on bail.

BBC News, Zimbabwe cabinet nominee is freed, 12 March 2009.

<http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/7939149.stm>

Date accessed 12 March 2009

Two houses belonging to a member of the MDC were reportedly burnt down in Buhera. The houses were razed after the owner had gone to the funeral wake of Morgan Tsvangirai’s wife. In retaliation, a group of MDC youths burned down three houses and destroyed other property belonging to ZANU-PF supporters.

Harare Tribune, A resurgence of ZANU-PF militia political violence in Zimbabwe, 12 March 2009.

<http://www.hararetribune.com/world/3-human-rights/337-a-resurgence-of-zanu-pf-militia-political-violence-in-zimbabwe.html>

Date accessed 12 March 2009

- 11 March Supreme Court Chief Justice, Godfrey Chidyausiku, upheld a High Court decision granting Roy Bennett (MDC deputy minister of agriculture) bail. Bail was set at US\$5000, with Bennett to surrender title deeds and report to the police three times a week.

SW Radio Africa, Zimbabwe Supreme Court grants Bennett bail, 11 March 2009.

[http://www.zimbabwesituation.com/mar12\\_2009.html](http://www.zimbabwesituation.com/mar12_2009.html)

Date accessed 11 March 2009

In what appears to be a change in the attitude of the Army towards the inclusive Government, the Commander of 4 Brigade in Masvingo, Brigadier Francis Mtisi, voiced his support for the unity government saying it was a clear indication that Zimbabwe had matured in terms of national development. The article reported “The military and security chiefs had previously declared that they would not salute Morgan Tsvangirai... Now they seem to be doing everything in their power to support the unity government that has elevated the man they accused of being a Western puppet to the prime minister’s office, making him one of their bosses.”

The Zimbabwean, Army Commander hails inclusive Govt, 11 March 2009.

[http://www.thezimbabwean.co.uk/index.php?option=com\\_content&task=view&id=19611&Itemid=103](http://www.thezimbabwean.co.uk/index.php?option=com_content&task=view&id=19611&Itemid=103)

Date accessed 11 March 2009

- 10 March President Mugabe, speaking at the funeral of Susan Tsvangirai, the wife of the Prime Minister, Morgan Tsvangirai, appeared to call for an end to political violence.  
BBC News, Zimbabwe mourns 'mother of struggle', 10 March 2009.  
<http://news.bbc.co.uk/1/hi/world/africa/7936161.stm>  
Date accessed 11 March 2009
- Zimbabwe's Prime Minister, Morgan Tsvangirai, has ruled out foul play in the road accident on 7 March in which he was injured and his wife, Susan, killed. Many in the MDC remain sceptical about accident.  
The Independent, Tsvangirai rules out foul play in wife's fatal accident, 10 March 2009.  
<http://www.independent.co.uk/news/world/africa/tsvangirai-rules-out-foul-play-in-wifes-fatal-accident-1641031.html>  
Date accessed 10 March 2009
- 9 March Jestina Mukoko, Executive Director of the Zimbabwe Peace Project (ZPP) and a board member of the Zimbabwe Human Rights NGO Forum, was released by Harare Magistrates Court on payment of US\$600 bail. Ms Mukoko, who was abducted on 3 December 2008, whose whereabouts were unknown until she appeared before Harare Magistrates Court on 24 December, had been accused by the Government of "recruiting or goading people to undergo military training... aimed at toppling Robert Mugabe's Government." Two other ZPP members were also abducted in December but were subsequently released on 6 and 26 February 2009 respectively.  
World Organisation Against Torture, Release on bail of Ms. Jestina Mukoko, 9 March 2009.  
<http://www.unhcr.org/refworld/country.COI...ZWE..49b4e71b2.0.html>  
Date accessed 11 March 2009
- 8 March Three men who were ZANU-PF base commanders in Chiredzi North Constituency in the run up to the 27 June 2008 presidential runoff elections were each sentenced to 30 months in jail with hard labour by a Chiredzi Magistrate for torturing a Movement for Democratic Change member.  
Radiovop.com, Violent Zanu PF Commanders Get Jail Sentences, 8 March 2009  
[http://www.radiovop.com/index.php?option=com\\_content&task=view&id=5632&Itemid=171](http://www.radiovop.com/index.php?option=com_content&task=view&id=5632&Itemid=171)  
Date accessed 9 March 2009
- 6 March Police arrest magistrate Livingstone Chipadze after he ordered the release of MDC ministerial nominee Roy Bennett.  
BBC News, Zimbabwe judge held over MDC bail, 6 March 2009  
<http://news.bbc.co.uk/1/hi/world/africa/7927954.stm>  
Date accessed 9 March 2009
- 4 March An update on abductees in detention documented by the NGO, Zimbabwe Lawyers for Human Rights.  
Sokwanele, Update on the aductees from ZLHR, 4 March 2009  
<http://www.sokwanele.com/thisiszimbabwe/archives/3494>  
Date accessed 5 March 2009
- A High court judge in Harare granted bail to eight of the 13 MDC activists arrested two weeks ago in Mbare, a suburb of Harare, following clashes with ZANU PF supporters. The MDC MP for Mbare, Piniel Denga, explained that the activists were arrested as they attempted to reclaim homes and property taken during the elections the previous year. During the

election period “scores” of MDC supporters had been evicted from municipal accommodation which had then been handed over to ZANU-PF supporters.

Some ZANU-PF supporters were also arrested in the clashes but Mr Denga complained that they were soon given bail and only the MDC supporters remained in custody.

SWRadio Africa, High court grants bail to eight MDC activists from Mbare, 4 March 2009

<http://www.swradioafrica.com/news030309/highcourt030309.htm>

Date accessed 11 March 2009

3 March

150 MDC supporters were rounded up during a door to door raid in Nyanga, Manicaland province, on 27 February 2009. Pishai Muchauraya, the MDC MP for Makoni South, said the arrests took place after they had gone to reclaim their livestock, taken during the 2008 elections. Some of those arrested were released immediately, however 89 spent five days in police custody and were due in court.

Events were similar to those reported in Mbare two weeks earlier (see article of 4 March above) which resulted in clashes between MDC and ZANU-PF supporters. 13 MDC supporters were arrested when they attempted to reclaim homes and property taken from them during the election period.

SWRadio Africa, 89 MDC supporters still in custody in Nyanga, 3 March 2009

<http://www.swradioafrica.com/news030309/89mdc030309.htm>

Date accessed 11 March 2009

27 February

Police officers had described the situation in Gutu South, Masvingo province, as tense and asked politicians “to intervene to avoid clashes between supporters of rival political parties”. This was after a group of suspected MDC supporters had confronted and attacked a traditional chief and two villagers. The chief had allegedly been responsible for “unleashing a reign of terror on the villagers during the run-up to the presidential election runoff” last year.

The Zimbabwe Times, Political violence resurges in Masvingo, 27 February 2009.

<http://www.thezimbabwetimes.com/?p=12556>

Date accessed 9 March 2009

25 February

MDC supporters have staged a series of attacks against ZANU-PF officials in retaliation to the outbreak of brutal election violence last year. The latest turmoil follows the establishment on 13 February 2009 of an inclusive government between President Robert Mugabe’s ZANU-PF and (now Prime Minister) Morgan Tsvangirai’s MDC. “For the first time since the state-sanctioned violence that followed Mugabe’s devastating loss in presidential elections last year... MDC supporters are exacting vengeance on their assailants. They appear confident they will have protection from the power-sharing government that now includes their leader.” A MDC spokesman appealed for calm and patience. However MDC supporters’ tit-for-tat attacks on ZANU-PF members threaten the new power-sharing arrangement, and put the long-suffering population at renewed risk.

Institute for War & Peace Reporting, MDC Supporters Take Revenge, 25 February 2009.

[http://www.iwpr.net/?p=zim&s=f&o=350426&apc\\_state=henh](http://www.iwpr.net/?p=zim&s=f&o=350426&apc_state=henh)

Date accessed 26 February 2009

24 February

Full cabinet list of the unity Government.

Southern African News Features, Zimbabwe Cabinet February 2009, 24 February 2009.

<http://allafrica.com/stories/200902240632.html>  
Date accessed 25 February 2009

23 February Welshman Ncube, chairperson of the Joint Monitoring and Implementation Committee (JOMIC) established to oversee implementation of the power-sharing deal, spoke of numerous reports of "revenge attacks" – of MDC members attacking ZANU-PF supporters - across the country. Attacks had reportedly taken place in Harare, Mashonaland East, Mashonaland Central, Manicaland, Masvingo and the Midlands Province. Ncube stated "'In many areas it would appear that supporters of the MDC, who were ill-treated by ZANU-PF members, are demanding and implementing their own form of justice. Others are demanding the return of livestock which was confiscated and eaten at ZANU-PF militia torture camps during election campaign'".

The article also reported on running battles between MDC and ZANU-PF supporters in Mbare, a suburb of Harare on 22 February (see SWRadio report, 4 March, above).

IRIN, Tit-for-tat violence flares up, 23 February 2009.  
<http://www.plusnews.org/Report.aspx?ReportId=83098>  
Date accessed 24 February 2009

17 February Before last year's elections Zimbabwe's generals declared that they would refuse to serve under Morgan Tsvangirai if his party was elected. Last week the military pointedly boycotted Mr Tsvangirai's inauguration as Prime Minister. The military refused Mr Tsvangirai's demand to release 30 prominent political activists before his inauguration as prime minister - making the MDC appear weak – and following the ceremony promptly arrested Roy Bennett, deputy agriculture minister designate. Recent events such as these suggest that Zimbabwe is either in the "throes of a de facto palace coup, or will shortly witness the real thing".

The Times, World Agenda: Have Zimbabwe's generals sidelined Mugabe?, 17 February 2009.  
[http://www.timesonline.co.uk/tol/news/world/world\\_agenda/article5750870.ece](http://www.timesonline.co.uk/tol/news/world/world_agenda/article5750870.ece)  
Date accessed 19 February 2009

## Freedom of Speech

18 March Gordon Moyo, the MDC Minister of State in the Prime Minister's Office, announced the launch of a new weekly newspaper called the Weekly Agenda.

Radiovop, Minister Launches New Weekly Paper, 18 March 2009.  
[http://www.radiovop.com/index.php?option=com\\_content&task=view&id=5739&Itemid=171](http://www.radiovop.com/index.php?option=com_content&task=view&id=5739&Itemid=171)  
Date accessed 19 March 2009

## Economy

25 March *The Times* noted that that a growing sense of optimism is returning to Zimbabwe as the initial changes introduced by the power-sharing government makes an "electrifying difference" across the country. The Government's decision to legalise the use of foreign currency, specifically the US dollar, has seen a large decrease in inflation and more food in the shops.

The Times, Hopes rise as Zimbabwe's stricken engine sputters back into life, 25 March 2009.

[http://www.timesonline.co.uk/tol/comment/columnists/guest\\_contributors/article5969672.ece](http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article5969672.ece)

Date accessed 25 March 2009

- 24 March Zimbabwe's "economic recovery is predicated on a substantial rescue package, but Mugabe's grip on the reins of power has deterred Western governments, and the onus has fallen on SADC [Southern African Development Community] to come up with some form of financial assistance. SADC has pledged US\$2 billion for Zimbabwe's reconstruction, but a question mark hangs over where it will find the money. The organization will meet on 30 March to make a final decision on the package."  
IRIN, Unity government going nowhere slowly, 24 March 2009.  
<http://www.irinnews.org/Report.aspx?ReportId=83616>  
Date accessed 25 March 2009
- 21 March It was reported that civil servants failed to receive the US\$100 salary allowance as the unity government struggled to raise foreign exchange.  
The Standard, Chaos as Civil Servants fail to get their pay, 21 March 2009.  
<http://www.thezimbabwestandard.com/local/20027-chaos-as-civil-servants-fail-to-get-their-pay.html>  
Date accessed 23 March 2009
- 19 March President Mugabe has launched an interim economic blueprint that, among other things, demands the immediate halt to farm invasions in an effort to kick-start the country's economy.  
The Zimbabwe Independent, Govt Cracks Whip on Farm Invaders, 19 March 2009.  
<http://www.thezimbabweindependent.com/index.php/local/22247-govt-cracks-whip-on-farm-invaders>  
Date accessed 20 March 2009
- 16 March A regular retail price analysis of 20 imported and five locally produced goods found that since 1 January 2009 the price of these goods has come down to 70.94 from 85.34. However, 'dollarisation' of the economy has meant that a flood of cheaper goods entering the country is hurting the remaining Zimbabwean manufacturers.  
The Times, SA goods hit shelves in Zimbabwe shops, 16 March 2009.  
<http://www.thetimes.co.za/business/businesstimes/Article1.aspx?id=958936>  
Date accessed 17 March 2009
- 9 March For the first time in a decade, Zimbabwe's hyper inflation is slowing down, with the price of some basic commodities dropping by up to 50 per cent.  
Institute for War & Peace Reporting, Break on Food Inflation Eases Hardships, 9 March 2009.  
<http://www.iwpr.net/EN-zim-f-350784>  
Date accessed 9 March 2009
- 24 February Zimbabwe's teachers agreed to end a year long strike after the new education minister, David Coltart, promised to review salaries and appealed for US\$458-million aid for schools. Mr Coltart told the state-run *Herald* newspaper he had asked Unicef and other donors for \$458-million to jump-start the education system over the next six months.  
Mail and Guardian, Zim teachers agree to end year-long strike, 24 February 2009.  
<http://www.mg.co.za/article/2009-02-24-zim-teachers-agree-to-end-yearlong-strike>  
Date accessed 10 March 2009

18 February Zimbabwe's new finance minister, Tendai Biti, announced that the new government of national unity would start paying 130,000 public sector employees in US dollars to help revive the shattered economy.  
 BBC News, Zimbabwe pays wages in US dollars, 18 February 2009.  
<http://news.bbc.co.uk/1/hi/world/africa/7897048.stm>  
 Date accessed 19 February 2009

### Land reform – farm evictions

21 March Morgan Tsvangirai's office is reported to have called a meeting of security and agricultural ministries, scheduled for the week commencing 23<sup>rd</sup> March, to discuss continuing farm invasions and violence in the country.

The Zimbabwean, PM summons security ministers over farm invasion, 21 March 2009.

[http://www.thezimbabwean.co.uk/index.php?option=com\\_content&task=view&id=19851&Itemid=103](http://www.thezimbabwean.co.uk/index.php?option=com_content&task=view&id=19851&Itemid=103)

Date accessed 23 March 2009

21 March Major international donors expressed unease over continuing farm invasions amid concerns that some Zanu PF elements are stepping up their efforts to sabotage the inclusive government's push for an emergency financial rescue package. Farmers' unions reported that the invaders, aided by soldiers and the police had targeted 100 commercial farmers throughout the country.

The Standard, Zanu PF Sabotaging Inclusive Government, 21 March 2009.

<http://www.thezimbabwestandard.com/local/20029-zanu-pf-sabotaging-inclusive-government.html>

Date accessed 23 March 2009

18 March A new wave of farm evictions across Zimbabwe sees farmers and farm workers facing renewed violence and intimidation.

Sokwanele, Zimbabwean farm evictions escalate despite the GPA, 18 March 2009.

<http://www.sokwanele.com/thisiszimbabwe/archives/3780>

Date accessed 19 March 2009

18 March Zimbabwe's pro-Mugabe attorney general, Johannes Tomana, orders the eviction and prosecution of the country's last remaining white commercial farmers.

View London, Last white Zimbabwean farmers to be evicted, 18 March 2009.

<http://www.viewlondon.co.uk/news/last-white-zimbabwean-farmers-to-be-evicted-19079061.html>

Date accessed 19 March 2009

16 March Johannes Nel, a commercial farmer in Gutu, is reported to have been assaulted and taken hostage by a group of 100 suspected ZANU-PF supporters over the weekend. The incident occurred amid growing concern over fresh farm invasions across the country.

The Zimbabwe Times, Masvingo farmer abducted, assaulted, 16 March 2009.

<http://www.thezimbabwetimes.com/?p=13542>

Date accessed 17 March 2009

1 March President Mugabe continued to call for white farmers to vacate farms. In a speech to mark his 85th birthday, Mr Mugabe stated that land seizures would continue, and that the "few remaining white farmers should quickly vacate their farms as they have no place there."

3 News, Mugabe calls on white farmers to leave, during lavish birthday celebrations, 1 March 2009.

<http://www.3news.co.nz/Mugabe-calls-on-white-farmers-to-leave-during-lavish-birthday-celebrations/tabid/417/articleID/93341/cat/259/Default.aspx>  
Date accessed 9 March 2009

## Humanitarian issues

- 20 March      Following reports that two prisons in Harare had cut rations to a quarter of what prisoners were meant to receive; Sokwanele reported that food had completely run out at the two prisons.  
Sokwanele, Action Alert: Harare Central Prison has run out of food, 20 March 2009.  
<http://www.sokwanele.com/thisiszimbabwe/>  
Date accessed 23 March 2009
- 18 March      Health experts reported that there was a decelerating trend in the number of people contracting and dying from cholera. The World Health Organization said authorities had recorded a cumulative 91,265 cases since August 2008 resulting in the deaths of 4,030 people as of Monday 16 March.  
Voice of America, As Cholera Epidemic Continues, Zimbabwe Government Sets Water Summit, 18 March 2009.  
<http://www.voanews.com/english/Africa/2009-03-18-voa55.cfm>  
Date accessed 19 March 2009
- 17 March      With state hospitals in Harare and Chitungwiza closed since October 2008, many people are seeking medical care at rural mission hospitals. Recent reports state that many city-dwellers are travelling up to 60 kilometers to obtain medical treatment at NGO supported hospitals in the countryside.  
Voice of America, Those Seeking Medical Care in Zimbabwe Rely Now on Mission Hospitals, 17 March 2009.  
<http://www.voanews.com/english/2009-03-17-voa24.cfm>  
Date accessed 19 March 2009
- 5 March      Non-governmental organisations say the number of Zimbabweans needing food aid continues to rise. However, sources at the Consumer Council of Zimbabwe noted that while the 'dollarisation' of the economy has led to more food on the shelves, it is only accessible to those who can afford it: most people lack the foreign currency needed to purchase essentials.  
Voice of America, Food availability improves in Zimbabwe - For those with hard currency, 5 March 2009  
<http://www.voanews.com/english/Africa/2009-03-05-voa49.cfm>  
Date accessed 9 March 2009
- 3 March      From the start of the outbreak in August 2008 and up until 1 March 2009, cholera has claimed the lives of 3,939 people, infected 85,300, and has been reported in all the country's 10 provinces and 55 of its 62 districts.  
IRIN, 30 strains of cholera as death toll approaches 4,000, 3 March 2009  
<http://www.irinnews.org/Report.aspx?ReportId=83271>  
Date accessed 9 March 2009
- 2 March      "Imports of about 750,000mt of cereal by commercial and humanitarian agencies is easing Zimbabwe's dire food shortages, the Famine Early Warning System Network (FEWSNET) said in its February update."  
Irin news, In brief: Zimbabwe's food security eases. 2 March 2009.  
<http://www.irinnews.org/Report.aspx?ReportId=83231>  
Date accessed 10 March 2009

24 February      The first group of 20 expatriates, including trained social workers and nurses, have returned to Zimbabwe to assist in the rebuilding of their shattered country.  
BBC News, Zimbabweans abroad return as volunteers, 24 February 2009.  
<http://news.bbc.co.uk/1/hi/world/africa/7906427.stm>  
Date accessed 24 February 2009

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## **REPORTS ON ZIMBABWE PUBLISHED OR ACCESSED BETWEEN 14 FEBRUARY AND 25 MARCH 2009**

**US State Department**, <http://www.state.gov>  
Country Report on Human Rights Practices 2008, Zimbabwe, released on 25 February 2009  
<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119032.htm>  
Date accessed 26 February 2009

In the introductory section the Country Report, covering events in 2008, observed

“The government continued to engage in the pervasive and systematic abuse of human rights, which increased during the year. The ruling party's dominant control and manipulation of the political process through violence, intimidation, and corruption

effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions increased. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces refused to document cases of political violence committed by ruling party loyalists against members of the opposition. Prison conditions were harsh and life threatening. Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued. The government continued to evict citizens and to demolish homes and informal marketplaces. The government continued to use repressive laws to suppress freedoms of speech, press, assembly, association, academic freedom, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition. A nearly three-month ban on the activities of nongovernmental organizations (NGOs) exacerbated food insecurity and poverty. After the ban was lifted, security forces, war veteran groups, and provincial governors continued to interfere with NGO operations, hampering food distributions. Tens of thousands of citizens were displaced in the wake of election-related violence and instability, and the government impeded NGOs' efforts to assist them and other vulnerable populations. The following human rights violations also continued: violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children."

**Zimbabwe Human Rights NGO Forum**, <http://www.hrforumzim.com/>

Political violence report January 2009, 27 February 2009

[http://www.hrforumzim.com/frames/inside\\_frame\\_monthly.htm](http://www.hrforumzim.com/frames/inside_frame_monthly.htm)

Date accessed 2 March 2009

The overview section of the report stated

"The month of January [2009] saw a marked decrease in the number of cases of politically motivated violence as compared to December 2008 as well as the months prior to the June 2008 Presidential Election Run-off. However, it is important to note that the figures of violations recorded in this report are not substantive as actual numbers of victims were not indicated in some of the incidences. The violence that characterised the month of January was mainly property-related reportedly perpetrated by members of the Zimbabwe National Army (ZNA) as compared to the inter-party violence that was characteristic of January 2008. ...Although the levels of violence recorded in the month of January were much lower than those in most months in 2008, there was a lot of activity in the courts as human rights activists and members of the MDC-T party accused of banditry and other crimes, were taken back and forth through the judicial system..." (p1)

## Background information

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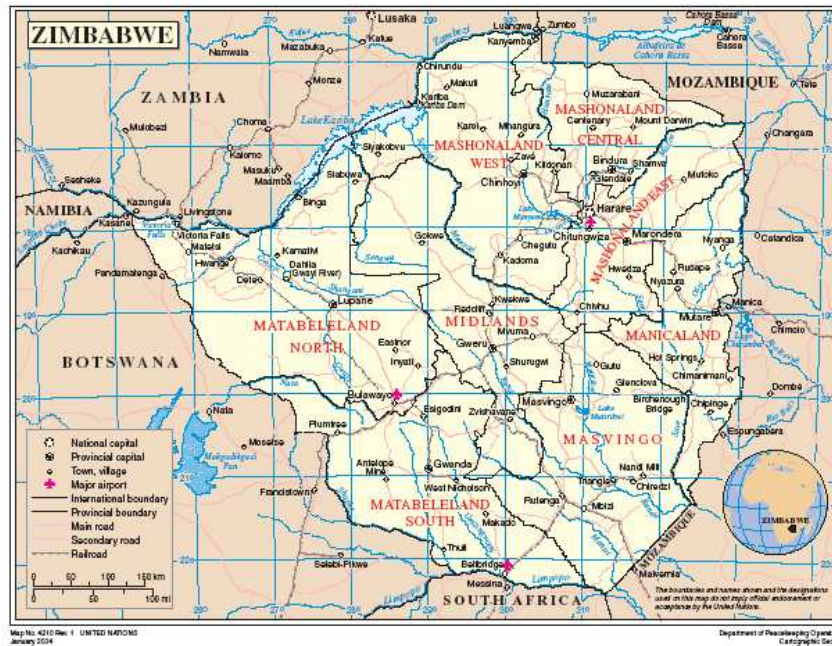
### GEOGRAPHY

- 1.01 Zimbabwe is located in southern Africa and has an area of 390,580 sq km. It is land locked and is bordered to the north-west by Zambia, to the east by Mozambique, to the south by South Africa and to the south-west by Botswana. (Jane's Sentinel Security Assessment: Zimbabwe, 14 October 2008) **[111j] (Geography)**
- 1.02 The principal towns (those with a population of over 100,000) are Harare (the capital), Bulawayo, Chitungwiza, Mutare (Umtali) and Gweru (Gwelo). (Europa World Online, accessed 10 February 2009) **[1b] (Area and Population)**
- 1.03 The Economist Intelligence Unit's Zimbabwe Country Profile 2008, dated 9 May, noted:
- "The population may have declined in recent years. The IMF estimated Zimbabwe's population at 13.2m in 2006. However, the indications from local data, including the 2002 census, are that the population may actually be declining, probably reflecting a combination of the HIV/AIDS pandemic and emigration. ... The population of the capital, Harare, including its Chitungwiza township, is around 2m. The majority of Zimbabweans are Shona, with the Shona outnumbering the Ndebele by about four to one. The Ndebele live mainly in the south and west. ... The most widely spoken language is Shona and its dialects, although English, which is universally spoken in towns, is the official language." **[24n] (p10)**
- 1.04 Jane's Sentinel Security Assessment: Zimbabwe, 14 October 2008 noted that in addition to the main Shona and Ndebele ethnic groups there are, in addition, several minor ethnic groups such as the Tonga, Venda and Hlengwe/Shangaan. **[111k] (Demography)**
- 1.05 The same source also noted:
- "Today there are approximately one million practising Roman Catholics in Zimbabwe. There are also significant representations of the Anglican, Methodist, Presbyterian, Baptist and Dutch Reformed Churches.
- "There are many African churches of different denominations, such as the Zimbabwe Assemblies of God and the Vapostori sects. Small Hindu, Muslim and Jewish communities exist in some urban centres. The Jewish community had been estimated at 925, but is declining rapidly through outmigration." **[111k] (Demography)**

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### MAP

- 1.06 The following links provide a selection of different maps of Zimbabwe. The Multimaps and Google maps are searchable.



Link to a detailed UNHCR map:

<http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3dee2cf00>

Link to Multimap for more detailed searches:

<http://www.multimap.com/map/browse.cgi?client=public&X=3500000.46709432&Y=-2000000.42080272&width=700&height=400&gride=3456915.46709432&gridn=-2004490.42080272&srec=0&coordsys=mercator&db=w3&addr1=&addr2=&addr3=&pc=&advanced=&local=&localinfosel=&kw=&inmap=&table=&ovtype=&keepicon=true&zm=0&scale=10000000&in.x=6&in.y=10>

Link to Google for more detailed searches:

<http://maps.google.co.uk/maps?hl=en&tab=wl>

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## ECONOMY

- 2.01 The Economist Intelligence Unit's Zimbabwe Country Profile 2008, dated 9 May 2008, noted that: "Zimbabwe used to have a well-developed manufacturing sector, relatively diversified commercial farms, productive peasant agriculture, varied mineral resources and good tourism potential. As a result, it had a more diversified economy than any of its neighbours. However, the ongoing economic and political crisis has decimated the economy." [24n] (p12)
- 2.02 Throughout 2008, and into 2009, hyperinflation caused the Zimbabwean dollar to devalue on a daily basis. Possibly as a result of these increases, the government stopped publishing the country's inflation rate in July 2008, at which point inflation stood at 231 million per cent. *The Guardian* reported, on 6 December 2008, that: "John Robertson, one of Zimbabwe's most respected economists, has accurately estimated the rate of inflation in the past. He says that it shot through the billions, trillions and quadrillions between August and October until it reached 1.6 sextillion percent last month. A sextillion has 21 noughts." [34b] IRIN News reported on 21 January 2009 that the inflation rate had reached 6.5 Quindecillion Novemdecillion per cent (65 followed by 107 noughts) with prices doubling on an approximately daily basis. [10af]
- 2.03 As the currency continued to depreciate shops increasingly refused to accept Zimbabwean dollars, adding to the hardship of the urban population. (*The Telegraph*, 27 October 2008) [5g] The government imposed limit on the amount of funds that could be withdrawn from the banks further increased the problems faced by Zimbabweans. (BBC News, 7 November 2008) [3e] On the 23 January 2009, the Institute for War and Peace Reporting noted that as the country effectively 'grinds to a halt' the "... labour unions are putting pressure on the cash-strapped government and on weary private-sector employers to pay their workforce in US dollars or South African Rands, the two currencies that have replaced the worthless local currency and are widely used, even in remote areas." [77l]
- 2.04 Acting Finance Minister Patrick Chinamasa announced on the 29 January 2009 that the Government was effectively abandoning the Zimbabwean dollar in favour of multiple foreign currencies. The announcement was aimed at trying to stem the country's runaway inflation. Mr Chiamasa stated: "In line with the prevailing practices by the general public, [the] government is therefore allowing the use of multiple foreign currencies for business transactions alongside the Zimbabwean dollar ... Correspondence say that although the local currency will still be printed, all prices will be set in US dollars, making the Zimbabwean dollar irrelevant." (BBC News, 29 January 2009) [3p]
- 2.05 *The Times* reported on 11 February 2009 that 94 per cent of Zimbabweans are unemployed. [82k] *The National Post* (Canada) reported on 15 October 2008 that: "... 90% live on less than US\$2 a day ..." [169a] A large number of Zimbabweans rely on remittances (cash/credit) sent by relatives working abroad. It was estimated by the Global Poverty Research Group (attached to the universities of Oxford and Manchester) that "... in 2006, 50 percent of all households surveyed in Zimbabwean cities and towns were regular recipients of money, food and other goods ..." (The Inter Press Service News Agency, 24 January 2009) [170a] However, *The Times* reported, on 6 December 2008,

the plight of those not in receipt of remittances. It noted that some families were foraging for food and surviving on little more than wild berries or nuts. [82z] The Economist Intelligence Unit noted in February 2009 that "... the economic collapse means that around 70% of the population require food aid..." [24p] (p3)

### THE ZIMBABWEAN DOLLAR IS DEVALUED

- 2.06 In an attempt to tackle Zimbabwe's world-record hyperinflation, the governor of the Reserve Bank of Zimbabwe (RBZ) announced on 2 February 2009 that it would be revaluing the currency by cutting 12 zeros from all bank notes – reducing a Z\$1 trillion note to Z\$1. (The Daily Telegraph, 3 February 2009) [5f] BBC News noted on 2 February 2009 that the RBZ had only last year knocked 10 zeros from the local currency "... in an effort to make the currency more manageable, but the zeros returned within a few months." [3s] This is the second time in recent months that dollar has been revalued. In the last revaluation in August 2008, 10 zeros were removed from the currency. (BBC News, 1 August 2008) [3q]

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### INDIGENISATION AND EMPOWERMENT BILL

- 2.07 The Economist Intelligence Unit noted in its October 2007 Zimbabwe report that:

"Despite the negotiations, sponsored by South Africa, to find a political settlement and plan Zimbabwe's economic recovery, Mr Mugabe is aggressively promoting legislation that will further extend his control over the private sector. The indigenisation and empowerment bill is designed to force all companies and banks to cede 51% of their shares to black Zimbabweans. Similarly, the mining bill will force all mining firms to transfer 51% of their shares to black Zimbabweans. The estimated value of Zimbabwe's mining industry is around US\$20bn: assets of US\$10bn would therefore have to change hands. Zimbabwe's Chamber of Mines has stated that it does not believe that either the government or 'historically disadvantaged persons' will be able to raise the funds needed to purchase the shares. One example of what is at stake is Rio Tinto's diamonds and minerals group in Zimbabwe. The company says that US\$250m in future investment in Zimbabwe depends on how empowerment legislation is implemented. Rio Tinto has been in Zimbabwe's mining sector for 50 years and has spent US\$100m expanding Murowa Diamonds since the discovery of diamonds 14 years ago. The operation, which is 77.8% owned by Rio Tinto, is capable of producing 300,000 carats/year of diamonds. The remaining share of the mine is owned by Rio Zim, an independent local company listed on the Zimbabwe Stock Exchange." [24b] (p11-12)

- 2.08 The Voice of America reported on 11 October 2007 that the Bill had been passed by the Zimbabwean parliament and was awaiting President Mugabe's signature to become law. However, the article questioned whether the law would be fully implemented or not especially with regards to foreign owned mining and banking companies. [83i]

2.09 In addition to the 'Indigenisation and Empowerment Bill' *The Times* reported on 21 November 2007 that the Zimbabwean parliament passed a further Bill called the 'Mines and Minerals Amendment Bill' that will empower the Government to seize "... 51 per cent of companies mining strategic fuels and minerals..." However, the article explained that while the Government committed to pay for 26 per cent of the shares in these companies, the remaining 25 per cent of shares will be seized without payment, dividends earned from the seized shares will be used to pay for 'purchased' shares. Mining, in particular the mining of platinum, produces billions of dollars (US\$) a year for the Zimbabwean economy and the production of platinum is set to double in output to around £10 billion over the next year or two. "The proposals are regarded by economists as the logical extension of the lawless invasions of white owned farms that began in 2000 and set off the [severe economic] decline..." [82f]

2.10 BBC News reported in an article, dated 9 March 2008, that:

"Zimbabwe's President Robert Mugabe has approved legislation giving local owners the right to take a majority share of foreign companies. Mr Mugabe's formal approval of the Indigenisation and Economic Empowerment Bill comes three weeks ahead of his country's presidential elections. Under the legislation, every company must have at least 51% of their shares owned by black Zimbabweans. If not, the government will block new investment, mergers or restructuring. The new law means some of the country's biggest businesses - such as the mining giant, Rio Tinto, and Barclays Bank - will have to find local partners." [3bf]

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## HISTORY

- 3.01 Europa World Online – Zimbabwe (accessed 10 February 2009) noted that the country that is now Zimbabwe was established in 1923 as the British colony of Southern Rhodesia. In 1965, the white-dominated Rhodesia Front administration of Prime Minister Ian Smith made an illegal unilateral declaration of independence (UDI) for Rhodesia from the United Kingdom. The Republic of Zimbabwe achieved formal independence from the United Kingdom on 18 April 1980. [1d] (Recent History)
- 3.02 Europa goes on to note that following the unilateral declaration of independence (UDI) by Ian Smith in 1965 black nationalists organised the fight for majority rule. The principal nationalist groups were the Ndebele-dominated Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Shona-dominated Zimbabwe African National Union (ZANU), led initially by the Reverend Ndabaningi Sithole and later by Robert Mugabe. [1d] (Recent History)
- 3.03 Europa also noted that ZAPU and ZANU merged their military efforts in 1976 in the uneasy Patriotic Front alliance. In 1979, according to Europa 2005, the UDI administration concluded an 'internal settlement' with some black nationalists, under which Bishop Abel Muzorewa became Rhodesia's first black Prime Minister. Later in 1979, all parties to the conflict participated in the Lancaster House Conference in London, which agreed an independence settlement. Initially Mugabe adopted a conciliatory stance towards Nkomo but relations became strained and in February 1982 Nkomo was removed from the Cabinet, with two PF colleagues under suspicion of plotting against the government. [1d] (Recent History)

## MATABELELAND INSURGENCY 1983–87

- 3.04 Europa stated that the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland in 1982 led to Joshua Nkomo's dismissal from government office. Dissidents from Nkomo's former guerrilla force, ZIPRA, perpetrated indiscriminate acts of violence. The Government responded by sending the North Korean-trained Fifth Brigade to Matabeleland in early 1983 to quell dissent. The mainly Shona Fifth Brigade was accused of committing atrocities against civilians in its 'pacification' campaign and it alienated support for the Government amongst Matabeleland's Ndebele population. It has been estimated that as many as 10,000 civilians died during the Fifth Brigade's campaign. [1c] (p1254-55) An article published by Wordpress.org on 12 March 2006 stated that the number killed could have been up to 20,000 civilians. [144]

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## MATABELELAND INSURGENCY – POLITICAL DEVELOPMENTS

- 3.05 Europa noted that a unity agreement between ZANU-PF and ZAPU was reached in 1988. The merged party retained ZANU-PF's name and Nkomo became one of two vice-presidents and took a senior cabinet post. An amnesty in 1988 led to a rapid improvement in the security situation in Matabeleland. Constitutional changes in 1987 ended reserved seats for whites

and created an executive Presidency, replacing the ceremonial post of President formerly held by Canaan Banana and incorporating the post of Prime Minister. Mugabe became Zimbabwe's first executive President at the end of 1987. [1c] (p1255)

- 3.06 In July 1999, *The Independent* noted that on 19 October 1999, at Vice-President Joshua Nkomo's funeral, President Mugabe expressed his regret for the actions of the Fifth Brigade in Matabeleland during the 1980s. At a memorial service for Nkomo in October 1999, Mugabe announced the willingness of the Government to compensate the families of the thousands of people killed during the insurgency. [4g] Further promises of compensation projects were made in June 2002 by John Nkomo, the then Minister for Home Affairs, but according to the *Zimbabwe Standard* on 13 July 2003 this compensation had not been paid. [20f]

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## LAND REFORM

- 4.01 The Economist Intelligence Unit's Zimbabwe Country Profile 2008, dated 9 May 2008, noted that:

"Land has always been a central and controversial issue in Zimbabwe because of highly skewed distribution. Until 2002 about 30% of agricultural land was covered by around 4,500 commercial farms, which were mainly white-owned. Acute land pressure in the communal areas, brought about by high population growth rates coupled with the need to correct a historical injustice, has made land redistribution a pressing issue. However, it has really only been raised as an issue for political reasons, notably the president's waning popularity since 1999." [24e] (p15)

- 4.02 The United Nations report of '*Operation Murambatsvina*', published on 18 July 2005, placed the question of land redistribution into an historical context, noting that:

"President Mugabe's own contribution to South Africa's independence is especially important. Apparently, had it not been for South Africa's liberation, land acquisition might have come much earlier in Zimbabwe and independently of MDC politics. However, President Nyerere of Tanzania is reported to have prevailed over this issue, arguing that 'a forced land take over in Zimbabwe would forever jeopardize the South African liberation project and that Zimbabweans must wait before they could get back their land'. With Nelson Mandela free, South Africa out of Apartheid and with promised donor assistance to buy back the land not forthcoming, a forced acquisition of land in Zimbabwe was inevitable." [25] (p18)

(See Section 30: Humanitarian issues, subsection on [Land reform](#) for further information on Land Reform and resulting political issues)

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## SANCTIONS AND COMMONWEALTH SUSPENSION

- 5.01 The Zimbabwe Guardian reported in an article, dated 21 February 2008, that:

"The EU has renewed its sanctions targeted against the government of President Robert Mugabe in Zimbabwe. Under the sanctions, which have been extended until 19th February 2009, key figures in the regime are prevented from travelling to Europe and are subject to an asset-freeze." [150]

- 5.02 On 25 June 2007 the European Union updated and renewed its list of Zimbabweans subject to the travel ban and assets freeze. The list names 131 prominent politicians, military figures and senior civil servants. European Legislative Journal: Council Decision 2007/455/CFSP [33] *The Times* reported, on 23 July 2008, that the EU stepped up its sanctions against Zimbabwe, by announcing that a further 37 supporters of the government would have their assets frozen. The same individuals would also "...be subject to a visa ban, preventing them from entering EU territory. For the first time the sanctions will also affect four Zimbabwean companies..." [82u] On the 26 January 2009 the EU tightened its sanctions further by announcing an additional 60 "persons and entities" had been added to its sanctions list. The move freezes the assets and restricts freedom of travel within the EU of leading supporters of the Zimbabwe government. [8a]

An up to date list of Zimbabweans subject to sanctions/travel ban can be found at the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:172:0089:01:EN:HTML>

- 5.03 On 12 December 2003 the Commonwealth Secretariat announced that Zimbabwe had terminated its membership of the commonwealth the previous day. (The Commonwealth of Nations, accessed 26 January 2009) [36]
- 5.04 The International Crisis Group, noted in a report entitled 'Zimbabwe: A Regional Solution?' (Dated 18 September 2007), that:

"Western sanctions – mainly targeting just over 200 members of the leadership with travel bans and asset freezes – have proven largely symbolic, and general condemnations from the UK and US if anything counterproductive because they help Mugabe claim he is the victim of neo-colonial ambitions." [100e] (Executive Summary and Recommendations) In August 2007, Australia expanded its sanctions, announcing it would withdraw school visas for children of senior ZANU-PF leaders. The U.S. says it will do the same, while the EU appears divided. ... To have a possible policy impact in Zimbabwe now, they would also have to target foreign individuals and businesses which cooperate with the ZANU-PF establishment, including all Western, African and Asian banks and businesses currently operating in and with the country. While the UK appears to be an EU hardliner on sanctions, British banks and insurance companies and their South African partners have continued to do business as usual." [100e] (p19)

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## ELECTIONS AND POWER-SHARING TALKS IN 2008

**PRESIDENTIAL AND PARLIAMENTARY ELECTIONS: MARCH – JUNE 2008**

- 6.01 BBC News reported in an article 'Zimbabwe passes 2008 election law', dated 20 September 2007, that:

"Zimbabwe's parliament has passed a compromise bill on constitutional change that will allow presidential and parliamentary elections in 2008. Members of parliament from both the ruling Zanu-PF and the fractured opposition Movement for Democratic Change (MDC) supported the bill. All 111 MPs present voted in favour of the bill to amend the constitution.

"The bill, the result of talks led by South Africa, allows parliament to pick President Robert Mugabe's successor. The amendments are expected to re-draw electoral boundaries, increase the number of MPs and bring forward parliamentary elections by two years. The bill also allows parliament, dominated by Mr Mugabe's Zanu-PF, to choose a presidential successor if the incumbent does not finish his term in office.

"The MDC supported the bill because it will eliminate appointed MPs from parliament and will make the commission in charge of re-drawing electoral boundaries more independent, said Ms Stevenson. The opposition still wants a completely new constitution, but Ms Stevenson said an understanding had been reached in the mediation process to produce such a document." [3bq]

- 6.02 Voice of America reported in an article entitled 'Zimbabwe Electoral Commission Under Fire Over Pre-Election Redistricting', dated 7 January 2008, that:

"Independent local and regional election observers have expressed concern about the lack of transparency in the delimitation of new constituencies which the Zimbabwe Electoral Commission says it has just concluded. ZEC Chairman George Chiweshe was quoted in the state-controlled Sunday Mail newspaper that the bounds of 210 constituencies – increased from 150 under a 2006 constitutional amendment – has been completed. Chiweshe said presidential and general elections set for March won't be postponed as the opposition demands.

"Chiweshe said he will present a preliminary report to President Robert Mugabe on the delimitation results, which will eventually be tabled in parliament. The commission is reported to have allocated 143 of 210 seats to rural areas where the ruling ZANU-PF party's support is strongest. Only 67 seats were allocated to the urban and metropolitan areas dominated by the opposition.

"Chairman Noel Kututwa of the Zimbabwe Election Support Network said the ZANU-PF government has kept stakeholders in the dark on crucial election aspects. Elsewhere, the Electoral Institute of Southern Africa said the electoral commission has no mandate to determine that the elections must be held in March, as talks between the ruling party and opposition have yet to be concluded in Pretoria." [83m]

- 6.03 BBC News reported on 26 February 2008, that: "Zimbabwe's police chief says officers will be ready to use firearms if the country's forthcoming elections

spark violence like that seen in Kenya. Police Commissioner Augustine Chihuri urged political parties to avoid clashes with police before the 29 March presidential and parliamentary votes. Speaking to reporters, he said 'machetes, axes, bows and arrows can not put anybody into office'. Earlier this month, Zimbabwe banned the carrying of weapons in public. Mr Chihuri said the Public Order and Security Act allowed a police officer to use firearms 'if he finds other methods to be ineffective or inappropriate'." [3bk] TalkZimbabwe reported on 7 March 2008, that: "The European Union (EU) will raise concerns over the manner in which Zimbabwe's election campaigns are being held, insisting that the environment will not be conducive for a free and fair poll. The (EU) Council remains very concerned about the humanitarian, political and economic situation in Zimbabwe and conditions on the ground. It may endanger the holding of free and fair parliamentary and presidential elections said the statement." [108b] Voice of America reported on 17 March 2008, that: "Officials of the non-governmental Zimbabwe Election Support Network and the opposition Movement for Democratic Change said they have been denied monitoring access to the country's postal balloting system ahead of elections on March 29. An estimated 77,000 civil servants have started to send in postal ballots. Policy Coordinator Eddie Cross of the MDC formation led by presidential candidate Morgan Tsvangirai said the party has received reports of police and soldiers voting under supervision and, in one confirmed case, filling out multiple ballots." [83n] IRIN News reported on 12 March 2008, that: "Zimbabwe's political opposition parties and civic society organisations are castigating senior members of the armed forces for declaring they will not respect any president other than Robert Mugabe." [10s]

- 6.04 BBC News reported on 7 March 2008, that: "Zimbabwe has banned observers from Western countries from monitoring elections later this month. Foreign Minister Simbarashe Mumbengegwi said African countries would be allowed to send monitors, as would allies such as China, Iran and Venezuela. Zimbabwe's President Robert Mugabe, 84, says that Western countries are trying to remove him from government." [3at] ReliefWeb reported on 11 March, that: "A Southern African Development Community (SADC) observer mission comprising about 80 officials from the region was due to arrive in the Zimbabwean capital of Harare on Sunday - 19 days ahead of the March 29 elections... SADC said it expected to have around 150 observer delegates in place before the combined presidential, parliamentary, senate and local government elections... The Zimbabwean government announced last Friday that European Union member states, the United States and the Commonwealth had been excluded from the list of observers to be invited. The only European country to be invited is Russia. China, now a major trading partner and provider of surveillance equipment, is also on the list." [22b] AllAfrica.com reported on 13 March 2008, that: "Election observers from the Southern African Development Community - Parliamentary Forum (SADC-PF) have not been invited to the presidential elections to be held in Zimbabwe at the end of March." [50e] BBC News reported on 19 March 2008, that: "Zimbabwe is failing to meet its democratic obligations in the run up to elections on 29 March, says an international human rights group. Human Rights Watch (HRW) says the government has intimidated opposition supporters, and that the electoral process is deeply flawed. The US-based group says Zimbabwe's Electoral Commission is inadequately prepared to run the poll." [3bg]

- 6.05 BBC News reported on 24 March 2008, that: "Zimbabwe's main opposition party has accused the government of printing millions of surplus ballot papers for the presidential and legislative polls. The Movement for Democratic Change (MDC) says leaked documents show nine million papers have been ordered for the country's 5.9 million voters...The MDC's secretary general Tendai Biti said the claims of excess ballot papers were based on leaked documents from the government's security printers. The MDC also says 600,000 postal ballots have been ordered for a few thousand police, soldiers and civil servants. While ballots are reported to have been ordered for police and military personnel and civil servants living away from home, about four million Zimbabweans living abroad are not permitted to vote by post." [3bh]
- 6.06 BBC News reported on 25 March 2008, that: "Zimbabwe's President Robert Mugabe has threatened to force businesses to cut prices ahead of the 29 March elections." [3bi] BBC News reported on 26 March 2008, that: "Zimbabwean presidential contender Simba Makoni has been unable to place adverts in the state media, say campaigners." [3bo] BBC News reported on 28 March 2008, that: "Zimbabwe's security forces have been put on full alert ahead of Saturday's general elections, amid opposition fears of poll-rigging." [3bp]

### Parliamentary election results

#### House of Assembly results (ZEC)

- 6.07 The ZEC has finally announced results for 207 constituencies. The remaining three constituencies (out of the 210 that exist) will be determined by by-elections following the deaths of three candidates prior to the March 29th elections: Pelandaba/Mpopoma, Gwanda South, and Redcliff. (ZEC: Final results for the House of Assembly, dated 3<sup>rd</sup> of April 2008) [152b]

#### House of Assembly results (ZEC)

(Based on 207 constituencies counted)

|                |    |
|----------------|----|
| MDC Mutambara  | 10 |
| MDC Tsvangirai | 99 |
| ZanuPF         | 97 |

(Sokwanele Article, 3 April 2008) [152b]

#### Senate results (ZEC)

- 6.08 The ZEC has announced all 60 Senate seats for those Senators who are elected by the people. The final count, for those 60, is as follows: Zanu PF has 30 seats, the MDC MT has 24 seats and the MDC has 6 seats. The Senate is actually made up of a total of 93 Senators: 60 directly elected by voters in 60 constituencies; 5 Senators appointed by the President; 10 Provincial Governors; 18 chiefs – 16 elected by fellow chiefs, plus the President and Deputy President of the Council of Chiefs ex officio. (ZEC: Final results for the House of Assembly, dated 5<sup>th</sup> of April 2008) [152a]

#### Senate results (ZEC)

(60 declared)

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|                                          |    |
|------------------------------------------|----|
| MDC Mutambara                            | 6  |
| MDC Tsvangirai                           | 24 |
| Others                                   | 0  |
| ZanuPF                                   | 30 |
| (Sokwanele Article, 5 April 2008) [152a] |    |

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## Presidential Elections

- 6.09 BBC News reported on 8 April 2008, that: "At least 80 Zimbabwean opposition activists have been assaulted by pro- government militants in different parts of the country, they say." [3pr] BBC News reported on 8 April 2008, that: "Zimbabwean police have arrested at least five officials for allegedly under-counting votes cast for President Robert Mugabe in last month election." [3pu] BBC News reported on 9 April 2008, that: "Zimbabwe's opposition says its activists have been attacked in a campaign of 'massive violence' around the country since recent elections." [3ps] BBC News reported on 13 April 2008, that: "Zimbabwe's opposition says it will mount legal challenge to the election commission's order for ballot recount in last month's contested polls." [3pt]
- 6.10 Zimbabwe Situation reported on 14 April 2008, that: "Zimbabweans awaited Monday a court ruling that could finally mean they will find out whether Robert Mugabe or opposition leader Morgan Tsvangirai won the presidential election more than two weeks ago" [89ae] and, that: "Morgan Tsvangirai's MDC party is urging an indefinite strike and has rejected the Election Commission's announcement that a partial recount will be held." [89an] Zimbabwe Situation also reported on 14 April 2008, that: "Zimbabwe's main opposition Movement For Democratic change (MDC) leader Morgan Tsvangirai is calling for mass protest across the country to press home the opposition demand for incumbent President Robert Mugabe to step down". [89al]
- 6.11 BBC News reported on 9 April 2008, that: "Zambia has called for an emergency meeting of southern African leaders on the Zimbabwean presidential poll delay". [3pv] BBC News also reported on 9 April 2008, that: "South Africa's governing party leader Jacob Zuma has criticised the delay in publishing the results of presidential elections held in Zimbabwe 11 days ago." [3px] Zimbabwe situation reported on 14 April 2008 that a first extra-ordinary SADC summit of Heads of State and Government was held on 13 April 2008 "to discuss the political developments in Zimbabwe following the recent Presidential, Senatorial, National Assembly and Local Authorities elections' held on 29 March 2008." [89am]
- 6.12 The Zimbabwe situation reported on 17 April 2008, that: "South African President Thabo Mbeki, lambasted from all sides for his approach to the political turmoil in Zimbabwe, was forced to cede his 'quiet diplomacy' strategy yesterday, as his government took its strongest stand ever on the machinations of Zimbabwean President Robert Mugabe and his Zanu – PF party." [89s] BBC News reported on 10 April 2008, that: "President Robert Mugabe and opposition leader Morgan Tsvangirai are to attend an emergency summit of regional leaders to discuss Zimbabwe's recent election." [3py] BBC News reported on 14 April 2008, that: "A Zimbabwean court has ruled against opposition demand for the immediate release of last month's presidential

election results.” [3bz] BBC News reported on 21 April 2008, that: “The outcome of partial recount of last month’s disputed elections in Zimbabwe has been delayed.” [3cf]

- 6.13 BBC News reported on 23 April 2008, that: “The leader of South Africa’s governing ANC, Jacob Zuma, is in London for talks with UK Prime Minister Gordon Brown expected to centre on Zimbabwe.” [3ca] BBC News reported on 23 April 2008, that: “The results of the first recounts in Zimbabwe’s parliamentary elections are in, with the ruling and opposition parties retaining one seat each.” [3cb] BBC News reported on 26 April 2008, that: “The party of Zimbabwe’s President Mugabe has failed to gain its parliamentary majority after a partial recount of votes from polls last month.” [3cc] BBC News reported on 28 November 2008, that: “Representatives of Zimbabwe’s presidential candidates are set to meet the electoral commission to review the results of the disputed election.” [3cd] IRIN News reported on 29 April 2008, that: “A month after Zimbabweans went to the polls, a recount of 23 disputed constituencies revealed no major changes and has served to confirm the status quo that, for the first time since independence in 1980, President Mugabe’s ZANU-PF has lost control of parliament.” [10f]
- 6.14 BBC News reported on 5 May 2008, that: “Half of the results from Zimbabwe’s parliamentary polls in March have been challenged in courts, state media says. Lawyers say the 105 petitions should not disrupt the work on parliament, but could in the end overturn the opposition’s historic majority. The announcement came as southern African mediators arrived for talks over the presidential run-off impasse.” [3ch]

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## POST - ELECTION VIOLENCE

- 6.15 IRIN News reported on 1 May 2008, that: “Operation Mavhoterapapi was launched after the local government, parliamentary and presidential elections on 29 March 2008, in which the ruling ZANU-PF government lost its parliamentary majority for the first time since independence in 1980. The opposition Movement for Democratic Change (MDC) have claimed that their leader, Morgan Tsvangirai, won the presidential ballot by the required 50 percent plus one vote, negating the need for a second round of voting. The results of the presidential ballot have not yet been released. ZANU-PF have maintained that no presidential candidate obtained the necessary majority, and that a second round of voting would be required. Since the poll, the MDC have alleged that at least 20 people have been killed in post-election violence, orchestrated by the police, soldiers and so-called war veterans, as part of Operation Mavhoterapapi. There have also been widespread reports of torture, the razing of houses and killing of livestock, perpetrated against people in rural areas suspected of voting for the opposition in the recent elections. The MDC have also claimed that Operation Mavhoterapapi was part of a strategy to intimidate people into voting for Mugabe in a possible second round of presidential voting.” [10ai]
- 6.16 BBC News reported in an article dated 17 April 2008, that: “Charles, a Zimbabwean human rights expert, has told the BBC how he saw for himself the victims of beatings and torture that have been reported since the elections. He said he accompanied a friend to a hospital in Harare, where

people were being treated, and what he saw and heard makes him fear for the future of the country.” [3by] Amnesty International reported on 18 April 2008, that: “Amnesty International has received confirmation reports on one death and over 240 people injured as a result of state-sponsored human rights abuses in Zimbabwe. Of those 240 people, 18 are currently in hospital with severe injuries.” [14n] The Zimbabwe situation reported on 21 April 2008, that: “In the Zishumbe Resettlement area of Masvingo North Constituency where ZANU PF youths have severely beaten up 10 MDC polling agents – so much so that seven of them are unable to walk” and, that: “The ruling Zanu PF party has accused the MDC of supplying youth with drugs and letting them loose on police and public. It has also denied MDC claims that it unleashed the militias who are terrorising opposition supporters across the country”. [89v] [89x] IRIN News reported on 24 April 2008, that: “President Mugabe’s government is challenging widespread reports of systematic beatings and assaults by the army, police and ZANU- PF militia as part of a campaign dubbed ‘Operation Mavhoterapapi’ (Who did you vote for?).” [10w] BBC News reported on 25 April 2008, that: “Armed riot police have raided the headquarters of Zimbabwe’s main opposition party in Harare and arrested scores of activists.” [3cg]

- 6.17 On the 29 April 2008, Kubatana published a document noting numerous cases of murder and violent attacks against MDC supporters and activists. It noted the murder of Tapiwa Bwanda who was the MDCs organising secretary in Hurungwe East. It was reported that he was “...beaten, stoned and stabbed to death at his home, Mhereyenyoka village, Karoi. CIO agents from Harare attended the post mortem in Karoi, then removed the body and took it to his home and ordered the family to bury it immediately.” In another case, Kubatana noted that Moses Bashhitiawo was beaten by ZANU-PF supporters “...and then made to climb a tree with a rope round his neck and...” made to jump. “Relatives were made to bury him immediately. Isaac Chipupurira ZANU-PF headman [was] involved in the murder.” The document also noted an attempt to destroy people’s livelihoods through the burning and looting of homes, the killing of cattle, goats and chickens. [55a] Information relating to Tapiwa Bwanda’s murder and the general level of violence against MDC supporters was also reported by the Zimbabwe Human Rights NGO Forum. [35g]
- 6.18 IRIN News reported on 30 April, that: “Children are not being spared the impact of Zimbabwe’s post-election violence. The UN Children’s Fund (UNICEF) in Zimbabwe told IRIN its work was being hampered by the countrywide violence, which, according to widespread reports, was being carried out by soldiers, war veterans and militias loyal to the ruling ZANU-PF government.” [10bf] IRIN News reported on 25 April 2008, that: “About 400 people seeking refuge from alleged state-sponsored violence at the opposition party offices of the Movement for Democratic Change (MDC) in the capital, Harare, have been arrested by riot police, according to an IRIN correspondent.” [10bg]
- 6.19 BBC News reported on 3 May 2008, that: “After a month of not-so-subtle suspense, the results of the long-awaited presidential elections were finally released... And now we have gone from recounts to a re-run of the presidential poll, because Robert Mugabe secured 43.2% of the vote to Morgan Tsvangirai’s 47.8%.” [3ci]

6.20 BBC News reported on 9 May 2008, that: "Zimbabwe's 'war veterans' militia plan to intimidate voters by posing as police officers during the presidential run-off, a policeman has told the BBC. He said they would be based inside polling stations during the vote, whose date has not yet been fixed. The report came as South Africa's President Thabo Mbeki, the lead Zimbabwe negotiator, prepared to hold talks with Robert Mugabe in Harare. Mr Mbeki has previously played down talk of a crisis in Zimbabwe." [3c]

6.21 The UK Foreign and Commonwealth Office's blog, details a number of serious reports of violence in the lead up to the presidential run-off. In one entry, dated 10 June 2008, a staff member based at the Embassy in Harare reported an eye witnesses account of the bombing of the MDC's office in Zaka, Masvingo.

"Six MDC officials, sleeping in their office, were woken by the arrival of an armed gang at 4am. The armed men forced the officials to lie down and shot three people immediately. ... Petrol was poured over them all and they were set alight. The man I am talking to managed to tear off his clothes, beat out the flames burning his body and escape. Two men are dead, their bodies unrecognisably burned, and another suspected dead but his body is missing. Two men have burns over large areas of their bodies. They will be lucky to live." [13n]

(See Sections [7 Recent Developments](#) & [10 Human Rights](#) (Introduction) for further information on the recent wave of political violence)

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## THE PRESIDENTIAL RUN-OFF

### Summary

6.22 "The presidential run-off ballot was deemed necessary after neither presidential candidate managed to achieve the 50 per cent plus one vote required for an outright win." (IRIN News, 9 July 2008) [10u]

6.23 Following ZANU PF's defeat at the parliamentary elections on 29 March 2008 (International Crisis Group, 23 June 2008) [100f], and in the run-up to the second round of the 27 June presidential election, the government unleashed "an unprecedented wave of state-orchestrated violence..." against opposition supporters. The Economist Intelligence Unit (EIU) went on to note in its July 2008 report that:

"Morgan Tsvangirai, the leader of the opposition Movement for Democratic Change (MDC), alleged that more than 110 opposition supporters had been killed by Mr Mugabe's agents since the March 29th elections. In addition to those killed, hundreds more were tortured. The violence was accompanied by threats from Mr Mugabe's agents that, if areas voted for Mr Tsvangirai, Mr Mugabe's supporters would return and inflict more violence. The violence continued even after the arrival of observer missions from the Southern African Development Community (SADC). Although Mr Mugabe claimed that the violence was planned by the MDC, the evidence compiled by doctors and lawyers points convincingly towards a state campaign against the opposition." [24i] (p8)

- 6.24 "Mr Tsvangirai attempted to campaign for the run-off election but was detained several times by police, and several of his rallies were banned by the authorities. On June 23rd, when the violence reached a peak, Mr Tsvangirai withdrew from the race, saying that he could not in good conscience ask his supporters to vote for him and risk violence, torture and death. Mr Tsvangirai claimed that his own life was in danger and sought refuge in the Dutch embassy." (Economist Intelligence Unit, July 2008) [24i] (p8)
- 6.25 The EIU report went on to note that:
- "The violence and the rigging were so blatant in the run-up to the run-off election that even previously friendly African observer missions judged the election to be illegitimate. The observer mission from SADC judged that the election results 'did not reflect the will of the Zimbabwean people' and that the polling was not carried out according to SADC standards. Delegations from the Pan-African Parliament delegation and the African Union (AU) also said that the election results were not credible. Credible or not, Mr Mugabe was sworn in to office on June (sic) 29th." [24i] (p8)

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#### EVENTS IN THE RUN-UP TO THE SECOND ROUND OF THE PRESIDENTIAL ELECTIONS

- 6.26 The BBC reported, on 12 June 2008, that following ZANU PF's defeat at the parliamentary elections and the first round of the presidential election on 29 March, there were widespread rumours that President Mugabe, knowing that he had lost both elections, would stand down. "There was talk of negotiations with the opposition to ensure he would be allowed a 'graceful exit'," However, the report stated that the security chief's attitude had hardened and they had persuaded Mugabe to stand in the second round. [3ad]
- 6.27 Security chief's repeated statements made by the army's leadership during the 2002 elections that it would not serve under a leader who had not fought in the country's war of independence. (Economist Intelligence Unit, July 2008) [24i] (p8) (Daily News, 1 November 2002) [89g] The BBC went on to report claims made by some western diplomats that Zimbabwe was effectively being run by a military junta. (BBC News, 12 June 2008) [3ad] This view appeared to have been confirmed when the BBC noted that it had "...obtained documents suggesting that Zimbabwe's military is actively involved in running Robert Mugabe's re-election campaign. The documents outline plans by ruling party Zanu-PF to harass and drive out opposition supporters, especially from rural areas. A run-off presidential vote is due to take place later in the month." (12 June 2008) [3ap]
- 6.28 "In the interregnum between 29 March and 27 June polls, there were reports of widespread violence, torture and internal displacement, which according to the MDC, resulted in the deaths of more than 80 [Amnesty International estimated around 150] of their supporters and led to Tsvangirai's decision to withdraw his candidacy." (IRIN News, 9 July 2008) [10u]

- 6.29 Noting the increase in violence running up to the presidential run-off, Amnesty International reported on 20 June 2008, that:

"... 12 bodies have been found in various areas of Zimbabwe. Most of the victims appear to have been tortured to death by their abductors. They were allegedly abducted by ZANU-PF supporters who, in some instances, were accompanied by armed men believed to be government agents.

"Four of the victims were reportedly abducted yesterday from the home of Mr Chipiyo, an MDC councillor-elect in Chitungwiza by ZANU-PF youths. One of the victims is Archford Chipiyo the son of the MDC councillor-elect. Five bodies were found in Masvingo province, while two were found in Gokwe district in the Midlands province and one was found dumped in Harare.

"Another victim died in Harare today in hospital of injuries sustained from the beatings by ZANU-PF youths when she attended a funeral of a relative in Buhera. Amnesty International has also received information from eyewitnesses that soldiers are going about threatening villagers with guns, instructing them to vote for President Mugabe on 27 June." [14g]

- 6.30 IRIN News reported on 20 June 2008, that: "Zimbabwean journalists and their families are coming under increasing pressure from security police and the military as the 27 June presidential election run-off vote draws closer. Those reporters still working for the country's few remaining independent newspapers told IRIN that in the past two weeks there had been a noticeable increase in attacks against journalists as well as their families." [10e]

- 6.31 BBC News reported on 12 June 2008, that: a BBC News correspondent working undercover had "...obtained evidence of plans by Zimbabwe's ruling party to harass and drive out opposition supporters." The plans, drawn up by the "...Joint Operations Command, made up of the heads of the military and state security organisations" are focused on ensuring that Mugabe secures a majority in the presidential run-off. "The government has denied repeated claims it is denying food aid to opposition areas. Last week, it banned aid agencies from rural areas, which critics say is to tighten its control of food aid." [3aq] Amnesty International reported on 6 June 2008, that the government banned all "...field operations by non-governmental organisations (NGOs) in the country. ... Without giving specific reasons for his action, the Zimbabwean Minister of Public Service, Labour and Social Welfare, Nicholas Goche, wrote to all private voluntary organisations and NGOs on 4 June 2008, instructing them to stop their operations." [14o]

(See [Section 19](#) for additional information on government restrictions on NGOs and [Section 30](#) on the politicisation of food)

## THE RE- RUN OF THE PRESIDENTIAL ELECTION

- 6.32 Five days before the second round of the presidential contest, Morgan Tsvangirai announced that continued "...harassment and violence against his supporters had made the balloting impossible. He announced that as a result he could no longer contest the election. "We [the MDC] can't ask the people to cast their vote on June 27 when that vote will cost their lives. We will no longer participate in this violent sham of an election... Tsvangirai announced his decision during a news conference in Zimbabwe's capital after thousands of

ruling party militants blockaded the site of the opposition's main campaign rally. They set up roadblocks to prevent opposition supporters from reaching the venue, ripped branches from trees and hurled stones at cars, according to the AP." The next day, following a raid on the MDC's party headquarters, that saw the arrest of 60 party activists, "...Tsvangirai sought refuge at the Dutch embassy in the capital city of Harare..." (Public Broadcast Service, 23 June 2008) [47a]

6.33 BBC News reported on 23 June 2008, that: "Zimbabwean officials have said a run-off presidential election will go ahead, despite the withdrawal of opposition candidate Morgan Tsvangirai. Justice Minister Patrick Chinamasa said Mr Tsvangirai's announcement was a ruse - he had not sent a formal notice yet." [3as]

6.34 The Zimbabwe Situation reported on 25 June 2008, that: "A senior officer serving with the Zimbabwe National Army Major General Engelbert Rugeje yesterday said soldiers will be out in full force on Friday to herd voters to the polling stations countrywide and to ensure that they vote for the single candidate, President Robert Mugabe ... Highly placed sources in the Zimbabwe Defence Forces revealed to the Zimbabwe Times details of the deployment on that very day."

"The deployed officers would command 'troops', comprising so-called war veterans and Zanu-PF militants. The initial incidents of violence were reported at the time in parts of Masvingo and Matabeleland North. Brutal violence has since engulfed the entire country and during the last week of the campaign has encroached on the cities, especially Harare." [89ao]

6.35 BBC News reported on 25 June 2008, that: "The US will not recognise the outcome of Friday's presidential election run-off in Zimbabwe, a senior state department official has said ... Members of the Southern Africa Development Community (Sadc) regional bloc are due to meet in Swaziland - with some pushing for the setting up of a transitional government for Zimbabwe. South African President Thabo Mbeki, who has been attempting to mediate in Zimbabwe, is not expected to attend ... Mr Tsvangirai has been taking refuge in the Dutch embassy in Harare since late Sunday, saying he fears for his life. He has called for UN peacekeepers to enter Zimbabwe and protect MDC supporters until a new election can be held." [3bw], and on 26 June 2008, that: "The secretary general of Zimbabwe's opposition party has been released on bail, a day before a controversial presidential run-off. Tendai Biti, of the Movement for Democratic Change (MDC), had been detained on treason charges, which his party says are politically driven. 'It wasn't easy, but we have to continue fighting', Mr Biti told the BBC after his release." [3ce]

6.36 BBC News reported on 26 June 2008, that: "Zimbabwe's opposition leader Morgan Tsvangirai has issued a final warning to President Robert Mugabe ahead of Friday's run-off presidential poll. Speaking to the UK's Times newspaper, Mr Tsvangirai said the time for negotiations would be over if Mr Mugabe went ahead with the vote ... Speaking at a dinner in London to mark his 90th birthday... " Nelson Mandela commented upon "... the tragic failure of leadership in our neighbouring Zimbabwe." [3as]

6.37 The Zimbabwe Situation reported on 26 June 2008, that: "United States ambassador to Zimbabwe James McGee on Wednesday accused President

Robert Mugabe's government of planning to force people to vote in tomorrow's presidential run-off election which opposition leader Morgan Tsvangirai is boycotting." [89ap] "Zimbabwe's electoral commission said on Wednesday it would press ahead with tomorrow's run-off election because opposition leader Morgan Tsvangirai filed his letter to withdraw from the race 'well out of time'. Zimbabwe Electoral Commission chairman George Chiweshe told journalists in Harare that his commission received formal written notification from Tsvangirai that he was pulling out of the election on June 24. The Commission sat today, the 25th June 2008, to deliberate on the content and effect of Mr Morgan Tsvangirai's letter. 'It was unanimously agreed that the withdrawal had inter alia been well out of time and that for that reason the withdrawal was of no force or effect', said Chiweshe." [89ap]

- 6.38 The United Nations Office of the High Commissioner for Human Rights (OHCHR), released a Joint Statement of the United Nations special procedures mandate holders on Zimbabwe, on 26 June 2008:

"We, the United Nations Special Procedures mandate holders meeting in Geneva from 23 - 27 June 2008, wish to express our grave concern about widespread reports of recurring politically motivated violence in Zimbabwe and other obstacles to citizens' free and equal participation in the country's presidential run-off election scheduled for 27 June 2008.

"We recall the joint statement of some United Nations Special Procedures mandate holders issued on 29 April 2008 regarding the situation in Zimbabwe in the aftermath of the 29 March 2008 presidential and parliamentary elections, which underlined the deteriorating human rights situation in the country.

"We strongly urge the Government of Zimbabwe to ensure respect for human rights and to abide by democratic principles and practices, in accordance with Zimbabwe's own domestic law and international human rights standards. We also urge the Government and the opposition to renew their dialogue with a view to finding a sustainable solution to the country's problems, including the current political crisis, for the common good of the people of Zimbabwe.

"Finally, we wish to urge the Government of Zimbabwe to respond effectively to the call for free and fair elections and to respect the liberty and security of the person in the spirit of peace, democracy and the rule of law. In this regard, we are of the view that no election should take place in the absence of conditions that would guarantee the free, full and equal participation of all citizens in the electoral process." [89aq]

- 6.39 Zimbabwe Situation reported on 27 June 2008, that: "Zimbabwe's opposition leader Morgan Tsvangirai told his supporters to vote for President Robert Mugabe if necessary to avoid harm as a Mugabe-only presidential election condemned internationally as a 'sham' got under way Friday. 'If possible we ask you not to vote today', Movement for Democratic Change (MDC) leader Tsvangirai, who withdrew from the contest last week, citing fears for the safety of MDC supporters, said in a letter circulated on the internet. 'But if you must vote for Mr Mugabe because of threats on your life today, then do so'." [89ar]
- 6.40 BBC News reported on 27 June 2008, that: "Voting has been slow in Zimbabwe's run-off presidential poll in which Robert Mugabe is the sole candidate. Opposition leader Morgan Tsvangirai withdrew from the contest

because of violence against his supporters... He said that millions were refusing to vote despite government efforts to force them to take part. He also urged the world not to recognise the result...The European Union called the run-off a 'sham' and the US and Germany say the UN will consider sanctions... Marwick Khumalo, head of the Pan-African parliamentary observer mission, told the BBC that turnout was very low and that the mood was sombre." [3cl]

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## EVENTS FOLLOWING THE RE- RUN OF THE PRESIDENTIAL ELECTION

- 6.41 "Despite Mr Tsvangirai pulling out, the government insisted that the run-off election would go ahead as planned, and voting took place on June 27th in relative peace. Large groups of voters went to the polls en masse, led by local Zimbabwe African National Union-Patriotic Front (ZANU-PF) officials, according to observers and journalists." (Economist Intelligence Unit, July 2008) [24i] (p8) However, western states, led by the US and the European Union, "...said beforehand that the vote would enjoy no legitimacy..." The United Nations Security Council "...released a statement condemning the violence in the country and saying free and fair elections would be impossible in such a climate." (Institute for War and Peace Reporting, 3 July 2008) [77a] (p1-2)
- 6.42 Africasia (carried by the ZimbabweSituation) reported on 29 June 2008, that President Mugabe who was attending the funeral of his wife's grandmother on the day after the ballot, thanked his supporters for his overwhelming victory after seeing early unofficial count tallies. [151a] "After the March 29th elections, in which Mr Tsvangirai received the largest number of votes, there was a delay of five weeks before the results were announced. However, after the June 27th run-off election the results were announced within two days. Mr Mugabe won the run-off by a wide margin, getting 2.1m votes to the 233,000 for Mr Tsvangirai, whose name was still on the ballot papers despite his absence from the election." (Economist Intelligence Unit, July 2008) [24i] (p8)
- 6.43 The Institute for War and Peace Reporting noted on 3 July 2008 that western governments condemned the presidential run-off, dismissing the ballot as a "sham". The United States and the European Union "...said it would only recognise such a government if it was headed by Tsvangirai, but this was rejected by South African president Thabo Mbeki, who is set to continue in the role of official mediator between Zimbabwe's leaders and the opposition." However, the report went on to note that the African Union (AU), whose leaders had gathered for a summit in Egypt (attended by Mugabe) on 30 June, failed to condemn the elections and Mugabe's government. The AU leaders instead called for both sides in Zimbabwe to commit to initiating dialogue with the idea of forming a government of national unity. [77a] (p1-2)
- 6.44 During the AU summit, Kenya's Prime Minister Raila Odinga, called on the African Union to deploy "...troops in Zimbabwe to resolve a crisis that has become an 'embarrassment' to the continent..." 'The time has come for the African continent to stand firm in unity to end dictatorship', added Odinga in the speech on Saturday. (ZimbabweSituation, 29 June 2008) [89as], However, most African leaders rejected any action beyond encouraging both sides to

continue with the mediation that was being brokered by South Africa. Jacob Zuma, president of South Africa's ANC, "...joined other African leaders in rejecting more sanctions as an option to end the crisis in Zimbabwe" following the announcement that the US would be imposing additional sanctions on Zimbabwe. (ZimbabweSituation, 29 June 2008) [89at]

- 6.45 "The MDC, together with local doctors and lawyers, reported in mid-July that the level of political violence had continued after the June 27th election. They claimed that Mr Mugabe's forces were continuing to target the MDC, particularly its officials. Meanwhile, increasing numbers of people have fled Zimbabwe since the second round of the presidential election, with many showing signs of beating or torture, the office of the UN Refugee Agency (UNHCR) revealed on July 11th. Zimbabwean refugees are traditionally single men, but the UNHCR said that it was seeing more and more families fleeing to South Africa as the political violence at home intensified. Between 3,000 and 4,000 refugees turn up at a centre for refugee registration in Johannesburg each Thursday and Friday, but it is difficult to establish the total number of Zimbabwean refugees in South Africa because many hide from the authorities for fear of being sent back." (Economist Intelligence Unit, July 2008) [24i] (p10) "...human rights groups ...reported widespread cases of assault, rape, torture and killing, particularly in areas where support for the MDC was high during the election. " (Institute for War and Peace Reporting, 3 July 2008) [77a] (p2)

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#### MDC AND ZANU-PF HOLD TALKS ON FORMING A GOVERNMENT OF NATIONAL UNITY

- 6.46 Following the African Unions' urging that the MDC and ZANU-PF initiate a dialogue with the aim of forming a government of national unity, SW Radio Africa reported, on 2 July 2008, the first signs that the MDC might be willing to participate in such talks. "Addressing journalists at his Harare home on Wednesday Tsvangirai... rejected calls by the African Union for his party to enter into a government of national unity with ZANU-PF..." proposing instead "...a 'transitional authority' based on the March poll, to prepare the ground for free and fair elections under a new constitution. ... Tsvangirai stressed that there could be no talks as long as the ZANU-PF sponsored violence continued. He demanded the release of all political prisoners, the disbanding of militia bases and torture camps and said the country's security services should 'halt their partisan operations'." [138ab]

See [section 11](#) for more information on ZANU-PF Youth Militia torture camps.

- 6.47 *Business Day (Johannesburg)* noted on 3 July 2008 that: "The outlines of a negotiation – if not a deal – in Zimbabwe began to form for Thabo Mbeki yesterday as that country's two main political protagonists laid down markers in the wake of an African Union (AU) call this week for Robert Mugabe and Morgan Tsvangirai to form a 'unity' government in Harare. Mugabe's information minister, Sikhanyiso Ndlovu, said that the incumbent Zanu (PF) had no objections to a unity government... Tsangirai said that while he remained committed to negotiations, his party would not talk to Zanu (PF) unless certain conditions were met." The report went on to note that: "While the two sides may seem far apart, they may have actually provided Mbeki and other mediators with a starting point." [153a]

- 6.48 On 10 July 2008, it was reported that representatives of both sides met in Pretoria (South Africa) to agree an agenda for substantive negotiations. "Both sides have set pre-conditions for the revival of the negotiations... The issue of violence remains a major sticking point." Under the plan being discussed, it was claimed that Mbeki had proposed that Mugabe should "...remain as a titular head of state, but surrender real power to Tsvangirai, who would serve as prime minister until a new constitution was negotiated and fresh elections held." [138a]

### Memorandum of understanding

- 6.49 On 21 July 2008, "Zimbabwean president Robert Mugabe, and opposition leaders Morgan Tsvangirai and Arthur Mutambara, signed a memorandum of understanding in the..." Zimbabwean capital Harare. The memorandum of understanding "...commits the negotiating parties to an intense programme of work to try and finalise the negotiations as quickly as possible..." (IRIN news, 21 July 2008 ) [10v] A copy of the memorandum was published by the South African Government on 22 July 2008. The document specifies the objectives and priorities of the new Government, including the restoration of economic stability and growth, the land question, a new constitution, free political activity, the rule of law and security of persons and the prevention of violence. The document noted that the talks had commenced on 10 July 2008 and would continue "...until the Parties have finalised all necessary matters..." (Reliefweb, 22 July 2008) [22c]
- 6.50 However, Amnesty International reported on 25 July 2008, that while the talks were progressing, there were continuing "...reports of ongoing political violence and harassment, particularly in rural areas. Even since the signing of Monday's memorandum of understanding by the ruling party and opposition, victims of political violence have had to seek medical treatment for injuries sustained in attacks." The report went on to note that while ZANU-PF had dismantled some of the bases that the 'war veterans' etc had used to launch attacks against the opposition, some rural bases remained – specifically in Mashonaland West, Central and East provinces.
- Highlighting the level of violence since the start of the election campaign, Amnesty stated that after the murder of 150, the thousands injured and tens of thousands displaced over the last several months, any amnesty or pardon for these deeds would prevent the emergence of truth and justice and would only "...store up problems for further down the road." [14f]
- 6.51 BBC News reported on 31 July 2008 that: "Zimbabwe's opposition leader Morgan Tsvangirai has said he is 'fairly satisfied' with power-sharing talks aimed at ending the country's crisis." He also suggested that "...the two-week deadline for concluding the talks could be flexible. ... 'Two weeks may appear too short, but it is not inflexible and I am sure that the facilitation will adjust as progress moves forward...'" The BBC reported that: "The MDC said on Wednesday [30<sup>th</sup> July] that two of its supporters had been killed in Harare last week, allegedly by Zanu-PF supporters..." [3v]
- 6.52 After a break in the power sharing talks, the BBC reported that the talks resumed on 3 August 2008. "Officials said the delay was so that delegates could consult their leaders on possible next steps. ... The talks began again

the day after a bomb exploded at the main police station in Zimbabwe's capital, Harare." [3aa]

### Public concerns about the memorandum of understanding

- 6.53 The Institute for War and Peace Reporting (IWPR) noted on 5 August 2008 that: "Not all Zimbabweans have greeted the signing of a deal [the Memorandum of Understanding] between the country's rival political forces with unalloyed joy." There was some concern, especially in the financial sector, that any government of national unity would not have the mandate of the electorate and therefore the legitimacy to enable it to make hard economic decisions and to tap into donor funding. [77e] (p1-2)
- 6.54 The IWPR also noted that "...some analysts are warning that the negotiating process may be less productive than is hoped. ... Critics fear talks will hand the opposition a slice of power without achieving radical change." Some commentators pointed out that because "...Mugabe is not amenable to compromise. ...the MDC may end up settling for something that falls far short of the comprehensive change people have been hoping for." Pointing to the fate of Joshua Nkomo's ZAPU in the 1980s, analysts "...warned the opposition party not to allow it's self to be co-opted and then neutralised. ... If the power-sharing deal comes off at all, the question is just how equal the relationship will be. ...Mugabe has indicated that he sees himself in charge of a government of national unity, to which he would appoint some opposition politicians." However, it was reported that "Gordon Moyo, executive director of the Bulawayo Agenda group..." believed "...that Tsvangirai and his MDC faction are well aware of the pitfalls, and will take care to avoid them." (Institute for War and Peace Reporting, 5 August 2008) [77e] (p3-6)

### All parties call for an end to violence

- 6.55 On 6 August 2008 "Zimbabwe's ruling and opposition parties... issued a joint call for an end to post-election violence. A statement called on supporters and members 'to stop and desist the perpetration of violence in any form...'" (BBC News, 6 August 2008) [3ab] *The Independent* reported on 7 August 2008 that, the joint communiqué condemning violence, "...was agreed to as part of a deal that opened the way to power-sharing talks." [4k]
- 6.56 In spite of the calls for an end to political violence, a number of sources noted that violence and intimidation continued to be used primarily against opposition supporters. In one report, the *Harare Tribune* noted on 9 August 2008, that: "Villagers in Makoni South, who celebrated the defeat of people like Patrick Chinamasa in the March 29 election, are being punished by ZANU-PF. ...Chief Chiduku of Makoni District is demanding \$[US]50 from all MDC supporters in Ward 28... for what he called over-excitement after the 29 March harmonized elections. ... Anyone who do not pay that money would be evicted from all villages under Chief Chiduku." The report claimed that Chief Chiduku was responsible for the establishment of torture camps in Makoni South and Makoni. [154a]
- 6.57 SW Radio Africa reported on 7 August 2008 that levels of violence were reported to have subsided. However, villagers displaced by earlier election violence in the Hurungwe District of Mashonaland West were reportedly being forced to pay bribes to return to homes abandoned during the violence. "Jawet

Kazangarare, a notorious war veteran accused of stabbing to death..." an MDC activist was reported to have subjected villages to further violence and intimidation if they failed to pay bribes to return to their homes. Other areas, such as Kariba, reported continuing violence. "Although most torture bases in the area have been dismantled, Zanu PF thugs are said to be gathering in large numbers at pre-arranged times before unleashing violence on suspected opposition supporters." [138am]

- 6.58 On 7 August 2008, *The Zimbabwe Times* reported that: "Throughout the talks in Pretoria disturbing reports of violence continued to be issued by the MDC of violence being unleashed on its supporters." News footage broadcast by Channel 4 News on 26 July 2008 reportedly showed ongoing violence at a ZANU-PF torture camp. One government supporter is reported to have said that he fears the MDC gaining power because he will be punished for violence enacted against opposition supporters. The man boasted of killing and maiming MDC supports, including cutting off limbs and removing sex organs. [155a]

### Early reports of a deal

- 6.59 The BBC noted that: "The appeal [to halt the violence] came as the Star newspaper in South Africa said a draft agreement was being circulated under which Mr Tsvangirai would run Zimbabwe as prime minister and Mr Mugabe would serve as a ceremonial president." [3ab]
- 6.60 "According to the proposed settlement [a draft of more than 50 pages], obtained by The Independent, Morgan Tsvangirai will take over the running of the country as the new executive Prime Minister in an interim administration that will pave the way for fresh elections at a date to be determined in the future. ... Robert Mugabe is set to receive a blanket amnesty and a post as ceremonial head of state followed by a life term as 'founding president' on his retirement, under the terms of a draft deal to set up a transitional government in Zimbabwe.

"Although there is still no final deal on the table, sources close to both sides of the talks say their respective parties are receptive to the draft. According to the document, the leader of the Movement for Democratic Change, will head the country through a period of transition, the duration of which is still to be negotiated. While the MDC is pushing for a term of 24 or 30 months, Zanu-PF is negotiating for five years. A compromise has still to be reached." (The Independent, 6 August 2008) [41]

- 6.61 Under the terms of the draft agreement, *The Independent* reported that:

"...Mr Tsvangirai would appoint two deputy prime ministers to his office, one from the ranks of Zanu-PF and one from his own party. Both deputies will also preside over the strategic ministries of defence and home affairs. It is widely anticipated that Mr Mugabe's Zanu-PF party will continue to control the Ministry of Defence, while the MDC will assume the control of home affairs, with responsibility or administering the police force and the prison services. ...

"Some of the country's most politically tarnished authorities including the Central Intelligence Organisation, the head of the defence forces and the

commissioner general of the police would all report to the NSC [(National Security Council) a replacement for the Joint Operation Command].

"The remaining ministries would be divided equally between the two parties, with one allocated to Arthur Mutambara's splinter MDC faction." (The Independent, 6 August 2008) [41] One report stated that Welshman Ncube rather than Arthur Mutambara was likely to take up the party's only cabinet seat. (The Zimbabwe Metro, 10 August 2008) [156a]

- 6.62 "In a move to appease the potential donors who needed to finance a massive rescue package for the economically crippled country a number of key ministries would be handed over to 'independents' – skilled individuals outside of party structures but approved by the cabinet."

However, the report noted that: "The most controversial aspect of the draft agreement is likely to be a blanket amnesty for each and every Zimbabwean "who in the course of upholding or opposing the aims and policies of the government of Zimbabwe, Zanu-PF or either formation of the MDC, may have committed crimes within Zimbabwe". ... "The amnesty is expected to be a tough sell for Mr Tsvangirai who would face accusations from his supporters and human rights groups within the country that he has sold out to his political rival." (The Independent, 6 August 2008) [41]

- 6.63 The BBC reported on 11 August 2008 that the talks between ZANU-PF and the two factions of the MDC had ended inconclusively after a marathon 14 hour session. "However, Mr Mugabe said the talks would continue later on Monday, adding he was 'confident' a deal could be reached." [3ac] *The Zimbabwe Metro* noted on 10 August 2008 that there had been "...unconfirmed reports that invitations have already been sent out to diplomats and other guests who should attend the ceremony when the power-sharing deal is signed." [156a]

### The talks collapse

- 6.64 ZimOnline reported on 15 August 2008 that power sharing talks between ZANU-PF and the MDC had broken down. The report stated:

"Zimbabwe's power sharing talks broke down earlier this week after President Robert Mugabe blatantly refused to relinquish his wide-sweeping executive powers, a senior opposition figure has revealed.

"Opposition Movement for Democratic Change (MDC) party chairman Lovemore Moyo said the talks ... hit deadlock after Mugabe insisted that he should appoint the new government and chair Cabinet meetings.

"Under the proposal by Mugabe and his ruling ZANU PF party, MDC leader Morgan Tsvangirai would be appointed prime minister with oversight over some ministries but virtually little else to do.

"The deadlock in the talks arose out of a disagreement on who should have executive powers between the president and the prime minister and we could not agree on that as the two parties," said Moyo in the first official disclosure of the single element of disagreement that Mbeki had said caused talks to stall."

However, South African president, Thabo Mbeki, was reported to be "...optimistic, telling journalists in Angola on Wednesday that talks would be resumed in the future and that a deal could still be achieved." [49g]

### Mugabe attempts to form an administration

- 6.65 "Given the impasse at the talks, Mr Mugabe decided to proceed with forming a government on his own. He convened parliament on August 25<sup>th</sup>, but when he delivered a speech to officially open the new session of the House of Assembly, he was loudly booed and jeered by the MDC parliamentarians present. In a further embarrassment, the heckling of Mr Mugabe was shown on state television. ZANU PF suffered a further blow when the MDC succeeded in electing one of its members, Lovemore Moyo, to the powerful position of speaker of the House. As speaker, Mr Moyo will be in charge of parliament's debate and schedule, and the position gives him the power to appoint committee chairmen. Mr Mugabe and ZANU-PF had tried to form a coalition with the smaller MDC-M faction by not nominating any ZANU-PF candidate for the speaker's position and by backing the MDC-M candidate, Paul Themba Nyathi. The MDC-M faction, however, did not go along with the plan and instead voted for the MDC-T candidate, who won the position. ... Although ZANU-PF was defeated this time round, the party's actions did indicate a likely future tactic of attempting to prey upon the differences between the two factions of the MDC." (EIU Zimbabwe Country Report, September 2008) [24k] (p10)

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### ZANU-PF AND THE MDC AGREE A POWER SHARING DEAL

- 6.66 On 15 September 2008, "... Robert Mugabe, signed a power-sharing agreement with his main rival, Morgan Tsvangirai, and Arthur Mutambara, the leader of a breakaway faction of the opposition Movement for Democratic Change (MDC). The agreement [was] ... cautiously welcomed by the international community, and has prompted the EU to defer a decision on sanctions against members of the ruling ..." party. However, the Economist expressed some caution over the agreement, noting that: "It remains to be seen, however, whether the agreement will prove workable – particularly as it is predicated on co-operation between political leaders who only weeks ago were accusing each other of treachery and terrorism ..." (Economist Intelligence Unit, Zimbabwe Country Report, September 2008) [24k] (p4)
- 6.67 The BBC reported on 16 September 2008 that the details of the deal are far from clear and "... leaves its readers with more questions than answers. It says that executive authority shall be shared between President Robert Mugabe, Prime Minister Morgan Tsvangirai and the cabinet," but the "... only guidance on how this will be done is the instruction that 'in exercising this authority the President, Vice Presidents, Prime Minister, Deputy Prime Ministers, Ministers and Deputy Ministers must have regard to the principles and spirit underlying the formation of the Inclusive Government and act in a manner that promotes cohesion inside and outside government.'
- "How responsibility will be divided between the cabinet and the council of ministers remains to be seen. There is little to distinguish between them, and little to distinguish their functions. It seems very much down to what Mr

Mugabe and Mr Tsvangirai and their respective parties make of what they are allocated.” [3bm]

6.68 The BBC went on to note that:

“While it remains unclear who is ultimately in charge, President Mugabe has retained control of the security forces, as he chairs the National Security Council. Mr Tsvangirai, who says his supporters were brutalised by the security forces during the election campaign, does however gain a seat on the NSC, which includes Zimbabwe’s military chiefs.

“Cheryl Hendricks of South Africa’s Institute for Strategic Studies (ISS) says much of the detail is to be fleshed out later. ‘This is an agreement that will have to be made to work in practice.’ But she points to the role of South Africa, the African Union and the regional Southern African Development Community (Sadc), as guarantors. If this deal fails, it will be up to these organisations to come to the rescue. Perhaps the best that can be said of this agreement is that it is an indication of the direction of travel, rather than a final destination.

“With goodwill it might work, without it, the crisis in Zimbabwe will only continue. Which is why the European Union and the United States have decided to wait and see, before giving it their blessing.” [3bm]

### Summary of the main points of the agreement

6.69 The BBC provided on 15 September 2008 a breakdown of the ‘key points’ of the deal.

#### **Declaration of commitment**

The three parties agreed to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution in Zimbabwe.

#### **Restoration of economic stability and growth**

Priority is given to the restoration of economic stability and growth in Zimbabwe with the government leading the process of developing and implementing an economic recovery strategy and plan.

#### **Sanctions and measures**

The agreement calls for sanctions (imposed by the United Kingdom, European Union and the United States of America) against Zimbabwe be lifted and for the government to re-engage with the international community.

#### **Land question**

The agreement accepts the irreversibility of land acquisitions and urges the United Kingdom government to compensate former white land owners for land acquired since the redistribution of land.

The parties also agreed to conduct a comprehensive, transparent and non-partisan land audit to establish accountability and eliminate multiple farm ownerships.

#### **Constitution**

The agreement promises that a new constitution will be drafted and will be submitted to the electorate through a referendum. The issue of equality for women in society will also be addressed.

**External interference**

The agreement stated that Zimbabwe is sovereign with responsibility for effecting change of government resting solely with the people of Zimbabwe through peaceful, democratic and constitutional means; the agreement rejected outside interference in this process.

**Free political activity**

Recognising that the people of Zimbabwe have the right to canvass and engage freely in political activity throughout Zimbabwe free of harassment and intimidation.

**Freedom of assembly and association**

The parties confirmed the right of the People to freely associate and assemble and that the government committed itself to educate the police and other enforcement agencies in these rights.

**State organs and institutions**

State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties.

**Humanitarian and food assistance**

“(a) The government and all state institutions and quasi-state institutions shall render humanitarian and food assistance without discrimination on the grounds of race, ethnicity gender, political affiliation or religion;

“(c) that all displaced persons shall be entitled to humanitarian and food assistance to enable them to return and settle in their original homes and that social welfare organisations shall be allowed to render such assistance as might be required;

“(d) that all NGOs [Non-Governmental Organisations] rendering humanitarian and food assistance must operate within the confines of the laws of Zimbabwe.”

**Security of persons and prevention of violence**

The parties agreed that they would promote the values and practices of tolerance, respect, non-violence and dialogue, and renounce and cease all forms of violence, specifically political motivated violence and apply the ensure that applicable laws are fully and impartially implemented.

**Freedom of expression and communication**

All applications for re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act will be processed immediately. The public media will in future provide balanced and fair coverage to all political parties.

**Composition of the Executive**

“There shall be a president, which office shall continue to be occupied by President Robert Gabriel Mugabe.

There shall be two vice-presidents, who will be nominated by the president and/or ZANU-PF.

There shall be a prime minister, which office shall be occupied by Morgan Tsvangirai.

There shall be two deputy prime ministers [from each faction of the Movement for Democratic Change], one from MDC-Tsvangirai and one from MDC-Mutambara.

There shall be 31 ministers, with 15 nominated by the Zanu-PF, 13 by the MDC-T and three by the MDC-M. Of the 31 ministers, three (one per party), may be appointed from outside the members of parliament. The three ministers so appointed shall become members of the House of Assembly and shall have the right to sit, speak and debate in parliament, but shall not be entitled to vote.

There shall be 15 deputy ministers, with eight nominated by the Zanu-PF, six by the MDC-T and one by the MDC-M

Ministers and deputy ministers may be relieved of their duties only after consultation among the leaders of all the political parties participating in the inclusive government."

### **Executive powers and authority**

"The executive authority of the inclusive government shall vest in, and be shared among the president, the prime minister and the cabinet, as provided for in this constitution and legislation.

The president of the republic shall exercise executive authority subject to the constitution and the law.

The prime minister of the republic shall exercise executive authority subject to the Constitution and the law.

In the exercise of executive authority, the president, vice-president, the prime minister, deputy prime minister, minister and deputy ministers must have regard to the principles and spirit underlying the formation of the inclusive government and accordingly act in a manner that seeks to promote cohesion both inside and outside government."

### **The President**

"Chairs cabinet;

Exercises executive authority;

Can, subject to the constitution, proclaim and terminate martial law;

Chairs National Security Council [commonly called the Joint Operations Command (Joc) which includes army, police, and secret services];

After consultation with the vice-presidents, the prime minister and deputy prime ministers, allocates ministerial portfolios in accordance with this agreement;

Exercises executive authority;

May, acting in consultation with the prime minister, dissolve parliament

Must be kept fully informed by the prime minister on the general conduct of the government business and;

Shall be furnished with such information as he/she may request in respect of any particular matter relating to the government, and may advise the prime minister and the cabinet in this regard."

### **The Prime Minister**

"Chairs the Council of Ministers and is the deputy chairperson of cabinet;

Exercises executive authority;

Shall oversee the formulation of government policies by the cabinet;

Shall be a member of the National Security Council;  
Shall report regularly to the president and parliament.” [3aw]

The details of the agreement can be found through the following links:

<http://news.bbc.co.uk/1/hi/world/africa/7617731.stm>

The full text of the agreement can be found at the following link (Institute for Security Studies, 15 September 2008):

[http://www.iss.co.za/dynamic/administration/file\\_manager/file\\_links/ZIMAGMT\\_150908.PDF?link\\_id=5&slink\\_id=6575&link\\_type=12&slink\\_type=13&tmpl\\_id=3](http://www.iss.co.za/dynamic/administration/file_manager/file_links/ZIMAGMT_150908.PDF?link_id=5&slink_id=6575&link_type=12&slink_type=13&tmpl_id=3)

- 6.70 It was also reported that the agreement provides for two new bodies to oversee elements of the agreement – the Joint Monitoring and Implementation (JMIM) Mechanism and the National Economic Council (NEC). The JMIM will be responsible for sorting out political difficulties and its members will come from the differing political parties. The NEC’s members will come from business and the farming sector and will be responsible for helping to rebuild the economy. (BBC News, 16 September 2008) [3bm]
- 6.71 “Western governments think that the agreement could go either way – either to confirm Mr Mugabe in effective control or to confirm a shift of power. So until this becomes clear, they are refusing to deliver the major economic rescue plan that is waiting in the wings. Instead they will try to get a quick agreement for humanitarian aid to counter what they regard as creeping starvation in the country.” (BBC News, 17 September 2008) [3z]

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### The euphoria subsides

- 6.72 Within hours of the signing of the power sharing agreement, commentators began questioning its value as the full details began to emerge. In an article dated the 15 September 2008, *The Times* gave the agreement a less than ringing endorsement when it described it as “cumbersome”. The article went on to note that the “... ambiguities of this power-sharing deal ... give the wily octogenarian [Mugabe] plenty of scope for obstruction and for outmanoeuvring his tactically far-less-astute rival.”

The article went on to express concerns that during the signing ceremony, President Mugabe “... offered no hint of humility ...” and “... barely acknowledged his supposed ‘co-leader’. ... For the moment the jury is very much out on this supposedly-historic deal, with the onus firmly on Mr Mugabe to prove that he is genuinely prepared to work with his old enemy - a man he has had imprisoned, tortured, beaten and charged with treason - for the benefit of all Zimbabweans.

“If western nations are to give the billions required to rebuild Zimbabwe’s shattered economy and if the three million Zimbabweans who have fled their country are to be enticed home, they will first need convincing that Mr Tsvangirai really is in charge and that Mr Mugabe is not simply using him as a front man to give a veneer of respectability to a vile regime.” [82v]

- 6.73 *The Telegraph* reported on the 16 September 2008 that a number of main clauses of the agreement effectively gave Robert Mugabe an “upper hand over Morgan Tsvangirai in the new Zimbabwe government” with Mr Mugabe retaining “executive authority”. The article noted that Mugabe retained authority to “adopt all government policies” and that “Far from reducing the presidency to a ceremonial position, the agreement explicitly states that Mr Mugabe will have ‘executive authority’” and the right to ignore the advice of Morgan Tsvangirai over new appointments. [5k] This opinion was echoed by the Mail and Guardian on the 21 September 2008, when it noted that Morgan Tsvangirai had achieved little through the agreement with “... none of the demands he initially insisted were deal breakers” being won. For such small concessions from Mugabe, the Mail and Guardian noted that, “... Tsvangirai is left with all the work. He ... inherits a bankrupt and corrupt system built on cronyism and illegal foreign currency trading. His success will be acutely measurable in terms of the inflation rate, growth rate, value of the currency, foreign investment and donor funding.” [6f] While the European Union welcomed the deal it stated that it would continued to link “... economic support to ‘a transition government that takes measures to restore democracy and the rule of law in Zimbabwe’.” (The Dominion Post, noted on 19 September 2008) [117a]
- 6.74 *The Dominion Post*, noted on 19 September 2008, that:
- “There are huge ambiguities in the agreement that is supposed to bring an end to the power struggle between Zanu-PF and the Movement for Democratic Change. Mr Mugabe as president remains in charge of the Cabinet. Mr Tsvangirai, as prime minister, is in charge of the same group of politicians sitting as the council of ministers. There is little detail on how the two are supposed to mesh.
- “The early signs are not good. It is worrying that Mr Mugabe chairs a national security council, made up of the heads of the army, police and secret services. The people in those organisations have a vested interest in Mr Mugabe staying in control. If he goes, they face not only the loss of their privileged position, but also being made to answer for their actions in supporting his brutal rule. That alone gives good grounds for doubting the deal will mean the real change Zimbabwe needs.” [117a]
- 6.75 Commenting on possible problems that the MDC could face in partnership with the ruling party, EIU stated that: “... Mr Mugabe has a long history of manipulating and corrupting those who co-operate with him. Mr Mugabe will also take steps to reduce the MDC’s current parliamentary majority, through arrests, trials and convictions of MDC members of parliament.” (EIU Zimbabwe Country Report, September 2008) [24k] (p3)

### Reports of violence

- 6.76 Human Rights Watch noted on 12 August 2008 that:
- “While levels of violence have decreased since the June 27 presidential runoff, Human Rights Watch remains seriously concerned by ongoing rights abuses in some parts of the country. ZANU-PF and its allies continue to use camps and bases to beat and torture perceived MDC activists and supporters. With certain parts of the country such as Mashonaland East, West and Central still

not accessible to NGOs and the media, it is likely that the [reported cases of] intimidation and violence...are only a small sample of the actual cases that have occurred." [69a] (p6)

- 6.77 An increasing number of sources reported that the signing of the power sharing deal "... has failed to stop the victimization of MDC supporters. Militant elements from ZANU-PF have declared the agreement means nothing to them. ... Analysts believe a section of the party aligned to the security services is eager to sabotage the deal and is actively encouraging rogue youths to target opposition members." (SW Radio Africa, 23 September 2008) [138c] A news report published by the Irish Independent appeared to support this when it noted on 17 September 2008 that senior ZANU-PF figures were reported to have said that Mugabe had "sold out". [162a]
- 6.78 President Mugabe's less than enthusiastic language at (and since) the signing of the power sharing agreement (The Times, 18 September 2008) [82w] and the current power vacuum caused by the delay in allocating cabinet posts is providing mixed signals to all parties in the country. (APA News, 20 September 2008) [160a] Possibly as a result of the uncertainty, there have been reports of fresh farm seizures (Radiovop, 25 September 2008) [161a] and attacks against opposition supporters. *The Harare Tribune* reported on 22 September 2008 that youth militia groups loyal to the ruling party were continuing to harass and attack MDC supporters, hospitalising those who openly express support for the opposition. The article reported that some Youth Militia members have stated that they "... will keep attacking MDC supporters until Mugabe tells ..." them to stop. [154c] Another source reported that police in Buhera, Manicaland, had arrested and held 25 opposition supporting villagers for a number of days after they had celebrated the signing of the power sharing deal. The villagers, who were initially charged with 'celebrating' were later charged with 'stock theft' which carries a maximum sentence of 50 years imprisonment. (SW Radio Africa, 23 September 2008) [138c]
- 6.79 On the day that the accord was signed the Los Angeles Times (dated 16 September 2008) reported that MDC reporters were involved in a "stone-throwing fracas" with ZANU-PF supporters. [66a] The situation has worsened since then with the Voice of America, reporting on 24 September 2008, that the MDC "... issued a statement saying that there's been a resurgence of violence against its supporters by ZANU-PF militia members and other militants. The MDC grouping said dozens of its supporters have been assaulted turned out of their homes or seen them burned by militants of the former ruling..." party. "Some of the violence has been taking place in Mbare, a populous Harare suburb where according to MDC sources some 61 families were attacked by ZANU-PF militia members in full view of police at the Matapi station, who took no action." In addition, the source reported that militia members had not been prevented by the police from evicting MDC supporters from their homes. [83o]
- 6.80 The Voice of America reported on 22 September 2008 that the province of Manicaland remains a particular trouble spot for opposition supporters. "MDC sources in the province said Monday that suspected ZANU-PF militia in Buhera South constituency on Sunday shot and wounded MDC activist Chido Maenzanise in the leg when he fled after being accosted alongside a local highway. Meanwhile, police in Mutare on Monday released 10 MDC activists

from Mutare south constituency who were arrested on Tuesday, Sept. 16, for celebrating the deal. They each posted Z\$500 bail and were due to appear in court on Dec. 3." [83p] On 19 September 2008, "Three students arrested during a protest at Zimbabwe's Bindura State University have accused police of beating them while in custody." The students, who were celebrating the power-sharing agreement, were released within hours of being arrested. (UPI.Com, 19 September 2008) [103a]

- 6.81 BBC News reported on 17 September 2008 that South Africa's President Mbeki may have been spurred in to trying to achieving the current power sharing deal following the intervention of two of Zimbabwe's neighbours, Botswana and Zambia, who were reportedly increasingly worried by the levels of violence that had taken place during and in the months following the election. A western diplomat claimed that since March 2008 around 2,000 supporters/members of the MDC have been killed, "... far higher than the 200 given to western governments by the MDC ..." Mr Mbeki is therefore reported to have responded to the increasing levels of violence by sending senior South African military officers to Zimbabwe who were able to confirm what was happening in the country. [3z]

### Deadlock over the allocation of Cabinet posts

- 6.82 The Institute for War and Peace Reporting noted on 19 September 2008 that: "The euphoria of the early part of the week over the historic power-sharing agreement signed on ..." 15 September, had "... rapidly dissipated with the news that the trio have deadlocked over cabinet positions. While some political analysts remain optimistic that the standoff over cabinet posts will be resolved through compromise by next week others believe the dispute may prove to be a deathblow for the fragile agreement." Some commentators were reported to believe that the MDC, having made most of the concessions, would walk away from the process if Mugabe refuses to make sufficient compromises over the allocation of cabinet posts. [77f]
- 6.83 IRIN reported on 19 September 2008 that: "Political analysts point out that control of key ministries would determine who wielded power in the new government. 'If [the MDC] control information, foreign affairs, finance, local government and home affairs, then they are in charge of government,' said constitutional lawyer and political activist Lovemore Madhuku." [10r]
- 6.84 *The Asia-Pacific Agroforestry Newsletter* reported on 20 September 2008 that the announcement of Zimbabwe's new cabinet was unlikely to be made until at least the 3<sup>rd</sup> of October at the earliest. Noting the continuing disagreement over the allocation of the ministries, the article noted that President Mugabe had left the country on 19<sup>th</sup> September to attend the UN General Assembly "... and would not return until the first week of October ... Mugabe's absence means that the appointment of new ministers would be put on hold until he returns – even if negotiators from his ZANU-PF party and the main opposition party finally agree on the allocation of ministries ..." [160a]
- 6.85 Speaking from the UN General Assembly in New York on 25 September 2008, President Mugabe said that he and his party would work with the MDC and he stated that he believed that a deal over the cabinet post could be done. "Mr

Mugabe said the hold-up only concerned four posts." (BBC News, 25 September 2008) [3bn]

- 6.86 As the deadlock continued, it was reported that "... President Robert Mugabe has recalled his old Cabinet to fill the vacuum created by delays in the setting up of an inclusive government, a senior aide has announced.

"The country has been running without a substantive government since Mr Mugabe's controversial June 27 re-election ... In a statement, Mr Mugabe's chief secretary, Dr Misheck Sibanda said the outgoing ministers should continue discharging their duties until the appointment of a new government." (Daily Nation, 23 September 2008) [163a]

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## RECENT DEVELOPMENTS

### POLITICAL VIOLENCE

#### Overview: 2008

- 7.01 The Human Rights Watch World Report 2009 (Zimbabwe), covering events in 2008, dated 14 January 2009, observed that during 2008

“ZANU-PF launched a campaign of violence against MDC activists and supporters, mobilizing a system of repression and violent intimidation [during the elections in March to June] that remained in place, if less overtly active, at the end of the year. The months leading up to the [election] run-off [in June] were marked by widespread abuses, including killings, torture, beatings, looting, and burning of property. Perpetrators, including the police, military, and local ZANU-PF officials, as well as government-backed militia and war veterans, committed abuses with almost absolute impunity. At least 163 people were killed and some 5,000 were tortured or beaten. Tens of thousands more were displaced by the violence, which eventually forced Tsvangirai to withdraw from the poll, leaving Mugabe to declare himself the winner.” [69c]

- 7.02 The Zimbabwe Human Rights NGO Forum (ZHRF) document, Political violence report December 2008, released on 13 February 2009, noted in its overview

“From the beginning to the end of 2008, Zimbabwe’s political terrain was defined by the violent preparations and anticipation for the watershed 29 March Harmonized Elections and its bloody aftermath which culminated in the bloodier 27 June Run-off election. Events after the failed Run-off election were marked with high tension and more politically and state sponsored violence up to the end of year as this report will chronicle. It seemed the country was now involved in some kind of internecine war that was meant to determine the outcome of the elections and how Zimbabweans were to choose a government to lead them.” [35l] (p1)

- 7.03 The same source reported cumulative figures for violent incidents it had documented between January and December 2008: “6 politically-motivated rape cases, 107 murders, 137 abductions/kidnappings; 1,913 cases of assault; 19 cases of disappearance; 629 of displacements and 2,532 violations on freedoms of association and expression.” These figures were not considered to be a comprehensive list of all violent incidents during the year. (p2) The same document also tabulated incidents of politically motivated violence the ZHRF had documented during 2008 on page 15. [35l]

- 7.04 Based on ZHRF records in 2008 the levels of violence peaked during the election period (March to June) then returned to broadly similar average monthly levels experienced in each of the previous four years. See reports for December 2008 [35l]; December 2007 [35h]; December 2006 [35d]; December 2005 [35w]; and December 2004 [35f]

[The monthly reports can be accessed via the ZHRF website.](#)

- 7.05 The NGO, Zimbabwe Peace Project, in its Early Warning Report on Human Rights and Food Related Violations, December 2008, documented incidents of politically motivated violations in 2008. The numbers of incidents rise from the turn of the year peaking in April, May and June - during the election period - then subside at year's end to levels slightly above the pre-election figures. The cases recorded are presented in the table below:

| ACTS                               | January | February | March | April | May  | June | July | August | September | October | November <sup>i</sup> | December | TOTAL               |
|------------------------------------|---------|----------|-------|-------|------|------|------|--------|-----------|---------|-----------------------|----------|---------------------|
| Murder                             | 0       | 0        | 7     | 27    | 47   | 78   | 15   | 21     | 7         | 3       | -                     | 2        | 207                 |
| Rape                               | 1       | 1        | 4     | 4     | 1    | 4    | 12   | 5      | 9         | 6       | -                     | 9        | 56                  |
| Kidnapping/abduction               | 3       | 7        | 5     | 149   | 85   | 133  | 44   | 17     | 20        | 9       | -                     | 25       | 496                 |
| Assault                            | 163     | 178      | 219   | 771   | 704  | 804  | 470  | 285    | 348       | 348     | -                     | 291      | 4581                |
| Theft/looting                      | 14      | 6        | 8     | 80    | 64   | 99   | 61   | 48     | 39        | 35      | -                     | 124      | 578                 |
| Malicious Damage to Property (MDP) | 20      | 12       | 38    | 345   | 214  | 141  | 66   | 36     | 35        | 31      | -                     | 41       | 979                 |
| Torture                            | 6       | 2        | 6     | 157   | 60   | 102  | 38   | 21     | 19        | 8       | -                     | 17       | 436                 |
| Unlawful Detention                 | 18      | 8        | 6     | 125   | 114  | 103  | 15   | 21     | 34        | 17      | -                     | 26       | 487                 |
| Harassment/intimidation            | 343     | 449      | 475   | 1484  | 4288 | 2127 | 460  | 423    | 746       | 564     | -                     | 595      | 11954               |
| Displacement                       | 15      | 12       | 23    | 1219  | 670  | 134  | 114  | 56     | 47        | 43      | -                     | 117      | 2450                |
| Discrimination                     | 10      | 10       | 15    | 19    | 32   | 25   | 28   | 27     | 29        | 39      | -                     | 73       | 306                 |
| Attempted Rape                     | -       | -        | -     | -     | 5    | 6    | 7    | 2      | 1         | 2       | -                     | 0        | 23                  |
| Attempted Murder                   | -       | -        | -     | -     | 4    | 2    | 3    | 2      | 2         | 1       | -                     | 0        | 14                  |
| TOTAL                              | 593     | 685      | 806   | 4380  | 6288 | 3758 | 1333 | 964    | 1336      | 1106    | -                     | 1320     | 22569 <sup>ii</sup> |

[95b] (p 6)

### Elections – March to July 2008

- 7.06 The HRW World Report 2009 noted

“The build up to the March elections was generally peaceful, despite some flaws in the electoral process. However, the months afterwards were marked by a well planned and systematic campaign of violence by ZANU-PF and its allies. In an attempt to overturn the vote in the presidential run-off, government-backed militia and war veterans, ZANU-PF officials and supporters, and senior military officers waged a vicious campaign of intimidation against MDC activists and suspected supporters. Entire villages were cordoned off and those suspected of having voted for the MDC were brutally beaten and tortured. The militia and war veterans beat, tortured, and mutilated suspected MDC activists, supporters, and their family members in hundreds of base camps-many of them army bases-established across the provinces as local operation centers. Thousands of people were forced to attend abusive ‘re-education’ meetings [and 163 MDC activists were killed]... In an effort to subvert the run-off electoral process and instill fear in election officials and observers, police arrested more than 100 presiding officers and election officials on politically motivated charges of electoral fraud. Police also arrested hundreds of MDC supporters and officials on spurious charges of inciting violence, while ZANU-PF supporters, who were responsible for the

This Country of Origin Information report contains the most up-to-date publicly available information as at 25 March 2009. Older source material has been included where it contains relevant information not available in more recent documents.

majority of the violence, were allowed to carry out abuses with almost absolute impunity.” [69c]

7.07 *Pambazuka News* reported on 4 December 2008, that:

“Despite being given free food, grain, farming implements and fertilizer by the incumbent regime before the March 2008 elections, Zimbabwe’s rural areas, once viewed as strongholds of the ruling ZANU-PF party, backed the opposition Movement for Democratic Change (MDC). This move by the rural folk resulted in some senior government members losing their parliamentary seats in a number of provinces. As a result, the period prior to the run-off election was marked by extensive violence, torture and internal displacement of the electorate believed to be supporting the opposition. The aim was to target potential MDC activists and leaders at different levels. Massive human rights violations committed in the post election period include: unlawful killing of civilians, torture, rape, abductions, destruction of villages and property, looting of cattle, grain and property, the destruction of the means of livelihood of civilians and forced displacement.” [146a] (p1)

7.08 The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its Political Violence Report – December 2008 that: “... surprisingly, the violence in April and thereafter was largely confined to areas where ZANU PF won more seats for Parliament causing the Human Rights Forum to conclude that the violent retribution was because of President Mugabe’s dismal showing in the Presidential elections.” [35] (Overview) The view of the opposition MDC was that Mugabe had “... unleashed a violent campaign to punish ZANU-PF supporters who voted against him ... ‘They are targeting what they see as their strongholds that voted against them’ ...” (The Scotsman, 9 April 2008) [98a] To facilitate the campaign of violence, one source estimated that up to 20,000 militia bases were established before the presidential run-off on 27 June. These bases were used to house Youth Militia and War Veterans and many schools, community halls and farm houses were used as bases. (Pambazuka News, 4 December 2008) [146a] (p4)

7.09 The ZHRF reported on 9 August 2009 that during April 2008 62 per cent of human rights abuses, such as torture, were reported to have taken place in the three Mashonaland Provinces, but a significantly large number ...” was also reported in Harare. The report went on to note that a large proportion of those claiming to be victims of political violence were from rural areas and were “... self-admitted members of the MDC, often holding positions of authority or leadership.” [35n] (p16-18)

7.10 *Pambazuka News* reported on 4 December 2008, that:

“The ZANU PF militia had a list of names of villagers; most names were those of men who had run away. Most of the listed people were listed because they held positions or supported the opposition party. These people were listed in a ‘black book’. Absent men were represented by their wives, sisters, mothers or grandmothers. These were taken out of the crowd while the remaining citizens sang and chanted liberation war songs. Against the list of names was an asterisk. The number of asterisks against one’s name signaled his/her level of political activism and this would also determine the severity of the physical attack they would receive.” [146a] (p3)

### Post election violence: July 2008 to February 2009

- 7.11 The Zimbabwe Human Rights NGO Forum (ZHRF) document, Political violence report December 2008, released on 13 February 2009 [35i] (p15), and the NGO, Zimbabwe Peace Project, in its Early Warning Report on Human Rights and Food Related Violations, December 2008, [95b] documented incidents of politically motivated violations during 2008. Both documents indicate that incidents peaked in April, May and June, then subsided as the year progressed. The ZHRF December 2008 report indicated that levels of violence by the end of the year had returned to similar levels experienced in previous years (2004 to 2007). (December 2008) [35i]; December 2007 [35h]; December 2006 [35d]; December 2005 [35w]; December 2004 [35f] See also Overview: 2008 above.
- 7.12 ZHRF in its report of December 2008 stated that instances of violence
- “... showed no let up until after the botched 27 June run-off election which Robert Mugabe won ... From then on, political developments such as the signing of the 21 July memorandum-of-understanding and the subsequent signing of the 15 September Global Political Agreement between the three political parties seemed to define the low levels of violence until in December [2008] when it was apparent that the talks were not going anywhere. The year ended on a high security note when the CIO embarked on an orgy of abductions and torture of civic society leaders, staff and opposition party members up to until the end of December 2008....” [35i] (Overview)
- 7.13 A number of sources reported the abduction of about 40 MDC activists at the end of 2008. The HRW World Report 2009 stated since October 2008 “... more than 40 MDC members and human rights activists” were abducted and held illegally. [69c] Though the HRW report, ‘Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe’, 22 January 2009, observed that the abductions had taken place since November 2008. [69g] (p3) The Economist Intelligence Unit noted in its Zimbabwe Country Report, dated January 2009, “Throughout December [2008] at least 31 opposition Movement for Democratic Change (MDC) supporters, journalists and civic activists were abducted and reported missing for several weeks.” [24o] (p10) On the reasons for the abductions, the HRW report of 22 January 2009 stated “Human Rights Watch believes that the charges against the 32 MDC members and human rights activists are politically motivated. The Zimbabwean authorities appear to be using these cases as a pretext to clamp down on the MDC and prevent human rights activists from reporting on human rights abuses.” [69g] (24-26) *The Times* noted on 11 February 2009 that: “Zanu (PF) looks determined to fight the MDC. Yesterday it arrested two lawyers, Rose Hanzi and Tawanda Zhuwarara, both members of the Zimbabwe Lawyers for Human Rights group who had been helping 30 opposition activists abducted and imprisoned three months ago.” [82k]

For further information on events since 14 February 2009, including incidents of political violence see the section on [Latest news](#) above

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## POWER-SHARING TALKS

- 7.14 On 15 September 2008, following mounting pressure from Zimbabwe's neighbours, and the wider international community, concerned at increasing violence in the country, President Mugabe "... signed a power-sharing agreement with Morgan Tsvangirai under the mediation of then-president Thabo Mbeki of South Africa." (Human Rights Watch - World Report 2009 (Zimbabwe), dated 14 January 2009) [69c]
- 7.15 Human Rights Watch noted in the same report that: "... the frailty of the deal was soon apparent as the parties rapidly reached a deadlock on the distribution of ministries, with violence and intimidation against the MDC still taking place." [69c] The Economist Intelligence Unit noted in its Zimbabwe Country Report, dated January 2009 that "Mr Mugabe's recent speeches indicate that he is not prepared to make significant compromises to his rule. At the Zimbabwe African National Union-Patriotic Front (ZANU-PF) annual congress in late December [2008], Mr Mugabe said that he would 'never surrender'." The report also noted that "... Mr Mugabe was making preparations to form a new government 'with or without the MDC' by the end of February [2009], nearly a year after the March elections." [24o] (p9)
- 7.16 The opposition parties maintained their refusal to compromise on securing control of key ministries, specifically control of home affairs (and therefore the police). The Institute for War and Peace Reporting (IWPR) noted, on 20 January 2009, that the main sticking point in the talks was the "... allocation of ten key government ministries." As the talks resumed on 20 January 2009, Morgan Tsvangirai affirmed his commitment "... to the power-sharing deal but only if Mugabe agreed to cede home affairs, finance and information and publicity ..." The talks ended in deadlock. [77p]

## An agreement is signed

- 7.17 The talks reconvened on 26 January 2009 with the IWPR reporting that an agreement had been reached and both factions of the MDC were now willing to enter a unity government. [77q] The Economist Intelligence Unit (EIU) reported in February 2009 that as word of the agreement was announced on 30<sup>th</sup> January "Hundreds of Zimbabweans gathered in the capital, Harare ... to cheer the Zimbabwean opposition leader, Morgan Tsvangirai ... Mr Tsvangirai will be sworn in as prime minister on February 11th, after parliament approves a constitutional amendment creating the post." (Zimbabwe Country Report, February 2009) [24p] [p3-4]

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## The MDC compromises

- 7.18 Under the agreement "... both factions of the MDC will join ZANU-PF in power. Despite the MDC holding a majority of the parliamentary seats, Mr Tsvangirai has been forced to accept a junior position in the power-sharing government, as ZANU-PF will continue to control the most important ministries [Armed Forces, Central Intelligence Organisation, and the Judiciary]." (EIU Zimbabwe Country Report, February 2009) [24p] (p3-4) The IWPR reported that Mugabe had been forced by the Southern African Development Community

(SADC) to make some concessions to the MDC. These included: "... reversing all executive appointments he has made since the signing of the Memorandum of Understanding in September." And an even split between ZANU-PF and the MDC of "... the ten provincial governorships he had unilaterally allocated to his party. The regional bloc resolved that the party that had won the majority of seats in a province in last year's parliamentary elections should govern that province." [77q] However, in spite of the concessions that Mugabe was forced to make

- 7.19 Pressure on Mr Tsvangirai to co-operate from regional leaders has also been high with members of the SADC reported to believe "... that any agreement is better than nothing ..." The Economist Intelligence Unit stated its belief that the agreement hands "... the initiative to Mr Mugabe. Even with the agreement in place, it is highly unlikely that it will prove to be workable and it is not expected to do much to reverse the country's steep economic decline." (Zimbabwe Country Report, February 2009) [24p] (p3-4)
- 7.20 During the long drawn out negotiations on power sharing, Mr Tsvangirai has always insisted that control of the Ministry of Home Affairs was one area in which the MDC would not compromise; (IWPR, 20 January 2009) [77p] however, "... the new deal divides responsibility for the home affairs portfolio, putting it in the hands first of Mr Tsvangirai for six months and then of Mr Mugabe for six months." (Zimbabwe Country Report, February 2009) [24p] [p9-10]
- 7.21 "The new agreement also states that Mr Mugabe and Mr Tsvangirai will share the appointments of ... the attorney-general and the governor of the central bank, the Reserve Bank of Zimbabwe." (Zimbabwe Country Report, February 2009) [24p] [p9-10] *The Times* noted on 12 February 2009 that Mr Tsvangirai had made the release of 30 MDC supporters who have been held without trial, as well as other civic leaders, "... a condition of him entering the unity government, but last night they remained behind bars." [82ad] The release of the detainees "... was not in the agreement. Several leading MDC officials stated their displeasure with the agreement ..." (Zimbabwe Country Report, February 2009) [24p] [p9-10]
- 7.22 The Economist Intelligence Unit reported that in spite of disquiet within his own party and internationally Mr Tsvangirai is "... convinced that this was the best deal that they could obtain and that it might stop the violence and the abductions of MDC supporters. The agreement also brings closer the prospect of fresh elections, which Mr Tsvangirai will expect to do well in again-under the deal the government has an 18-month time limit to draw up and approve a new constitution, after which new elections are to be held." (Zimbabwe Country Report, February 2009) [24p] [p9-10]

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### Tsvangirai sworn in as Prime Minister

- 7.23 The Economist Intelligence Unit reported on 13 February 2009 that "Morgan Tsvangirai was sworn in as prime minister on February 11<sup>th</sup> after parliament approved a constitutional amendment creating the post ... Arthur Mutambara – leader of the splinter opposition group MDC-M – became deputy prime minister. Robert Mugabe remains head of state. ... Zimbabwe's new cabinet

was sworn in on February 13<sup>th</sup>, completing the formation of the country's new government of national unity." [24f]

- 7.24 *The Times* noted on 12 February 2009 that following his swearing in as Prime Minister, Morgan Tsvangirai drove to Harare's sports stadium to address supporters and well wishers. Many of the huge crowd that thronged the stadium were dressed in MDC t-shirts and hats which would have been kept well hidden days earlier. However, military leaders who enforced Mugabe's rule stayed away from the inauguration ceremony of Zimbabwe's military leaders so that "... they would not have to salute the new Prime Minister and state controlled television and radio failed to broadcast ... [Morgan Tsvangirai's] inaugural speech." [82ad]

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### Reaction to the agreement

- 7.25 *The Times* reported on 31 January 2009 that UK expressed grave doubts about the agreement with one western official having said that "... he saw no chance of the West giving development aid to Zimbabwe or lifting sanctions against Mr Mugabe's inner circle without a fundamental change of direction from the Government." David Miliband, the UK's Foreign Secretary, said: "The new government will be judged on its actions... This will determine our formal engagement, including the provision of donor support." [82aa]
- 7.26 The US State Department appeared to remain unconvinced that the power sharing deal was the best outcome for the Zimbabwean people. It stated on 3 February 2009 that: "The U.S. will only consider new development assistance and easing of targeted sanctions when we have seen evidence of true power sharing as well as inclusive and effective governance." [2h]
- 7.27 Reacting to news of the swearing-in of Morgan Tsvangirai as Prime Minister, *The Times* on 11 February 2009 stated its belief that Mr Tsvangirai had "... walked into a trap; that Mr Mugabe has no intention of sharing power; that the wily octogenarian will easily outwit him ..." and would proceed to "... corrupt and co-opt MDC politicians with money, Mercedes and mansions." *The Times* pointed to a fairly recent example of this having happened, noting that Mugabe's party has swallowed up Joshua Nkomo's ZAPU party: "... when it was forced into a merger in 1987 after the Matabeleland massacres" and added "Curiously some of the MDC's most ardent proponents of unity government agree with much of this." However, they argue that if the international community starts to provide financial aid to Zimbabwe, particularly to ministries controlled by the MDC (finance, health, energy and water) a "virtuous cycle" can be started where the MDC would garner increased support as it begins to deliver real improvements – once "... securocrats and civil servants see which way the tide is flowing ..." the MDC hopes that they will cast in their lot with them thereby hastening the demise of the Mugabe's regime. [82ac]
- 7.28 However, as *The Times* noted:
- "There is just one problem with the MDC's scenario. It depends crucially on Western aid beginning to flow. Britain, the US and the EU say that this will not happen unless the new Government demonstrates a genuine commitment to reform - a development they find almost inconceivable as long as Mr Mugabe

remains President. It is, in short, a classic Catch-22. If the MDC fails to deliver, Zanu (PF) will be quick to shift the blame from its own lamentable performance.” [82ac]

For further information on events since 14 February 2009, see [Latest news](#) above

## HUMANITARIAN SITUATION

- 7.29 Human Rights Watch reported on 22 January 2009 that cholera, previously only seen in small numbers in Zimbabwe, developed into epidemic proportions from August 2008 as dire economic conditions in the country impacted on the sanitation and health services ability to operate. [69g] (p17-18)
- 7.30 On 5 February the World Health Organisation (WHO) reported that the total number of deaths from cholera had risen to more than 3,300 with nearly 66,000 people infected. In the two days since the last WHO announcement (on 3 February) the organisation had upgraded its figures by 1,038 new cases and 28 deaths as more information became available. (Mail and Guardian, 5 February 2009) [6a] The Economist Intelligence Unit reported in February 2009 that the cholera outbreak was the “... deadliest cholera outbreak in Africa in 15 years and is gaining momentum ... Although cholera is normally both preventable and treatable, the economic and political crisis in Zimbabwe has caused the near collapse of the health services. Some 5.2% of patients catching cholera in the country are now dying, a very high fatality rate for such a treatable disease.” [24p] [p10]

Please see [Medical Issues](#) for more information on the cholera outbreak.

- 7.31 Human Rights Watch reported on 22 January 2009 that Zimbabwe is suffering from the worst “... food shortages since 2000 when the Mugabe government embarked on a violent and illegal program of land seizures. ... Food output in Zimbabwe has deteriorated drastically in the past year. The UN World Food Program (WFP) estimates that maize production in 2008 was ... 28 percent below 2007’s historically low level.” In addition Hyper-inflation “... has eroded the capacity of families to access the little food available on the market, an especially acute problem for people living in urban areas with no access to land.” [69g] (p10 - 11)
- 7.32 The World Food Programme (WFP) reported on 30 January 2009 that it was expecting to provide food “... assistance to 5.1 million people across Zimbabwe in February – the highest number of people in a single month since the regional crisis began in 2002.” However, because of increased demand and low stocks of food, the WFP stated that it would be reducing rations so that all who required help would receive assistance. It also noted that “... three US sponsored NGOs that also distribute food assistance in Zimbabwe – will assist another 1.8 million beneficiaries – taking the total of planned beneficiaries to around 7 million in both February and March 2009 ...” nearly 60 per cent of the population. [7a]

For more information on food security see [Food Shortages](#) and [Latest news](#) above.

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## CONSTITUTION

- 8.01 Europa World online – Zimbabwe (The Constitution), accessed on 4 February 2009, noted that: “The Constitution of the Republic of Zimbabwe took effect at independence on 18 April 1980. Amendments to the Constitution must have the approval of two-thirds of the members of the House of Assembly and the Senate.” [1i]
- 8.02 Europa World online – Zimbabwe (The Republic), accessed on 4 February 2009, noted that: “Zimbabwe is a sovereign republic and the Constitution is the supreme law.” [1h]
- 8.03 Europa World online – Zimbabwe (Declaration of Rights), accessed on February 2009, noted that “The declaration of rights guarantees the fundamental rights and freedoms of the individual, regardless of race, tribe, place of origin, political opinions, colour, creed or sex.” [1j]
- 8.04 *The Telegraph* noted on 21 September 2007 that President Mugabe passed into law the new Constitutional Amendment (No.18) Act that saw broad and sweeping increases in the president’s powers of patronage. Among the most important changes that the Act introduces is an increase in the number of directly elected MPs from 120 to 210. Constituency boundaries will be re-drawn to create the 90 new constituencies. [5k] In addition, Veritas Trust noted on 30 October 2007 that the act will also reintroduce a second parliamentary chamber called the Senate, which will consist of 60 directly elected Senators and a further 33 appointees. [142b] The Act also empowers the Zimbabwe Electoral Commission “... to take over registration of voters, demarcation of constituencies and overall management of elections.” (BBC News, 8 November 2007) [49ct]

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## POLITICAL SYSTEM

### STATE STRUCTURES

- 9.01 Jane's Sentinel Country Risk Assessment: Zimbabwe, dated 20 June 2008, noted that:

"The president of the republic is head of state and government and commander-in-chief of the defence forces. To qualify for nomination, a presidential candidate must be a Zimbabwean citizen by birth or descent, aged 40 or above, and resident in Zimbabwe. The president is elected by popular majority vote for a term of six years and may be re-elected for any number of further terms. He may appoint two vice-presidents, whose functions include assisting him to discharge his executive responsibilities. Executive authority is vested in the president and cabinet of ministers, which includes the vice-presidents and other ministers whom he appoints and together they control senior public service appointments, including those in the military and police. Each of the eight provinces of Zimbabwe is administered by a provincial governor appointed by the president." [111e] (Internal Affairs)

- 9.02 Jane's continued:

"Legislative authority is vested in the president and a bicameral parliament, comprising a House of Assembly and a Senate. The House of Assembly consists of 150 members; 120 elected by popular vote through universal adult suffrage, eight provincial governors, 10 chiefs elected by the Council of Chiefs, and 12 non-constituency members appointed by the president, all of whom serve a maximum of five years in renewable terms. The Senate consists of 50 members, of which 10 are traditional leaders, six are appointed by the president and the remainder are elected according to constituencies." [111e] (Internal Affairs)

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### ZANU-PF

- 9.03 The Economist Intelligence Unit's Zimbabwe Country Profile, 2008, noted that:

"At independence ZANU-PF's ideology was initially Marxist-Leninist, but from the late 1980s in line with the fall of communism the president did reluctantly allow a move towards market-oriented economic policies. As the political crisis in Zimbabwe has intensified in recent years, Mr Mugabe has reverted to more revolutionary language, notably the need to complete the chimurenga (the revolution by which he came to power) through the redistribution of land. He has also at various times called for the nationalisation of mines and industries." [24n]

- 9.04 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that the ruling party "... continued to benefit from the ZANU-PF's control of the state and party-owned firms that dominated the country's economy and from its control of the state-monopolized broadcast media." [2m](Section 3)

- 9.05 Jane's Sentinel Country Risk Assessment: Zimbabwe, dated 20 June 2008, noted that:
- "ZANU-PF holds five-yearly congresses as its primary decision-making mechanism. Its congress in early December 2004 led to the appointment of a new ZANU vice-president, Joyce Mujuru. The event was closely managed by Mugabe and left open the question of his succession. While this question will continue to dominate the party's internal politics, the issue will have to remain open for now as ZANU-PF endorsed Mugabe as its presidential candidate for the 2008 elections." [111e] (Internal Affairs)
- 9.06 The Economist Intelligence Unit reported that that selection of Joyce Mujuru in December 2004 highlighted growing divisions within ZANU-PF as factions within the party, impatient with Mugabe's long rule, began to fight an increasingly bitter battle to obtain positions of influence in readiness for Mugabe's retirement. The rivalries have spilled over into accusations of corruption that have sometimes led to arrests. (Zimbabwe Country Report, November 2007) [24j] (p10)
- 9.07 The Institute for War and Peace Reporting, Issue 17, dated November 2007, noted that the activities of the war veterans in support of Mugabe's candidature in the 2008 elections had further demonstrated the deep cracks within the ruling party. The leader of the War Veterans, Jubulani Sibanda, has recently backed Mugabe and organised rallies in support of his presidency which have been conspicuously avoided by the ZAPU wing of the party. [77y] (p2)
- 9.08 The Economist Intelligence Unit reported in February 2009 that one of the most immediate challenges facing President Mugabe is his ability to maintain sufficient levels of patronage within a rapidly shrinking economy. The collapsing economy has seen the slow chipping away at Mugabe's means of keeping discontented elements of the party in-line - "... opposition to Mr Mugabe from within his party ... is understood to be increasing. Pressure may eventually come from the army 'traditionally the backbone of Mr Mugabe's rule' as the government cannot print money fast enough to pay soldiers ..." [24p] (p3)

For further information on ZANU-PF see [Annex B](#)

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## Human Rights

### INTRODUCTION

- 10.01 The Human Rights Watch, World Report 2009 (Zimbabwe), covering events in 2008, dated 14 January 2009, noted that: "The brutal response of President Robert Mugabe and the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) to their loss in general elections in March 2008 plunged Zimbabwe deep into political turmoil." [69c] Confident of victory, ZANU-PF and its supporters engaged in relatively little violence, directly before or during the elections, but as the election results become known, and with the party electorally on the back foot, it "...commenced a country wide campaign of violent intimidation to try to ensure that it..." won "...the anticipated re-run of the Presidential Election." (Zimbabwe Human Rights NGO Forum, 5 May 2008) [35g] The subsequent campaign of violence known as 'Operation Mavhoterapapi' – or 'who did you vote for?' [55a] resulted in reports of hundreds of opposition supporters being murdered and tortured. (Economist Intelligence Unit, July 2008) [24i] (Human Rights Watch, 12 August 2008) [69a] (p2))
- 10.02 Events between 29 March 2009 and the run up to the presidential run-off in June 2008 were reported by staff at the British Embassy in Harare who described the savage beating and murder of Zimbabweans as causing staff at the Embassy to become "infected with despair and fear". (Foreign and Commonwealth Office blog, 18 July 2008) [13n]
- 10.03 The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its Political Violence Report – December 2008 that recorded instances of violence "... showed no let up until after the botched 27 June Run-off election which Robert Mugabe won ... From then on, political developments such as the signing of the 21 July Memorandum-of-Understanding and the subsequent signing of the 15 September Global Political Agreement between the three political parties seemed to define the low violence levels until in December when it was apparent that the talks were not going anywhere. The year ended on a high security note when the CIO embarked on an orgy of abductions and torture of civic society leaders ... and opposition party members ..." [35l] (Overview)
- 10.04 The ZHRF further noted that: "... surprisingly, the violence in April and thereafter was largely confined to areas where ZANU PF won more seats for Parliament causing the Human Rights Forum to conclude that the violent retribution was because of President Mugabe's dismal showing in the Presidential elections." [35l] (Overview)
- 10.05 The fall in reports of political violence in the latter half of 2008 saw levels (ZHRF November 2008 Political Violence report, 18 December 2008), [35i], return to broadly similar levels experienced in each of the previous four years. (December 2007) [35z] (December 2006) [35f] (December 2005) [35w] (December 2004) [35h] However, Human Rights Watch noted on 14 January 2009 that while ZANU-PF's campaign of violence was "... less overtly active, at the end of the year ... a system of repression and violent intimidation ... remained in place ..." [69c] Human Rights Watch reported on 22 January 2009 that since October 2008 "... more than 40 MDC members and human rights activists" were abducted and held illegally. [69g] (p24)

- 10.06 The country's political problems were further compounded by a significant increase in cholera infections. From August 2008, as the economy collapsed and the provision of clean water and sanitation seized up, health officials recorded significant increases in the numbers infected with cholera. (Human Rights Watch, 22 January 2009) [69g] (p17-18) In January 2009 the World Health Organisation reported that at least 3,000 people had been killed by the infection. (BBC News, 29 January 2009) [3p]
- 10.07 Political bias continued to be a major issue in Zimbabwe. Amnesty International reported that political affiliation often dictated the treatment an individual received. (Annual Report, 7 August 2008) [14d] Bias in the distribution of food continued in 2008 with food distributions being run by the "... army, the Central Intelligence Organization, the police and district administrators. ... Those who were actually supporting the opposition were getting nothing because the CIO wanted to give ... grain directly to ... supporters ..." (Los Angeles Times, 26 September 2008) [66b]
- 10.08 Freedom House noted in Freedom in the World 2008, covering events in 2007, that:
- "Corruption is rampant throughout the country, including at the highest levels of government. Patronage is crucial to ZANU-PF's grip on power: the party owns a wide range of businesses, and party loyalists have been allocated many of the properties seized from white farmers. The collapse in public-service delivery has made corruption a ubiquitous part of dealing with local officials. Anticorruption prosecutions are almost exclusively motivated by political vendettas; the November 2007 arrest of Attorney General Sobusa Gula-Ndebele on corruption-related charges was tied directly to an ongoing power struggle within ZANU-PF. Reports of extensive corruption and nepotism have contributed to the stark decline in public and investor confidence in Zimbabwe's economy." [105a] (p4)
- 10.09 *The Zimbabwe Times* reported on 27 September 2008 that in Transparency International's latest publication, "Zimbabwe was ranked as the 14<sup>th</sup> most corrupt nation out of a total of 180 ... 'In the poorest countries, corruption levels can mean the difference between life and death, when money for hospitals or clean water is in play,' said Huguette Labelle, Chair of Transparency International." [155c]

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## SECURITY FORCES

- 11.01 The CIA World Fact Book (Zimbabwe), updated on 10 February 2009, notes that the main military branches are the "Zimbabwe Defense Forces (ZDF): Zimbabwe National Army (ZNA), Air Force of Zimbabwe (AFZ) and the Zimbabwe Republic Police." [136] In addition, Jane's Security Sentinel – Country Profile: Zimbabwe (Security and Foreign Forces, accessed 10 February 2009), reported that other security forces included the Central Intelligence Organisation and the Police Support Unit (PSU). The PSU is described as "...a de facto counter-insurgency and border patrol force..." The PSU is thought to number in excess of 2,000 full-time personnel..." [111m] (Security and Foreign Forces)
- 11.02 Jane's Sentinel Security Assessments – Southern Africa (Zimbabwe), updated on 8 October 2008, noted that:
- "The government has been accused by the MDC of politicising the security forces. ZANU-PF loyalists from the liberation war dominate the senior echelons of the Zimbabwe Defence Force (ZDF) and Central Intelligence Organisation (CIO) and have vested interests in perpetuating ZANU-PF's political dominance, if not Mugabe's own presidency. There are concerns whether hardliners among the security forces and among ruling party supporters would accept any regime change. In March 2008 the army threatened to overturn the constitutional order if President Robert Mugabe lost the election later in the month. Soldiers were being mobilised by Mugabe ahead of the run-off election between him and Morgan Tsvangirai the following June, from which the latter subsequently withdrew following escalating violence against Movement for Democratic Change (MDC) members." [111i] (Armed Forces)
- 11.03 The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its Political Violence Report – December 2008 that "... information and evidence that is in the possession of the Human Rights Forum, [regarding the high levels of political violence experienced in 2008] points to a situation of an organized and well-orchestrated plan of action and collusion between private individuals and state security institutions to annihilate the MDC party structures countrywide ..." [35i] (Overview)
- 11.04 The ZHRF report goes on to catalogue numerous instances of political violence perpetrated by all sections of the Zimbabwe security forces. The report states that "the systematic torture showed a strong association with officials of the State ... police, the CIO, and other officials – as well as an association with groups closely affiliated to the ZANU PF political party – 'war veterans, youth militia, ZANU PF youth ...' [35i] (Overview)
- The following link will take you to the ZHRF December 2008 Political Violence Report: [http://www.hrforumzim.com/frames/inside\\_frame\\_monthly.htm](http://www.hrforumzim.com/frames/inside_frame_monthly.htm)
- 11.05 Human Rights Watch reported on 22 January 2009 that since October 2008 "... more than 40 MDC members and human rights activists" have been abducted and held illegally. [69g] (p24) ZHRF report notes that most abductions were perpetrated by the security forces. [35i] *Pambazuka News* reported on 4 December 2008 that following the government's defeat at the elections, 'Operation Makavhotera Papi [where did you put your vote?]' saw "... war

veterans, soldiers, militia, intelligence operative and ruling party youths inflicting retribution on suspected supporters of the opposition in both rural and urban areas ...” The source noted the murder of a number of opposition supporters but did not specify who was believed to have been responsible. [146a] (p2)

See [Recent Developments](#), [Elections and power-sharing talks 2008](#) and [Latest news](#) for more information about politically motivated violence.

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## POLICE

- 11.06 Jane’s Sentinel Security Assessments – Southern Africa (Zimbabwe), accessed 10 February 2009, noted that: “The force [the Zimbabwe Republic Police] is an armed, quasi-military organisation, which is modelled more along the lines of a military gendarmerie rather than a civilian police force. It has approximately 22,000 full-time members and is deployed throughout the country. Its presence is most evident in cities and towns, but thinly spread in rural areas.” [111c] (Zimbabwe Republic Police) Jane’s also noted that the Police Support Unit often provides guard duty at the frontier, as it aims to combat poachers and smugglers; and that it is also always on the lookout for signs of insurgent dissident activity. [111c] (Border Guards)
- 11.07 The Economist Intelligence Unit’s Zimbabwe Country Profile 2007, noted that the police have become “...a highly politicised body in recent years, have shown a high degree of loyalty to the president, Robert Mugabe, throughout the current political and economic crisis. To date they have swiftly put down protests with considerable ruthlessness.” The report went on to emphasise that “One of the main problems in recent years has been the emasculation of the police force, which is no longer seen as an unbiased enforcer of the law but as a body that supports the government, even in unlawful actions.” [24e] (p18-19)
- 11.08 Human Rights Watch reported that it had “... interviewed serving police officers who spoke of a national level policy to not pursue ZANU-PF militia and other allies of ZANU-PF implicated in political violence.” The report went on to note the following:  
  
“A detective inspector in the Law and Order Section (Criminal Investigation Division) based in Harare explained to Human Rights Watch the approach of the police in ‘political’ matters: You do not deal with a political or politically sensitive case without first getting clearance from your superior on duty, and usually these superiors are members or active supporters of ZANU-PF who decide the matter and give directions based on their political affiliation. In fact, it is classified as misconduct for a junior police officer to deal with a political matter without consulting a superior. For instance, you cannot just extract information from a witness in matters involving MDC without clearance and directives from your superior.” (HRW: Our Hands Are Tied, 8 November 2008) [69f] (p25-26)
- 11.09 ZimOnline reported on 20 July 2007 that there was evidence that even relatively senior police officers were unable to act independently without fear of sanction from ruling party supporters. The report noted that: “Six senior police officers in Masvingo town are facing demotion after they set free several

opposition Movement for Democratic Change (MDC) party activists who were arrested during a government crackdown last march.” The officers were demoted from the rank of superintendent to inspector after being “... found guilty of releasing suspects especially members of the opposition in March this year without following proper procedures...” [49cs]

- 11.10 Human Rights Watch reported on 12 August 2008 that the police were generally partisan. Abuses committed by government supporting forces such as the ‘War veterans’, ZANU-PF Youth, army and the CIO, took place “...with almost total impunity. Serious crimes are committed without investigation, prosecution or legal redress or compensation for the victims. Police have taken little or no substantial action to investigate the abuses... ... To Human Rights Watch’s knowledge no alleged perpetrators have been questioned or arrested despite victims and witnesses naming them as the abusers. Instead, the police have embarked on a witch-hunt of elected MDC MPs with at least 12 facing what Human Rights Watch believes to be politically motivated criminal charges.” [69a] (p2)
- 11.11 BBC News reported on 21 March 2008, that: “Five police officers based in Masvingo, southern Zimbabwe, are serving a 14-day prison term after being convicted of breaching the Police Act. They were accused of supporting the opposition Movement for Democratic Change (MDC) led by Morgan Tsvangirai. The Police Act bars officers from actively participating in politics... But critics say the law has been applied selectively, with supporters of the ruling Zanu-PF going unpunished ahead of the 29 March election. Police chief Augustine Chihuri has publicly stated that he will not allow ‘puppets’ to take power in Zimbabwe - widely seen as a reference to the MDC.” [3bj]
- 11.12 Human Rights Watch went on to note that:
- “Between March 29 and June 27, 2008, the police brought criminal charges against up to 20 newly elected MDC MPs and senators. Some are in detention, some have been released with charges pending, and others are in hiding, wanted by the police. Human Rights Watch believes that many of the charges are politically motivated, and designed to instil fear in the minds of the MPs and prevent them from taking their seats in the House of Assembly and Senate.” [69a] (p9)
- 11.13 The Zimbabwe Standard reported on 24 January 2009 that concerns about increasing corruption within the police force appeared to be confirmed by the growing number of roadblocks on the country’s major roads. The police claimed that the roadblocks are in place to enforce safety on the roads but motorist groups claimed that the roadblocks were simply there to generate revenue for corrupt officers. The report stated that police demand bribes of US\$5 per commuter bus, and commercial vehicles are asked for bribes of between 20 – 40 South African rand per trip. Some road hauliers complained of encountering up to four roadblocks on one road. [20a]

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## Arbitrary arrest and detention

- 11.14 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that: "The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons." [2m] (Section 1c) The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its *Political Violence Report – December 2008* that between 1 January 2008 and 31 December 2008 there were 922 reports of unlawful arrest and detention. [35l] (p3)
- 11.15 A recent example of the police arbitrarily arresting and detaining people was provided by *The Guardian* which reported that police were involved in the recent spate of abductions of high profile human rights activists. Jestina Mukoko, head of the Zimbabwe Peace Project, "... was taken from her home by armed men on 3 December. Five days later, Police Chief Superintendent T Nzombe wrote to the national NGO coalition saying Mukoko was not in police custody and that the state regarded her disappearance as 'kidnapping'. But Mukoko and eight others were suddenly brought to court on Christmas Eve, when it was revealed that they had been in police custody all along." [34d]
- 11.16 *The Daily Telegraph* reported on 5 June 2008 that British and US diplomats had been stopped at a police roadblock north of Harare. The police were reported to have been working with a group of War Veterans. After the convoy of three cars had been forced off the road, the diplomats were told to get out of their cars and were threatened with being burnt to death in their cars if they failed to comply. One member of the US Embassy staff was beaten up and a group of "... American staff were detained for more than six hours." [5b]

For information on politically motivated violence see section 7: Recent developments, subsection [Political violence](#), and [Latest news](#)

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## Torture

- 11.17 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that: "Police ... frequently used ... cruel, inhuman, or degrading treatment or punishment." And "Security forces [including the police] routinely tortured citizens while in custody." [2m] (Section 1c) The Zimbabwe Human Rights NGO Forum (ZHRF) reported on 9 August 2008 that during the height of the backlash against those who voted for the MDC, over 30 per cent of reports of violence were attributed to the police. [35n] (p11)
- 11.18 The Human Rights Watch World Report 2009 (Zimbabwe), dated 14 January 2009, noted that "The police are responsible for widespread violations, including harassment, threats, and violence against opposition supporters and human rights activists, as well as torture and other mistreatment. Police have routinely refused to take action against ZANU-PF supporters and militia implicated in political violence." [69c] Human Rights Watch reported on 22 January 2009 that: "ZANU-PF controlled police units continue to violently break up peaceful protests, and routinely arrest and harass MDC activists." [69g] (p3)

- 11.19 Amnesty International's 2008 Zimbabwe report noted that: "Reports of people being tortured in police custody persisted throughout the year. Many torture victims had been arrested after engaging in peaceful protest or were MDC members accused by police of involvement in alleged terrorism attacks and bombings." [14d] (p3)
- 11.20 The USSD 2007 report went on to note that the police were heavily implicated in the 11 March 2007 torture of opposition and civil society leaders. Police officers were among security forces accused of being involved in the severe beating of opposition leaders that resulted in some of them having to be hospitalised. Morgan Tsvangirai was beaten unconscious and suffered a fractured skull and internal bleeding. "Police denied the victims access to legal counsel and medical attention for several days. On March 13, police released all those arrested without charge. No action was taken against the perpetrators." [2m] (section 1c)
- 11.21 On 27 December 2008, *The Guardian* reported that lawyers, representing leading Zimbabwean human rights activists who were abducted during the latter half of 2008, accused the police of using torture "... to extract false confessions of a plot against President Robert Mugabe." The article reported that "...Jestina Mukoko, one of the country's most prominent activists" and eight other activists had been held incommunicado despite a judge having ordered that they should be moved to hospital and examined by doctors for signs of torture. [34d]
- 11.22 The ZHRF noted in its December 2007 report that: "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 Zimbabwe in 2006 and 586 in 2007." [35z] (p23) The ZHRF reported that during 2008 it recorded 723 incidents of torture. [35l]

See [Recent Developments](#), [Electoral History](#) and [Latest news](#) for more information about politically motivated violence.

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### Extra-judicial killings

- 11.23 Human Rights Watch noted in a report entitled 'Bashing Dissent' published in May 2007, that "Since March 11, several incidents have occurred in which Zimbabwean security forces have used disproportionate and lethal force against unarmed demonstrators and other activists. A recent report by the Zimbabwe Lawyers for Human Rights and the Zimbabwe Association of Doctors for Human Rights noted that Itai Manyeruke, "... died a few days after the 11 March [2007] disturbances, from confirmed beatings and torture." The Zimbabwean police were reported to have been responsible for the killing. In addition, the report also noted that "there were six recorded and documented cases of police targeting specific individuals and firing directly at them." While injuries were sustained, no fatalities were reported as a result of the shootings. [52] (p.10)
- 11.24 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in February 2008, reported that: "On several occasions police have used tear gas to disperse demonstrations, beaten protestors with batons and rifle butts

and even fired on peaceful protestors. In 2007 MDC member Gift Tandare was killed when police opened fire on unarmed demonstrators during clashes with the police in the immediate aftermath of the March 11 prayer meeting. The following day, police opened fire on mourners at Tandare's funeral and two MDC supporters were seriously injured. On April 7, 2007, armed police reportedly stormed the home of opposition member Philip Katsande and shot him three times in the arms and chest... After the shootings, Philip Alston, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, called on the government to immediately halt the use of lethal force against unarmed political activists. So far, the police have not investigated any of the shootings." [69k]

- 11.25 Human Rights Watch reported on 8 November 2008 that even where the police were not implicated in the extrajudicial killing of opposition supporters, they were guilty of failing to make even rudimentary investigations where murders were believed to have been perpetrated by ZANU-PF supporters. (HRW: Our Hands Are Tied, 8 November 2008) [69l] (p26-27)

For information on politically motivated violence see section 7: Recent developments, subsection [Political violence](#), and [Latest news](#)

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## ARMED FORCES

- 11.26 Jane's Security Sentinel – Country Profile: Zimbabwe (Army, updated 7 January 2008), noted that:

"The Zimbabwe National Army (ZNA) is formally committed to reducing the number of serving personnel to 25,000, although the authorised strength will remain at 42,000... The Army has already redistributed members of 6th Brigade, an infantry formation that was never properly constituted. A brigade headquarters and six battalions have so far been disbanded. The last phase of the reorganisation will see three more battalions disbanded, resulting in five brigade headquarters, all with two attached battalions, and support units such as engineers available to them on request. The intention is to reduce the Parachute Group, the Commando Group and the Presidential Guards into regimental-size formations, although it is understood that the Presidential Guard will probably ultimately consist of a two-battalion strength formation." [111f]

- 11.27 The Economist Intelligence Unit, Zimbabwe Country Profile 2008, noted that:

"Since early 2005 a worrying trend within Zimbabwe has been Robert Mugabe's increasing use of the military in virtually all areas of government. In addition, many important state-owned corporations are headed by retired military officers. Although this has helped to shore up and maintain the president's authority, it has led to other problems. In particular, although Mr Mugabe believes that he can rely on the military to be loyal to him, the increased militarization of government is promoting divisions within ZANU-PF that will be difficult to heal in the long run. In addition, although senior army commanders may be loyal to Mr Mugabe, the rank and file are becoming restive and fed up with inadequate pay and living standards, and an increasing number are leaving." [24n] (p5)

- 11.28 Jane's also noted that: "Too many senior Zimbabwe officers have been promoted without the normal practice of having to pass exams. There is a clear difference between middle management and the upper ranks of the ZNA. In the main, it is only the middle ranks who have been promoted on merit and results. Prior to this, party connections and loyalty to the regime rather than job-related proficiency were used to assess the career prospects of higher ranking officers. For example, the ZDF found during the Congo deployment that it had to turn to former Rhodesian personnel to fine-tune the 'Fireforce' concept, maintain some key technical equipment and provide personnel to interpret intelligence collected during the campaign. " (Jane's Security Sentinel – Country Profile: Zimbabwe) [111f] (p83)
- 11.29 ZimOnline reported on 9 March 2007 that while the government was reportedly recruiting new soldiers, it was also report to be purging officers suspected of sympathising with the opposition. "Zimbabwe's national intelligence agency on Monday began deploying its secret agents within the army and police to purge officers suspected of backing opposition plans to revolt against the government..." [49bw]

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### Arbitrary arrest and detention

- 11.30 11.15 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that: "The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons." [2m] (Section 1c) The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its *Political Violence Report – December 2008* that between 1 January 2008 and 31 December 2008 there were 922 reports of unlawful arrest and detention. [35j] (p3)

### Torture

- 11.31 The Zimbabwe Human Rights NGO Forum (ZHRF) reported on 9 August 2009 that during the height of the backlash against those who voted for the MDC, around 20 per cent of reports of violence were attributed to the army. [35n] (p11)
- 11.32 A range of sources noted that the army was involved in widespread human rights violations, including harassment, threats, and violence against opposition supporters and human rights activists, as well as torture and other mistreatment. (Zimbabwe Human Rights NGO Forum, 18 December 2008) [35j] (Zimbabwe Human Rights NGO Forum, 13 February 2009) [35j] (Human Rights Watch, 29 January 2009) [69c] (Human Rights Watch, 22 January 2009) [69g] (Pambazuka News, 4 December 2008) [146a]

See [Recent Developments](#) and [Elections and power-sharing talks 2008](#) for more information about politically motivated violence.

- 11.33 On 27 June 2006, ZimOnline, noting a report by the Zimbabwe Human Rights Forum [ZHRF], reported that the "...court records and official documents

indicate that there is widespread use of violence and torture by President Robert Mugabe's state security agents. ... The army's methods of dealing with the public are often very brutal." Court records showed that "They are sued more for torture and grievous bodily harm than any other group..." [49a]

- 11.34 ZimOnline noted on 6 May 2006 that the army routinely committed torture against perceived opposition supporters. "Detailing one case of gross human rights abuse which it described as 'unprecedented' the Forum said a group of Zimbabwe National Army soldiers and Zimbabwe Revenue Authority officials in March raided a hotel in the eastern border city of Mutare and heavily assaulted and tortured workers at the hotel after accusing them of hoarding sugar and maize-meal. "The employees were forced to 'stand on their heads' and to do press-ups on their knuckles while the security agents continued to assault them. One of the victims John Saungweme, who is elderly, fainted during the ordeal..." [49am]

For information on politically motivated violence see section 7: Recent developments, subsection [Political violence](#), and [Latest news](#)

### Extra-judicial killings

- 11.35 SW Radio Africa reported on 5 November 2007 that MDC activist, Clemence Takaendesa, was shot dead in KweKwe on 31 October 2007. Mr Takaendesa was killed while on a fishing trip with friends on the estate of retired army Brigadier Benjamin Mabenga. Taurai Chigede, the brother of Mr Takaendesa, was seriously injured during the attack and was transferred to the Avenue's Clinic intensive care unit. It was unclear whether the killing was politically motivated or simply a response to poaching/trespass. [138ac] However, it was noted that while Brigadier Mabenga was arrested and charged with the shooting (The Herald, 2 November 2007) [23e] he "... has a history of violence and causing mayhem in the Midlands town" of KweKwe where he has been a suspect in a number of murder cases involving MDC activists. Brigadier Mabenga appears to have been able to operate with complete impunity and has not been required to face charges in court. "He has also received a presidential pardon for a number of high profile arson attacks on the homes of MDC activists..." and is believed to have the protection of former CIO head Emmerson Mnangagwa. [138ac]
- 11.36 The same source noted on 7 November 2007 that a post-mortem carried out by police in Bulawayo revealed that the body showed signs of physical beating which may have taken place after the shooting. [138ad]

For information on politically motivated violence see section 7: Recent developments, subsection [Political violence](#), and [Latest news](#)

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### CENTRAL INTELLIGENCE ORGANISATION

- 11.37 Jane's Sentinel Security Assessments – Southern Africa (Zimbabwe), accessed 10 February 2009, noted that the Central Intelligence Organisation (CIO):

“... was formed by the Rhodesian authorities in the late 1960s as the country's main civilian intelligence agency. It was later taken over by the Zimbabwe government, ideologically re-oriented and placed under the Ministry of National Security in order to adopt a protective role for the new regime. Political direction between 1980 and 1988 came from Emerson Mnangagwa, a leading ZANU-PF personality and one of the first ZANLA cadres from the Liberation War. Mnangagwa was replaced by former ZANLA doctor Sidney Sekeramayi, who served until August 2000, when he was replaced by former diplomat Nicholas Goche.

“The CIO was used by ZANU-PF after independence largely for accumulating financial data on the country's wealthier citizens, acting as guardians of party loyalty and, surprisingly, did remarkably well at breaking-up sabotage and other attempts directed at the South African ANC and other groups in exile in Zimbabwe.

“Since 2000, the CIO has been used to spearhead the ZANU-PF political-economic programme, including farm occupations and the suppression of opposition politicians and media. Nevertheless, the CIO has not been immune to the wider crisis of Zimbabwe's economy. In September 2001 it was reported that more than 500 members of the CIO were set to leave over poor working conditions. Subsequently, it was reported that major salary increases had been granted to CIO members to appease them. Libyan intelligence officers were also reported to have been sent to Zimbabwe to improve Mugabe's security and intelligence system and technology supply agreements were reported to have been made with China.

“In April 2003, Brigadier-General (retd.) Happyton Bonyongwe was appointed by Goche as Director-General of the CIO. Maynard Muzariri was appointed as his deputy.” [111m] (Security and Foreign Forces)

- 11.38 “The CIO has taken over immigration security at Harare International Airport in its search of dissidents (mostly MDC activists), especially on flights to the UK and US. It justifies this activity within the remit of co-operation in the international fight against terrorism.” (Jane's Security Sentinel – Country Profile: Zimbabwe, accessed 10 February 2009) [111m] (Security and Foreign Forces) Apparent confirmation that the CIO has taken on immigration duties at the country's airports was provided by *The Mail on Sunday (online)* which noted on 26 October 2007, that the “... airports are filled with ... Central Intelligence Organisation officers.” [94]

See also [Treatment of returned failed asylum seekers](#) below

- 11.39 On the subject of security at Harare Airport, Peta Thornycroft, writing in *The Telegraph* on 22 May 2006, noted that the details of every person passing through immigration is fed into a “...central system as part of Zimbabwe's paranoia to detect undesirables, like journalists, or trade unionists.” [5c] (p1) However, in a radio discussion on 16 January 2007, she questioned the effectiveness of security processes at Harare Airport stating that “... I don't know whether the Zimbabweans can get that sort of thing up and going efficiently [referring to South African Apartheid era entry/exit security processes] because they're not terribly efficient at the airports, despite their electronic scanning.” (NewZimbabwe.com, 17 January 2007) [41d]

- 11.40 Dr Diana Jeater, Principal Lecturer in African History at the University of the West of England, noted in a briefing paper that: "The CIO and police have always been very efficient at being able to identify and locate people within Zimbabwe. ... There is good evidence that the CIO keeps lists of people who are suspected of sympathy with opposition positions. ... Evidence gathered by human rights groups confirms that the information in these lists covers a wide range of citizens, and is often based on information extracted by torture." (Zimbabwe seminar at SOAS 30 March 2007, paragraphs 3.3.2 and 4.5) [58] A recent article noted that CIO operatives in the UK were using the threat of being included in a "hit list" if MDC supporters in the UK did not refrain from supporting and funding raising for the opposition party. (The Zimbabwe Guardian, 28 June 2008) [150b]
- 11.41 CVNI.com noted that "Over the last couple of years, the CIO has been widening its scope of operations. The agency now works actively with the ZANU–PF youth organisation; which is part of the state funded training programme of the Ministry of Youth Affairs. They are trained in a network of 'youth camps' across the country and in a short time have become a paramilitary extension of the CIO." [88] (p2)
- 11.42 A range of sources noted that the CIO was involved in widespread human rights violations, including harassment, threats, and violence against opposition supporters and human rights activists, as well as torture and other mistreatment. (Zimbabwe Human Rights NGO Forum, 18 December 2008) [35j] (Zimbabwe Human Rights NGO Forum, 13 February 2009) [35i] (Human Rights Watch, 29 January 2009) [69c] (Human Rights Watch, 22 January 2009) [69g] The Zimbabwe Human Rights NGO Forum noted that during the latter half of 2008, "... the CIO embarked on an orgy of abductions and torture of civic society leaders ... and opposition party members ..." [35i] (Overview) (Pambazuka News, 4 December 2008) [146a]
- See [Recent Developments](#), [Elections and power-sharing talks 2008](#) and [Latest news](#) and for more information about politically motivated violence.
- 11.43 *The Los Angeles Times* reported on 26 September 2008 that the distribution of government food was partly controlled by the Central Intelligence Organization who ensured that opposition supporters were prevented from receiving food aid. [66b]
- 11.44 ZimOnline reported on 14 May 2007 that the recent crackdown on the opposition has led to the deployment of CIO "... agents in the southern parts of Zimbabwe, a stronghold of the MDC, to harass and disrupt the opposition ahead of the elections [scheduled for 2008]. ... Villagers who spoke to ZimOnline in Matobo district, some 68km south of the second city of Bulawayo, confirmed that state agents had been deployed in the area saying traditional leaders in the area had been asked to compile names of all known opposition supporters in the area." [49bq] SW Radio Africa reported on 26 March 2007 that the ruling party was in the process of setting up "militia camps" in a number of places across Matabeleland in preparation for next years presidential and parliamentary elections. "MDC MP for Nkayi in Matabeleland South, Abednico Bhebhe, claimed that the militias were deployed with specific instructions to flush out MDC activist from opposition strongholds." [138p]

- 11.45 The USSD 2007 noted that: "CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work." [2] (Section 2a)
- 11.46 *The Independent* reported on 13 March 2007, that "The CIO has been ruthlessly effective at sowing confusion and mistrust in the opposition camp and credited with forcing a damaging split in the main party." [4h]
- 11.47 Human Rights Watch noted in a report published in May 2007, that a civil society activist who had previously been arrested and beaten at Harare police station that "We always know there are CIO and youth militia at the police stations. They are the ones who don't wear police uniforms. The CIO officers sometimes introduce themselves as coming from the office of the president. They are usually the most brutal ones." [69d] (p22-24)
- 11.48 With regard to Government tactics against the opposition, *The Guardian* reported on 31 March 2007 that Tendai Biti, the MDC secretary general, suggested that the government had moved further away from using uniformed agents such as the police to enforce its will and was instead relying more upon the CIO, War Veterans, and ZANU-PF youth in deploying its "terror tactics". "The vigilante violence is increasing because the abuse of formal repressive units like the police is problematic. If you use a policeman people see it. We aren't breaking the law so they can't prosecute us. These vigilante abductions are a demonstration that they are running out of options." Such tactics were reportedly being used increasingly against the MDC's local leadership in an attempt to stop them organising at grass roots level. [34k]
- 11.49 Regarding the range and scope of CIO activities, a number of news reports over the past couple of years have suggested that the security service has set up surveillance missions to monitor opposition activities in neighbouring countries, and even possibly infiltrating opposition groups in the United Kingdom. A report broadcast by SW Radio Africa (Zimbabwe news) in July 2005 stated that: "There is mounting concern that a significant number of state security agents from Zimbabwe are infiltrating groups in the UK under the pretext of helping asylum seekers or even claiming asylum themselves. Several meetings have been disrupted by rowdy elements who claim to be genuine activists. The growing fear is that Mugabe is sending spies into the UK who will be collecting information on activists in the country..." [89a] The Institute for War and Peace Reporting noted on the 23 June 2006, that Mugabe had CIO operatives working in Britain. [77r] ZimOnline reported on 16 April 2007 that an intelligence source claimed that CIO operatives had in the past "...been assigned special surveillance missions on opposition leaders when they visit neighbouring countries." [49br]
- 11.50 *The Independent* (UK) reported on 28 June 2008 that "British security sources" confirmed that Zimbabwe's Central Intelligence Organisation (CIO) was operating in the UK and was "...waging a highly organised campaign to terrify the 4,000 MDC members living in the UK." The aim of the CIO's operations in the UK is believed to be based on preventing or reducing the amount of funds raised for the MDC's campaign. It was reported that UK

members of the MDC were sending between £5,000 and £10,000 a month for the election campaign. "With inflation in Zimbabwe running at three million per cent, hard cash is vital to buy campaign essentials such as fuel and printing supplies." The article noted that CIO operatives were using a variety of methods to intimidate MDC supporters in the UK, these included: "Filming of demonstrations outside the Zimbabwean embassy in London, followed by telephone calls to activists, warning that their details have been passed to the government in Harare, or that their families will face punitive sanctions... Disruption of dissident MDC meetings... and photographing members..." It was also noted that the CIO had intercepted "...information passed from the MDC's London office to its headquarters in Harare, leading to the..." arrest of "dissidents hiding at the MDC HQ and churches in Harare..." [4m]

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## OTHER GOVERNMENT FORCES

### ZANU-PF YOUTH

- 11.51 A number of respected sources, including Amnesty International and Human Rights Watch, noted that 'youth militias' were involved in higher than average levels of violence since the March 2008 elections. ZANU-PF Youth Militia have been implicated in the torture and killing of opposition supporters with 163 people reported to have been murdered between 29 March and 12 August 2008. Following the presidential run-off on 27 June, there continued to be reports that youth militia members terrorised villagers in rural areas, with particular emphasis being placed on traditional ZANU-PF voting areas such as Mashonaland (east west and central) where the party did not gain the number of votes expected. (Human Rights Watch, 12 August 2008) [69a] (Zimbabwe Human Rights NGO Forum, 5 May 2008) [35g] (Amnesty International, 25 July 2008) [14f] The previously mentioned sources and the following sources provide details of some individual attacks by youth militia gangs. (Human Rights Watch, "Bullets for each of you", 9 June 2006) [69e] (FCO Blog, 11 March – 1 August 2008) [13n] (Kubatana, Operation Mavhoterapi) [55a] (Harare Tribune, 5 August 2008) [154b]
- 11.52 *The Harare Tribune* reported on 5 August 2008 that the Youth Militia had operated 55 "torture camps" across the country. It was reported that these had been used during and after the elections to torture and rape MDC activists. A list of the bases still operating was published which included locations and the names of Base Commanders. [154b]
- 11.53 Jane's Sentinel Security Assessments noted that:
- "The National Youth Service programme was established in 2001 and is ostensibly a post-school ideological and vocational training scheme for those who are seeking to enter further education or government service. While initial proposals were for a compulsory programme for all Zimbabwean youth, experience over the first four years demonstrated capacity at five residential camps for just 6,000 youths per year, or about 2 per cent of each age group.

"Critics of the scheme say that the training camps are effectively ZANU-PF indoctrination facilities aiming to brutalise and co-opt a new generation of supporters for the ruling party and its third phase of the "liberation struggle", replacing ZANLA veterans lost to age and HIV/AIDS. It is alleged that cadres, nicknamed "Green Bombers" or ZANU-PF Youth Militia, are trained in torture and intimidation techniques before being unleashed back into the community to inform on and combat opposition activists. Female cadres have complained that rape is used as a standard method of breaking in new recruits. Training is certainly paramilitary in style, with uniforms and weapons handling." (Jane's Security Sentinel – Country Profile: Zimbabwe, accessed 10 February 2009) [111m] (Security and Foreign Forces)

11.54 Jane's Sentinel Security Assessments also noted that:

"Late in 2000, it was announced that a return to conscription was envisaged. Lack of resources modified this plan, the responsibility for organising it being transferred to the Ministry of Youth, Development and Job Creation. In August 2001 a national service intake was introduced for the first time since majority rule in 1980.

"As presently construed, national service ostensibly serves as a political introduction for employment in government service, be it the civil service or a military career. However, there is a heavy paramilitary element to the service and critics say that it aims to produce a political-military reserve force to back up or replace the ZANLA war veterans as they die out. An estimated 6,000 young Zimbabweans undergo training in the residential youth camps every year. However, the dire economic circumstances currently facing the government make it unlikely that the youth service is adequately funded or operating at full capacity.

"The mission of the National Youth Service is to 'transform and empower youths for nation building through life skills training and leadership development'. However, members of the service are thought to be taught using ZANU-PF speeches and campaign material and have been condemned by the West and Africa for carrying out gross human rights violations on behalf of the party." (Jane's Sentinel Security Assessment – Zimbabwe, accessed 10 February 2009) [111j] (Armed Forces)

11.55 The US State Department Report on Human Rights Practices 2007 (USSD 2006), published on 11 March 2008, stated that:

"There were reports that the government removed from the civil service and the military persons perceived to be opposition supporters. Additionally, the government deployed soldiers and youth service training center graduates to help enforce the price control program launched in June. There also were reports that the government assigned soldiers and youth service members to work in government ministries." [2m] (Section 3)

11.56 The USSD 2007 report also noted that:

"The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instil national pride in youth, highlight the history of the struggle for independence,

and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence.” [2m] (Section 5)

For information on politically motivated violence see section 7: Recent developments, subsection [Political violence](#), and [Latest news](#)

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### Compulsory or voluntary service?

- 11.57 The *Financial Gazette* reported on 6 June 2002, that the Government had stated that the NYS would be compulsory for those who sought to enter tertiary training and, as of February 2002, enter college or university. [37h] The Solidarity Peace Trust noted on 5 September 2003 that Samuel Mumbengegwi, the Minister for Higher Education and Technology, further announced that no student would be given their O or A level certificates until they had completed six months of NYS. Tertiary education centres were told in November 2002 not to send letters of admission to ordinary applicants until the institution had received a list of militia, who would be given priority. The Minister admitted that this would result in many tertiary places remaining unfilled as students went through the militia training before going to tertiary institutions. NYS was already a prerequisite for entry into the civil service, including teaching and nursing. [65a]
- 11.58 However, the report found that claims about compulsory service were not accurate. The number of NYS places was estimated at 20,000 per year and therefore not all of the 300,000 school leavers could be allocated a place. The Solidarity Peace Trust asserted that the scheme was designed to favour those prepared to go through the indoctrination, and excluded non-ZANU-PF children and families from all chances of progressing to tertiary education. (The Solidarity Peace Trust, 5 September 2003) [65a]

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### Recruitment

- 11.59 The Solidarity Peace Trust report also stated that many of the youths joined the militia voluntarily. Some came from families who were “staunch ZANU-PF supporters”. The Trust maintained that others joined because of the skills that were supposedly taught during training. With limited prospects and the economy in decline many may have joined, as it was the only avenue for progression in the fields of employment and education. But it appeared that a sizeable number were coerced into joining the militia. Of those who were coerced, some were kidnapped into the service, whilst others were told that their families would suffer consequences if they did not. [65a]
- 11.60 ZimOnline reported on 14 June 2005 that “well placed sources” had told ZimOnline that the Zimbabwean Government was planning to press gang street children into joining the government youth militia. The article noted that “Mugabe and his cabinet approved the plan in March (2005) but it could not

take off because there was no money for the unbudgeted conscription programme, the sources said". ZimOnline reported that two government ministers had confirmed that the plans to draft street children were still on the cards. [49f]

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### Treatment of recruits in the NYS scheme

- 11.61 The Solidarity Peace Trust also noted that the camps at district and village level appeared to have suffered from a lack of resources. Defecting militia stated that they were sent home to eat, then ordered to return after one hour. Examples of gross cruelty were reported at these smaller camps. [65a] Severe beatings were reported to be a standard punishment for militia members who attempted to escape or were captured. (Mail and Guardian, 5 April 2007) [6m]
- 11.62 The Solidarity Peace Trust noted that female militia have been raped on a systematic scale in some camps, with reports that male militias would come into the female dormitories and take turns in raping various women. Often the women were told not to report this to the camp leaders, as to do so would indicate their support for the opposition MDC, and could result in their punishment. Camp instructors have been implicated in these rapes. As a result, militias may be infected with HIV/AIDS and other sexually transmitted infections. Although the Government has not explicitly acknowledged this problem, in June 2003 the first all girls training camp was established in Manicaland. It is not known if all the staff are female too. [65a] *The Mail and Guardian Online* noted on 5 April 2007 that a former member of the ZANU-PF youth service claimed that female volunteers were routinely raped and used as "sex slaves" by instructors. [6m]
- 11.63 The Solidarity Peace Trust also noted that whilst certain militia are satisfied with the training they received, others fled the camps, and some left Zimbabwe, in order to escape. Some were reported to suffer from psychological conditions as a result of what they had seen and what they had done. [65a]

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### Abuses by the youth militia

- 11.64 In collaboration with the 'War Veterans' and the security forces, ZANU-PF Youth Militia participated in numerous attacks on opposition supporters and those suspected of sympathising with the opposition. 'War Veterans' were implicated in the torture and killing of opposition supporters with 163 people reported to have been murdered between 29 March and 12 August 2008. Even after the presidential run-off on 27 June and the start of power sharing talks between ZANU-PF and the two factions of the MDC, there continued to be reports that Youth Militia was involved in violent attacks against opposition supporters. (Human Rights Watch, 12 August 2008) [69a] (Zimbabwe Human Rights NGO Forum, 5 May 2008) [35g] (Amnesty International, 25 July 2008) [14f]

- 11.65 The Zimbabwe Human Rights NGO Forum (ZHRF) reported on 9 August 2008 that during the height of the backlash (May to July 2008) against those who voted for the MDC, over 30 per cent of reports of violence were attributed to the ZANU-PF Youth. [35n] (p11) Human Rights Watch recorded a number of examples of the Youth Militia being implicated in violence, torture, and murder of MDC supporters and activists. It records that Youth Militia members were involved in an attack "... on Chaona village in Mashonaland Central province on May 5 that left six men dead ..." (HRW: Our Hands Are Tied, 8 November 2008) [69j] (p27-28) Further examples were also recorded by a range of other sources (Zimbabwe Human Rights NGO Forum, 18 December 2008) [35j] (Human Rights Watch, 29 January 2009) [69c] (Human Rights Watch, 22 January 2009) [69g] (Pambazuka News, 4 December 2008) [146a]
- 11.66 Freedom House in *Freedom in the World 2008, Zimbabwe*, covering events in 2007, noted that ZANU-PF youth militias were politically partisan and had used rape and other forms of abuse and torture as a weapon against the opposition. [105a] (p1-6)
- 11.67 The Solidarity Peace Trust report stated that since January 2002 the youth militia had become one of the most commonly reported "perpetrators of human rights violations". It added that the militia were a tool used by the ruling ZANU-PF and had been given impunity and implicit powers to mount roadblocks, disrupt rallies and intimidate voters. There have also been documented reports of youth militia being involved in influencing the distribution of food aid through the GMB, of restricting access to health care and of destroying independent newspapers. [65a]
- 11.68 The USSD 2007 report noted that: "Government supporters, including youth militia and war veterans trained by ZANU-PF, were deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the government." [1] (Section 2c) *Behind the Mask* reported a statement by the Amani Trust that noted that youth militia members were reported to have been responsible for cases of rape with victims often "... being forced to have sexual intercourse with other victims, either heterosexual or homosexual, with the perpetrators supervising the act. The result of this in each case documented has been a victim with a severe genital infection, with marked psychological trauma. The long-term consequence will be men and women unable to function within their marriage, or within their communities. The long-term consequences to each of these victims, both partners in the forced sexual act, is life threatening, to both them, their spouse and their future children with the very real risk of the victims contracting HIV."
- Although the report noted that most victims of rape are women, particularly from rural areas, the statement concludes "In Zimbabwe, it is disturbing in the extreme that sexual torture is now not used merely against women, but targets men equally." [92d]
- 11.69 The Solidarity Peace Trust reported on 5 September 2003 that youth militia had also been implicated in denial of access to health care on politically partisan grounds. [65a] (p11)
- 11.70 ZimOnline reported on 30 March 2007 that "Zimbabwe's ruling ZANU-PF party political commissar Eliot Manyika has called on party youths and war veterans

to prepare for a campaign of violence against the opposition, which he said had to be 'silenced at all costs.'" [49bx] SW Radio Africa reported on 11 April 2007 that the widow of Gift Tandare, the opposition activist who was shot by police on 11 March 2007, was threatened with torture and rape by ZANU-PF youth who ordered her "... to provide the names of members of the National Constitutional Assembly (NCA) who attended the funeral of the slain activist..." [138q]

- 11.71 Following the events of 11 March 2007, Human Rights Watch reported that individuals suspected of being "youth militia" abducted a WOZA activist and a family member. The two women claimed that they were abducted by the youth militia members and were blindfolded and driven away before being severely beaten. "Civil society activists and opposition supporters allege that CIO agents and 'youth militia' are often present at police stations around the country and are routinely involved in the beatings of activists in custody." [69d] (p23-24)

See [Recent Developments](#), [Elections and power-sharing talks 2008](#) and [Latest news](#) for more information about politically motivated violence.

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## Impunity

- 11.72 Human Rights Watch reported on 12 August 2008 that the youth militia along with 'War Veterans', police and other security services generally did not face sanctions for their actions. The report noted: "Abuses continue to take place with almost total impunity. Serious crimes are committed without investigation, prosecution or legal redress or compensation for the victims." [69a] (p2)

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## WAR VETERANS

- 11.73 Jane's Sentinel Security Assessment reported that: "The Zimbabwe National Liberation War Veterans' Association (ZNLWA) emerged as a major pro-government pressure group in the 1990s, leading the occupation of white-owned farms in early 2000 and forming pro-ZANU-PF militias to attack MDC supporters during the 2000 election campaign." The war veterans were reported to number around 55,000. (Jane's Sentinel Security Assessment – Internal Affairs, updated 20 June 2008) [111f] "Larger in number than the military and with less to lose, the 'veterans' movement is arguably beyond the control of its political patrons in ZANU-PF. ...the National Liberation War Veterans' Association has become more militant since 2003 and staunchly opposes the MDC." (Jane's Sentinel Security Assessment – Executive Summary, updated 17 April 2008) [111h] A report published by A P Reeler entitled, *The role of militia groups in Maintaining Zanu PF's political power*, dated March 2003, notes that the use of the militia has been a cornerstone of the campaign by Robert Mugabe and ZANU-PF to maintain political power. [87] (p3)
- 11.74 Jane's Sentinel Security Assessments noted that 'war veterans' are "... included in the reserve force and receive a gratuity (increasingly sporadically)

from the Ministry of Defence for being technically available for duty." (Jane's Sentinel Security Assessment – Zimbabwe, accessed 10 February 2009) [111i] **(Armed Forces)** Indicating the continuing influence of the War Veterans over the government, ZimOnline reported on 2 February 2007 that the government agreed a substantial increase in War Vet pensions. "The payout increase for war veterans leaves former fighters – known for doing little except campaigning for Mugabe and ZANU-PF every election time – earning more than junior school teachers ... " In addition to the pension, ex-combatants are entitled to free treatment at state hospitals and free education for children at state schools. [49ba]

11.75 Jane's noted that:

"ZNLWA leader Jubulani Sibanda was suspended from ZANU-PF in December 2004 for attempting to obstruct the nomination of Joyce Mujuru as national vice-president. This prompted ZNLWA to assert its independent identity and stress that it was not bound to agree with ZANU-PF policy. A breakaway faction known as the Zimbabwe Liberators' Platform subsequently declared its opposition to Mugabe and the ZANU-PF inner circle." (Jane's Sentinel Security Assessment – Internal Affairs, updated 20 June 2008) [111g]

11.76 ZimOnline reported on 18 May 2007 that:

"President Robert Mugabe's government has begun recruiting 10,000 war veterans into the army's structures as a 'reserve force' in preparation for next year's presidential and parliamentary elections. ... Political violence and human rights abuses, mostly blamed on pro-government militia and war veterans, traditionally pick up in the run-up to major elections. Sources within the Ministry of Defence told ZimOnline yesterday that the government wanted to retrain and arm all surviving war veterans ahead of the elections that analysts have said Mugabe could heavily lose. The sources added that the war veterans would be trained in weapons handling and other war drills." [49bv]

11.77 ZimOnline reported on 1 November 2007 that there were serious divisions within the War Veterans movement with two factions pushing for leadership of the organisation. [49cm] Since falling out of favour with Mugabe during the Tsholotsho affair in 2004, Jubulani Sibanda has managed to regain favour and reinstatement to ZANU-PF and has since the summer worked towards championing Mugabe's leadership of the party. Sibanda has, since August, led several marches across the country mobilising support for Mugabe; in October Sibanda announced that he was planning a 'million man' march in Harare to support Mugabe's candidature. (ZimOnline, 22 October 2007) [49cn]

11.78 The other faction is lead by acting chairman Andrew Ndlovu, who is opposed to Mugabe's continued rule. Ndlovu is reported to have said that "... former liberation war fighters want to move away from the 'culture of violence' that has characterised elections in Zimbabwe", and has "... fiercely opposed the marches in support of Mugabe." (ZimOnline, 1 November 2007) [49cm] The Mujuru camp is thought to be the main backers of Andrew Ndlovu's leadership of the War Veterans. (ZimOnline, 22 October 2007) [49cn] ZimOnline noted on 19 October 2007 that while Mugabe was almost certainly going to "... emerge unchallenged at the extraordinary year-end party congress, a split within the

war veterans ranks could cause immense problems for himself and his party.”  
[49co]

### Abuses by the War Veterans

- 11.79 A wide range of sources noted that the ‘War Veterans’ were involved in widespread human rights violations, including harassment, threats, and violence against opposition supporters and human rights activists, as well as torture and other mistreatment. The following sources provide a number of examples of these abuses. (Zimbabwe Human Rights NGO Forum, 18 December 2008) [35j] (Zimbabwe Human Rights NGO Forum, 13 February 2009) [35i] (Human Rights Watch, 29 January 2009) [69c] (Human Rights Watch, 22 January 2009) [69g] (Pambazuka News, 4 December 2008) [146a]
- 11.80 In collaboration with the ZANU-PF Youth Militia and the security forces, the ‘War Veterans’ participated in numerous attacks on opposition supporters and those suspected of sympathising with the opposition. ‘War Veterans’ were implicated in the torture and killing of opposition supporters with 163 people reported to have been murdered between 29 March and 12 August 2008. Even after the presidential run-off on 27 June 2008 and the start of power sharing talks between ZANU-PF and the two factions of the MDC, there continued to be reports that ‘War Veterans’ were involved in violent attacks against opposition supporters. (Human Rights Watch, 12 August 2008) [69a] (Zimbabwe Human Rights NGO Forum, 5 May 2008) [35g] (Amnesty International, 25 July 2008) [14f] The following sources provide additional details of individual attacks by War Veterans. (Human Rights Watch, “Bullets for each of you”, 9 June 2006) [69e] (FCO Blog, 11 March – 1 August 2008) [13n] (Kubatana, Operation Mavhoterapi) [55a] (Harare Tribune, 5 August 2008) [154b]
- 11.81 *The Harare Tribune* reported on 5 August 2008 that the Youth Militia had operated 55 “torture camps” across the country. It was reported that these had been used during and after the elections to torture and rape MDC activists. A list of the bases still operating was published which included locations and the names of Base Commanders. [154b] However, Human Rights Watch reported on 9 June 2008 that many of the torture camps were used by ‘War Veterans’ to commit violence against MDC supporters and those perceived to support the opposition. [69e] In addition to the torture camps, the ‘war veterans’ were also reported to have set up road blocks near the bases with vehicles being stopped and the occupants being forced to chant ZANU-PF slogans and sometimes being beaten. [89w]

See [Recent Developments](#), [Elections and power-sharing talks 2008](#) and [Latest news](#) for more information about politically motivated violence.

### Impunity

- 11.82 Human Rights Watch reported on 12 August 2008 that the youth militia along with ‘War Veterans’, police and other security services generally did not face sanctions for the their actions. The report noted: “Abuses continue to take place with almost total impunity. Serious crimes are committed without investigation, prosecution or legal redress or compensation for the victims.” [69a] (p2) Jane’s Sentinel Security Assessment who also noted that: “War veterans have been able to act with impunity as the police have refused to

restrain their activities." (Jane's Sentinel Security Assessment – Internal Affairs, updated 20 June 2008) [111f]

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## MILITARY SERVICE

- 12.01 Jane's Sentinel Security Assessment – Zimbabwe (Armed Forces, updated: 8 October 2008), noted that Zimbabwe does not have conscription but plans to reintroduce some form of compulsory military service were announced in 2000. "Lack of resources modified this plan ..." and it is unlikely that this situation will change any time soon owing to the state of the economy. [111i]
- 12.02 The Foreign and Commonwealth Office (FCO), in a letter regarding the termination of military service in the Zimbabwean Army, stated on 2 June 2005 that it is possible to resign from the Zimbabwean Army although anyone doing so will be required to serve a period of notice. The period of notice will vary depending upon the training that has been provided. "Any man claiming that he has left the Zimbabwe Armed Forces legitimately should have documents of discharge in his possession.
- "Terms and conditions of service are very similar to those in the British Army. Other ranks in the Zimbabwe Army sign on for 3, 7 or 20 years service. They can terminate their service at any time provided all their obligations, current at the time, have been met. Obligations might include time-bars for any training paid for by the military in civilian organisations. If the soldier wishes to leave before any time-bar has expired he will first be required to refund the Service all the charges for the course and the military salary paid to him while he attended the course. Early termination of service also brings penalties to pension entitlements." [13b]
- 12.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that: "Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court." [2m] (Section 1e)
- 12.04 The USSD 2007 noted that: "The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government." [2m] (Section 5)

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## Conscientious objection

- 12.05 The World Survey of Conscription and Conscientious Objection to Military Service conducted by War Resisters International in 1998, noted that "conscientious objection is legally recognised" in Zimbabwe. Section 24 of the 1979 National Service Act provides for exemption from military service on conscientious grounds, such as religious beliefs, if conscription were to be introduced. It is not clear whether this exemption "applies to professional serving members of the armed forces". [21]

- 12.06 The FCO, in a letter regarding the termination of military service in the Zimbabwean Army, stated on 2 June 2005 that:

"If a soldier is absent for more than 28 days he will be charged with desertion upon recapture, or his surrender. Absence for less than 28 days is normally dealt with under the lesser charge of 'Absent Without Leave (AWOL)' and can be dealt with summarily by the soldier's Commanding Officer, with punishment ranging from restriction of privileges, to small fines or short custodial sentences of a few days' duration. Desertion is a serious charge to be dealt with by Courts Martial and depending on the circumstances, could result in long custodial sentences e.g. years, forfeiture of all benefits and salary and dishonourable dismissal from the Service. In wartime, of course, the penalties of desertion are very severe indeed. Occasionally, a Commander will not follow the 'book' and summary punishments will go beyond delegated powers." [13b]

- 12.07 The USSD 2007 report noted that defendants in that military had the right of appeal to appeal to the Supreme Court. [2m] (Section 1e) However, the USSD 2007 report did not record whether or not such trials met internationally accepted standards.

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## JUDICIARY

- 13.01 Jane's Sentinel Security Assessment – Zimbabwe (Internal Affairs, updated: 20 June 2008), noted that: “The legal system is based on a mixture of Roman-Dutch and English common law. Judicial authority is vested in the Supreme Court, the High Court and subsidiary courts including Magistrates' Courts, Local Courts headed by traditional chiefs and headmen, and Small Claims Courts.” [111]

## ORGANISATION

- 13.02 Europa World Online (accessed 2 February 2009) noted that there are four levels of courts, the highest being the Supreme Court.
- “The Supreme Court has original jurisdiction in matters in which an infringement of Chapter III of the Constitution defining fundamental rights is alleged. In all other matters it has appellate jurisdiction only. It consists of the Chief Justice, a Deputy Chief Justice and such other judges of the Supreme Court, being not less than two, as the President may deem necessary.
  - “The High Court consists of the Chief Justice, the Judge President, and such other judges of the High Court as may from time to time be appointed. Below the High Court are Regional Courts and Magistrates' Courts with both civil and criminal jurisdiction presided over by full-time professional magistrates.
  - “The Customary Law and Local Courts Act, adopted in 1990, abolished the village and community courts and replaced them with customary law and local courts, presided over by chiefs and headmen; in the case of chiefs, jurisdiction to try customary law cases is limited to those where the monetary values concerned do not exceed Z.\$1,000 and in the case of a headman's court Z.\$500.”
  - Magistrates' Courts. “Appeals from the Chiefs' Courts are heard in Magistrates' Courts and, ultimately, the Supreme Court. All magistrates now have jurisdiction to try cases determinable by customary law.” [1e]
- 13.03 Jane's Sentinel Security Assessment – Zimbabwe (Internal Affairs, updated: 20 June 2008), noted that: “The judiciary is headed by the chief justice who, together with other judges of the Supreme and High Courts, is appointed by the president after consultation with the Judicial Service Commission. According to the constitution, a judge may serve until the retirement age of 65 but this is often extended to 70 when a judge is in good health.” [111] The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that: “The constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons.” [2m] (Section 1e)

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## INDEPENDENCE

- 13.04 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but this was rarely granted except in capital cases where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR). ... The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed." [1] (Section 1d)

- 13.05 Freedom House reported in Zimbabwe 2008 that:

"While some courts have struck down or disputed government actions, increasing pressure by the regime has substantially eroded the judiciary's capacity to act independently. The accused are often denied access to counsel and a fair, timely trial. The government has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. The judicial system has been burdened by the vacancy of nearly 60 magistrate posts, which has caused a backlog of some 60,000 cases." [105a] (p5) Amnesty International's 2008 Zimbabwe report noted that poor salaries compromised the justice system and led to high levels of corruption. Amnesty noted that "many judicial officers' salaries were below the poverty line..." with this led to a strike by magistrates and prosecutors in October 2007 who demanded a 900 per cent pay rise.14d] (p3)

- 13.06 The USSD 2007 noted that: "Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were increasingly more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. Other judicial officers such as prosecutors and private attorneys also faced political pressure. For example, on May 6, several police from the Law and Order section at Harare Central Police Station reportedly assaulted State Prosecutor Richard Chikosha because he consented to the granting of bail in the case of the arrested human rights lawyers Alec Muchadehama and Andrew Makoni. Police denied that an assault took place." [2m] (Section 1e)

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## ARREST AND DETENTION – LEGAL RIGHTS

## ROLE OF POLICE AND SECURITY APPARATUS

- 14.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President's Office controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security. There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired."  
[1] (Section 1d) [2m]

- 14.02 The USSD 2007 report also stated that:

"Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, police officers being considered for promotion were reportedly required to give a 10-minute speech defending the country's widely criticized land reform policy as an exemplary model of agrarian reform. There were reports of ZANU-PF supporters wearing police uniforms while violently disrupting public gatherings and demonstrations and torturing opposition and civil society activists in police custody. There also were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU-PF. Corruption increased in part due to low salaries and a worsening economy." [1] (Section 1d)

"Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials as necessary and justifiable actions to maintain public order. After security forces violently prevented a public gathering on March 11, President Mugabe was widely quoted as saying that 'the police have a right to bash' protesters who resist them." [1] (Section 1d)

"Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided." [1] (Section 1d)

- 14.03 An example of detainees being denied prompt access to lawyers was demonstrated when *The Observatory* reported on 16 May 2007 that two senior lawyers of the Zimbabwe Lawyers for Human Rights, Alec Muchadehama and Andrew Makoni, "...were arrested outside the High Court in Harare by members of the Law and Order Section of Harare Central Police. They were taken to the Central police station 'for interrogation' but were not provided with reasons for their arrest." Colleagues of the two lawyers were able to confirm their presence at the station, but were prevented, along with family, from gaining access to the men. An application was filed at the High Court of

Zimbabwe with the Court granting an order directing the police to allow Muchadehama and Makoni access to lawyers, food and if necessary, medical attention. However, *The Observatory* reported that in spite of the court order the police "... transferred Mr Makoni to Stoddart police station and Mr Muchadehama to Matapi police station. They also denied them access to their lawyers, relatives, food and medication. On the following day, the court reconvened and declared that the arrests were unlawful and that Messrs. Makoni and Muchadehama should be immediately released." The two lawyers were subsequently charged with obstructing the course of justice and remanded until 15 June. Lawyers representing the two reported that they were continually intimidated, threatened with arrest and violence while attempting to gain access and enforce the court order. [53]

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## ARREST AND DETENTION

- 14.04 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charges. Security forces rarely were held accountable for abuses... Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, in practice a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law. High court judges granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail." [1] (Section 1d)

- 14.05 The USSD 2007 report also noted:

"Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were 'not available,' especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court. For example, the whereabouts of Tsvangirai Mukwazhi, a photojournalist arrested while covering the events of the March 11 prayer rally, remained unknown until he appeared in court on

March 13. Police repeatedly withheld information about his whereabouts from his lawyers.” [1] (Section 1d)

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## PRISON CONDITIONS

- 15.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Prison conditions remained harsh and life threatening. The government's 43 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000, according to media reports. Prison guards beat and abused prisoners. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhoea, measles, tuberculosis, and HIV/AIDS-related illnesses. Human rights activists' familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, "political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six," and those "who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying period of time." [1] (Section 1c)

- 15.02 The USSD 2007 report noted:

"In May the UN Office for the Coordination of Humanitarian Affairs (OCHA) IRIN news service reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhoea and skin diseases a permanent feature of prison life. A medical orderly employed by the health department and working in prison services told IRIN that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. The medical orderly noted that Zimbabwe Prison Services lacked resources to provide proper care, especially at Chikurubi Maximum Security prison, where as many as 10 deaths were recorded in one day.

"Most prison deaths were attributed to harsh conditions and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of the country's prisoners were HIV-positive. In February 2006 Zimbabwe Prisons Service commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern." However, the government made no effort to improve prison conditions during the year.

"The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The government granted local NGOs access on a number of occasions during the year." [1] (Section 1c)

- 15.03 A number of sources reported that conditions within Zimbabwe's prisons continued to deteriorate as a lack of funding resulted in shortages of essentials such as food, medication and sanitation. The *Zimbabwe Independent* noted on 30 January 2009 that the country's 55 prisons were suffering critical shortages of food, water and electricity. Water supplies at Chikurubi Maximum Security Prison was described as "... erratic, exposing inmates to numerous diseases." The report also noted that sick inmates with communicable diseases were not being quarantined. [11d] *The Standard* reported on 30 August 2008 that "scores" of prisoners at Mutimurefu prison

(near Masvingo) "... are succumbing to pellagra, which is caused by lack of food, with some reportedly becoming mentally ill." The article noted that seven inmates had died in one week from illness related to malnutrition. [70b] Some reports stated that prisoners were only receiving one meal a day (*The Standard*, 22 November 2008) [70c] and that this meal often consisted of vegetable soup. (*The Standard*, 30 August 2008) [70b] SW Radio Africa reporting the aborted humanitarian mission to Zimbabwe by former US President Jimmy Carter and former UN Secretary General Kofi Annan, who were refused entry to Zimbabwe, noted that "... at least 20 people die each day in Zimbabwe's prisons." [138d]

- 15.04 *The Standard* reported on 22 November 2008 that: "Prisons have started releasing inmates on medical grounds as conditions at most of the country's jails continue to deteriorate amid reports of an upsurge in hunger-related diseases. In Matabeleland North, which includes Bulawayo, at least 200 seriously ill prisoners awaiting trial were released in the past week from various prisons." One prison officer was reported to have claimed that: "All ill prisoners suffering from hunger-related illnesses are being remanded out of custody because the Zimbabwe Prison Services (ZPS) is now failing to cope with the number of deaths." [70c]
- 15.05 *The Times* reported on 22 December 2008 that one prison warden at Bulawayo's Khami Prison admitted that his salary was inadequate to support his family and that the only way that they could survive was by stealing food from the prisoners supplies "... or by trading favours for food brought in by [prisoners] families. 'There's no discipline ... We depend on the prisoners to stay alive.'" [82h]
- 15.06 Freedom House noted in its World Report 2008, Zimbabwe, covering events in 2007, that: "Prison conditions are harsh and life-threatening. Severe overcrowding and a major shortage of funds has contributed to a rise in HIV/AIDS and tuberculosis infections among inmates, food shortages, and the deterioration of already poor health and sanitation facilities. Deaths in prisons are often caused by disease or beatings by guards." [105a] (p5-6)
- 15.07 Concerning children in prisons, the USSD 2007 report noted that: "Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. Due to overcrowding in police stations and remand prisons, pretrial detainees were often held in prisons with convicted prisoners until their bail hearings." [2m] (Section 1c)

For more information about children see [Section 26](#)

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## DEATH PENALTY

- 16.01 Hands Off Cain (accessed 2 February 2008) noted that Zimbabwe remains a retentionist country. The method of execution is hanging. Since independence from the United Kingdom a total of 244 people had been sentenced to death by the country's High Court between 1980 and 2001, 76 of whom were executed. "Executions were suspended for several years due to lack of a public hangman, but resumed in October 2001 when a candidate was covertly appointed. The last executions were those of four prisoners convicted of murder hanged in June 2003 [see para 16.02 below]. No executions were registered in Zimbabwe in 2004 and in 2005. On December 18, 2008 Zimbabwe voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly." [122a]
- 16.02 On the 8 August 2007, the Foreign and Commonwealth Office reported that the last execution to take place in the country was on 22 July 2005. Prior to that, there were two executions on 4 June 2004. There were a total of 45 prisoners sentenced to death with appeals outstanding. 12 prisoners were on death row, having exhausted all appeals including to the President for clemency. No dates for forthcoming executions was available, although it was noted that the state funded Herald newspaper publishes the details of those executed the day after an execution. [13j]
- 16.03 Hands Off Cain also notes that: "The draft resolution on a moratorium on the use of the death penalty (document A/62/439/Add.2) was adopted by a recorded vote of 104 in favour to 54 against, with 29 abstentions". Zimbabwe voted against. [122b]
- 16.04 The USSD 2007 report noted that: "The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed." [2m] (Section 1d)

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## POLITICAL AFFILIATION

### FREEDOM OF POLITICAL EXPRESSION

- 17.01 Freedom House in *Worst of the Worst: The World's Most Repressive Societies 2007*, released 9 May 2007, , noted that:

"Zimbabwe is not an electoral democracy. Recent presidential and legislative elections have been marred by political violence and intimidation (perpetrated by security forces and ZANU-PF youth militias), a discriminatory electoral framework, biased media coverage, and the unscrupulous use of state resources. President Mugabe and ZANU-PF have dominated the political landscape since independence in 1980, overseeing at least 16 amendments to the constitution including the elimination of the post of prime minister that have expanded presidential power. Mugabe has on several occasions invoked the Presidential Powers Act, which enables him to bypass normal governmental review and oversight procedures. Presidential elections are held every six years. In December 2006, ZANU-PF delegates to the party annual conference approved a plan to postpone presidential elections originally scheduled for 2008 – until 2010, extending Mugabe's rule by two years (Mugabe has vowed to retire at the end of his current presidential term). The postponement will require another constitutional amendment." [105e]

- 17.02 The USSD 2007 report noted that: "The government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008." [2m] (Section 3) The Foreign and Commonwealth Office noted that: "Democratic space has been severely restricted, and basic human rights such as freedom of expression, assembly and association systematically dismantled." [13g] (p189)

- 17.03 Freedom House reported that security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group. Restrictions imposed under POSA (Public Order and Security Act) have resulted in hundreds of women being arrested for participating in demonstrations. (Freedom in the World 2008) [105a] (p5) The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its Political Violence Report – December 2008 that throughout 2008 WOZA activists continued to hold demonstrations against a range of issues such as the economy, access to health care and food aid. WOZA meetings and demonstrations were broken up by the police and were often met with violence. [35]

See Section 18 - Public Order and Security Act (POSA) for more information of restrictions under the Act.

- 17.04 A further example of the government trying to prevent free political affiliation and expression was reported by ZimOnline on 26 July 2007, the article noted that: "The Zimbabwean government has withdrawn allowances for three chiefs and several headmen in the southern province of Masvingo for backing the main opposition Movement for Democratic Change (MDC) party. Zimbabwe's traditional leaders including chiefs and headmen receive monthly allowances from President Robert Mugabe's government for performing various duties in their areas." [49b]

#### FREEDOM OF ASSOCIATION AND ASSEMBLY

- 17.05 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in February 2008, reported that:

"In 2007, hundreds of civil society activists and opposition members were arbitrarily arrested during routine meetings or peaceful protests against social, economic and human rights conditions... On February 21, 2007, in response to opposition attempts to hold rallies launching their election campaigns, the government imposed a three-month ban on political rallies and demonstrations in Harare. Police argued that the rallies would lead to a breakdown in law and order and political violence. Then, on March 11, 2007, police violently prevented a prayer meeting in Highfields township organized by the MDC and the Save Zimbabwe Campaign - a broad coalition of church and civil society organizations. More than 50 opposition members and civil society activists were arrested on their way to the meeting, including the leaders of the two MDC factions, Morgan Tsvangirai and Arthur Mutambara. Many were beaten in police custody, sustaining severe injuries including fractured skulls, broken bones and severe bruising that required hospitalization. The government has done little to address torture in Zimbabwe's prisons and police cells, and such incidents are rarely investigated." [69k] (p1)

- 17.06 Freedom House reported in 'Freedom of Association Under Threat', dated 21 November 2008, that:

"Freedom of assembly is severely restricted under the 2002 Public Order and Security Act (POSA). The act obliges organizers to give police seven days' notice prior to any public meeting, and failure to do so can result in both criminal and civil charges. While the advance notice provisions do not explicitly require police permission, security forces routinely use POSA to declare meetings and demonstrations illegal, arrest and detain demonstrators, impose arbitrary curfews and bans, and obstruct public gatherings with roadblocks and riot police. Consequently, thousands of opposition activists (mostly from the MDC), members of civic organizations (particularly the National Constituent Assembly and Women of Zimbabwe Arise), and trade unionists have been arrested in the past five years.

"Security forces have killed several demonstrators and routinely beat protesters and detainees. A series of ZCTU-led demonstrations in 2006 led to the arrest of 500 people across the country, including almost the entire ZCTU leadership. A number of the union leaders, president Lovemore Matombo and secretary-general Wellington Chibhebhe among them, were severely beaten while in custody. In 2007, police violently dispersed a large prayer meeting organized by the Save Zimbabwe Campaign in Harare; the meeting occurred during a three-month ban on political gatherings. Over 50 people were

arrested, and many were badly beaten on site or in police custody, including MDC leader Morgan Tsvangirai and National Constituent Assembly leader Lovemore Madhuku. One MDC leader, Gift Tandare, was shot dead. During the election period in 2008, the government blocked opposition rallies, repeatedly detained MDC leaders, and mounted a systematic campaign of violence in which dozens of activists were apparently killed and many more were beaten or driven into exile.” [105d]

- 17.07 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

“The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought.” [2m] (Section 2b)

- 17.08 The USSD 2007 report also noted that:

“Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The government raided the offices and inquired into the activities of some NGOs it believed opposed government policies.” [2m] (Section 2b)

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## 11 MARCH 2007 – OPPOSITION DEMONSTRATION SUPPRESSED/LEADERS TORTURED

- 17.09 The political unrest that had been building up over the previous six or seven months reached a “... high point on March 11, when police violently prevented a prayer meeting organized by the Save Zimbabwe Campaign - a broad coalition of church and civil society organizations - and the opposition MDC from taking place in Highfield, Harare. The subsequent arrest and violent assault of several senior MDC leaders led to further unrest and violence in the high-density suburbs of Harare South, and provided the pretext for the government crackdown on the opposition, civil society activists, and perceived and actual supporters of the opposition that followed.” (Human Rights Watch, May 2007) [69d] (p12) Human Rights Watch noted that “levels of violence around the country had increased significantly” following 11 March. “Hundreds of opposition members and supporters, and civil society activists have been arrested, abducted or tortured, and scores have gone into hiding.” Human Rights Watch reported that the crackdown by security forces was indiscriminate, with some of the victims being identified as “entirely unconnected to the opposition.” (Human Rights Watch, May 2007) [69d] (p17-

18) The events of the 11 March led to two people being killed by security forces and at least 150 arrested, many hurt, and the leaders of the MDC seriously injured after they were beaten in police custody. The detained were denied legal and medical assistance. (allAfrica.com, 13 March 2007) [50h] [4j]

## Background

- 17.10 Since September 2006, the government has increasingly resorted to violent tactics and draconian laws to suppress dissent, including massive arrests and severe beatings as its response to civil society protests. (International Crises Group, 5 March 2007) [100d] (p3) The current crackdown on the Opposition should be seen in the context of Zimbabwe's continued and worsening "economic collapse" (Economist Intelligence Unit Country Report, April 2007) [24h] (p1) with the economy shrinking by 40 per cent since 1998, unemployment of 80 per cent, (International Crises Group, 5 March 2007) [100d] (p2) and inflation, according to the International Monetary Fund, on course to reach 4,279 per cent during 2007. The economic hardship felt across the country has in turn widened existing cracks in the ruling party with President Mugabe facing increased pressure from sections of his own party to step down in 2008 because of fears that the party is rapidly losing support among its core followers. (Economist Intelligence Unit Country Report, April 2007) [24h] (p1-4)
- 17.11 IRIN News.org reported that a new mood of defiance has led to mounting tension "...in Zimbabwe over the past two months: NGOs, church groups, labour and students have all staged sporadic demonstrations around the country." [10o]
- 17.12 The International Crisis Group reported that increasing willingness among opposition groups and civil society to organise street protests has led to increasingly serious clashes with police and state agents. In September 2006, a protest organised by the Zimbabwe Congress of Trade Unions (ZCTU) [24h] (p4) was closed down by the riot police before it had begun. (The New York Times, 13 September 2006) [61] The actions of the police in preventing the ZCTU's protest were described by one civil society leader as the worst beatings that had been witnessed following such a gathering, with fifteen union officials hospitalised and ZCTU leader, [24h] (p4) Wellington Chibembe suffering "...two fractures on his left arm, cuts on his head and bruises on his body..." (BBC News, 15 September 2006) [3ai]
- 17.13 During the weekend of the 3 and 4th March 2007 the Tsvangirai MDC held a number of rallies in defiance of a police ban [\*On the 21 February 2007, the police banned all rallies and protests for three months to avoid "pandemonium and looting" [100d] (p3)] on public meetings and rallies. A rally at Makoni West on Sunday 4 March was held at Chiwetu shopping centre and was addressed by Morgan Tsvangirai. SW Radio Africa reported that "...police led by Rusape officer-in-charge only identified as Mai Muchene, threatened villagers at the rally and ordered the shopping centre to close. The MDC said the officer in charge had brandished an AK 47 rifle..." An earlier rally at Budiro was broken up after police arrived and used teargas and baton sticks on the estimated 7,000 MDC supporters who had turned up. (SW Radio Africa, 5 March 2007) [138g]

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### 11 March 2007 and subsequent events

- 17.14 IRIN News.org reported on 12 March 2007 that “Morgan Tsvangirai and Arthur Mutambara, the leaders of the two MDC groups, and several other party and NGO officials were arrested on Sunday ahead of a planned prayer meeting in Highfield, Harare's most populous working-class suburb, where an ‘opposition ringleader’ was shot dead and three policemen were injured in an altercation in the same suburb, also on Sunday.” [10o] ZimOnline reported on 12 March 2007 that the rally was organised by the “Save Zimbabwe Campaign, a coalition of opposition parties, churches, students and labour that is pushing for political change in Zimbabwe...” [49bj]
- 17.15 ZimOnline noted that MDC youth activist Gift Tandare was shot and killed by police during the demonstrations. Senior members of the MDC were reported to have been arrested and beaten, including: Morgan Tsvangirai, Arthur Mutambara, Lovemore Madhuku, Tendai Biti, Grace Kwinje, Lucia Matibenga, Job Sikhala and Frank Chamunorwa. [49bj] SW Radio Africa reported on 12 March 2007 that Nelson Chamisa, Mike Davies and Elton Mangoma were also in custody. Grace Kwinji, the MDCs “...Deputy Secretary for International Relations was reported to be in a “critical state after sustaining head injuries.” [138h] The Independent reported on 13 March 2007 that “Morgan Tsvangirai... was so severely beaten by police after his arrest on Sunday morning he lost consciousness three times...Eyewitnesses said Mr Tsvangirai was lucky to be alive and described seeing the police taking it in turns to smash his head against a concrete wall.” [4g] The Telegraph reported on 14 March 2007 that he had been moved to intensive care with a cracked skull. [5d] SW Radio Africa reported that five opposition leaders were being treated in the intensive care unit at Avenues Clinic. The beating of Morgan Tsvangirai was reported to have been so brutal that he required mouth-to-mouth resuscitation. (SW Radio Africa, 14 March 2007) [138j] The Independent article also reported that Lovemore Madhuku sustained a severe beating at the hands of the police and was reported to have been “unconscious in hospital with a broken arm”. [4g]
- 17.16 Zimbabwejournalists.com reported on 13 March 2007 that following the arrests of the 11 March, there were reports that various activists in detention were being refused food and water and access to legal aid. Some of the detainees were reported to have been denied food for two days. [143c]
- 17.17 In addition to the protests in Harare, SW Radio Africa reported that demonstrations were also held in Mutare and Masvingo. In Mutare, 125 MDC activists were arrested with Godfrey Mubatsa (Manicaland Chairperson), Pishai Muchauraya (Provincial Spokesperson), and Prosper Mutseyami (Deputy Chairperson). In Masvingo, “Student leaders were arrested ... following on-going class boycotts at Masvingo State University. 10 students were arrested including Gideon Chitanga, the Zimbabwean National Student's Union (ZINASU) Vice President who is being questioned on his involvement with the Save Zimbabwe Campaign.” [138h]
- 17.18 On 14 March 2007, SW Radio Africa reported that “Sesel nZvidzai, the Gweru mayor who was elected on a Movement for Democratic Change (MDC) ticket was arrested yesterday for embarking on a demonstration in solidarity with arrested detainees and the Save Zimbabwe Campaign. The mayor was arrested together with 10 other MDC supporters.” Police in Kwekwe arrested

10 activists protesting against the beating of Morgan Tsvangirai and other leaders. [138j]

- 17.19 Zimbabwejournalists.com reported that: "Two MDC activists were shot at point blank range around 4 am today at the funeral of Gift Tandare in Glen View. The two, Nickson Magondo and Naison Mashambanhaka were among a group of 500 mourners observing a vigil, consoling the Tandare family, a common practice at funerals in Zimbabwe. The two are recuperating in hospital." [143c]

### Zimbabwe Congress of Trade Unions (ZCTU) stay away

- 17.20 The Independent reported on 14 March 2007 that police "...stormed the offices of the country's labour movement, the Zimbabwe Congress of Trade Unions, and seized documents and videotapes." The union was reported to have called for a two-day national strike. [4i] The strike was planned by the ZCTU to continue the campaign of opposition, and to "turn up the heat" on Mugabe's beleaguered government. (The Zimbabwe Situation, 3 April 2007) [89ai] However, the strike, organised as a stay-away rather than the street protests of September 2006, failed to encourage most workers to risk staying off work. ZimOnline reported on 4 April 2007 that the "...two-day stay-away called by Zimbabwe's largest trade union yesterday flopped as workers turned up for work and businesses opened but analysts attributed this to fear of a government backlash, a few weeks after police brutally stopped an opposition prayer rally. ... Analysts also said Zimbabwe's high unemployment levels, which has seen eight in every ten people out of work, meant that there were few people to heed the ZCTU's call. Nearly 70 percent of the country's workers are now employed by the government." [49bm]
- 17.21 SW Radio Africa reported on 3 April 2007, that the presence of armed police on the first day of the stay-away was part of intimidatory tactics used by police. There were reports that "...there were disturbances in some high-density areas including Kuwadzana, Budiro Dzivarasekwa, Mabvuku, Mufakose and Chitungwiza. Small groups of residents tried to block the streets using rocks and rubbish bins and some minibuses were also pelted with rocks. Muchemwa said truckloads of riot police had moved through these areas randomly assaulting anyone on the streets." [138k]

### Mugabe threatens the diplomatic community

- 17.22 Mounting criticism from Western governments about the treatment of protesters on 11 March led the United Kingdom and United States to call for increased sanctions against the Zimbabwe government. In a statement following a meeting with President Kikwete of Tanzania, President Mugabe publicly denounced Western interference in his country saying that Western critics could "go hang". (BBC News, 15 March 2007) [3i]
- 17.23 Mugabe's comments; directly aimed at countries that he believes are involved in assisting and funding opposition activities, increased the pressure on the diplomatic community in Harare. *The Times* reported on 20 March 2007 that: "President Mugabe threatened to expel Western diplomats yesterday as his security forces pressed on with a violent crackdown to suppress a feared popular uprising. Simbarashe Mumbengegwi, the Foreign Minister, said that Zimbabwe was prepared to invoke the Geneva Convention to kick out envoys

who, it claimed, offered support to Mr Mugabe's political opponents. ...Mr Mumbengegwi accused the envoys of 'overstretching their competence' by allegedly siding with the opposition Movement for Democratic Change (MDC).

"The Zimbabwean Government has accused Western diplomats of organising food and water for victims of last Sunday's assault by police of 30 opposition activists, including Morgan Tsvangirai, leader of the larger faction of the MDC.

"The ambassadors summoned yesterday, from Western Europe, the US, Japan and Australia, were not allowed to address those claims or raise the long catalogue of violent abuse by the Government since the crisis began on March 25. Christopher Dell, the US Ambassador, walked out after Mr Mumbengegwi refused to take questions." (The Times, 20 March 2007) [82i]

- 17.24 *The Times* reported on 4 April 2007 that the government owned Herald newspaper published an editorial in which it accused Gillian Dare, first secretary at the British Embassy, of "...'blatant interference' in Zimbabwean politics by visiting injured members of the Opposition in hospital" The Herald article threatened that Ms Dare could find herself "caught in the cross-fire" and would be returned home to the UK in a "body bag". The Times noted that: "The attack is the latest in a stream of bizarre accusations, mostly against the British and American ambassadors, whom Mr Mugabe accuses of using the MDC as a tool to bring down his Government." [82n] The Scotsman reported on the 4 April 2007 that "The Herald, which is closely controlled by Mr Mugabe's presidential spokesman, alleged that Ms Dare [who was also accused of being a spy by the newspaper] was the 'purse holder and the main financier of the violence being perpetrated by the MDC'." [98c]

### The crackdown continues

- 17.25 "The police crackdown on the opposition continued on Monday [12 March 2007] when 140 MDC activists, including women and children, were arrested at the start of an anti-government protest in central Mutare.

"The protesters were demonstrating against the murder of MDC activist Gift Tandari by the police in Highfields on Sunday and the subsequent arrest and detention of the MDC leaders. ...

"In Masvingo at least 10 students including Zimbabwe National Students Union vice-president, Gideon Chitanga were arrested Monday following on-going class boycotts at Masvingo State University, according to information from the Crisis Coalition." (SW Radio Africa, 12 March 2007) [138i]

- 17.26 On 13 March 2007, Morgan Tsvangirai, Lovemore Madhuku and around 50 other anti-government activists appeared in Harare court charged with inciting violence. The US ambassador to Zimbabwe, Christopher Dell, who was present at the court, reported that it was clear that Morgan had "suffered a severe beating". "Mr Dell said he saw one young man lying on the floor of the courtroom, who appeared to be nearly unconscious. ... These serious injuries speak volumes of the callous disregard the Mugabe government has for its own people." (The Guardian, 14 March 2007) [34j] A number of sources stated that the assaults on the opposition activists had not been carried out by the police (The Independent, 14 March 2007) [4i], but by specially drafted soldiers from a "crack Commando unit". The soldiers, disguised as police, were

reported to have used drugs before the assault in what one eyewitness described as attempted murder. (ZimOnline, 14 March 2007) [49bk]

- 17.27 In the aftermath of the opposition demonstration of the 11 March, a number of sources reported that President Mugabe was considering clamping down further on opposition activists and NGOs by declaring a state of emergency. "At a meeting attended at Mugabe's Munhumutapa offices in Harare on Thursday, Mugabe is said to have pushed for the immediate declaration of a state of emergency that would give the state extra powers to effect mass jailing of Mugabe's opponents. Mugabe was however dissuaded from taking that route by his security chiefs who felt the action would be too drastic and would send the wrong signals to the international community. ... security ministers are said to have told Mugabe to use 'maximum force without officially declaring a state of emergency'." (ZimOnline, 14 March 2007) [49bl]

- 17.28 "The Movement for Democratic Change (MDC) and its civil society allies have reported an increasing incidence of abductions and threats against activists, allegedly by state security agents, as a crackdown against perceived government opponents continues.

"Morgan Tsvangirai, the leader of the main camp of the MDC, told a press conference in Harare yesterday that 'More than 600 of our officials and supporters have been abducted since February 16, and the repression is continuing. People are under siege in the townships. We have about 150 people who have been hospitalised since the regime started its crackdown against the opposition,' said Tsvangirai." (Financial Gazette, 13 April 2007) [37b] On 10 April 2007, the MDC made an urgent appeal for "...medical supplies and funds to help meet escalating medical costs, food and legal assistance." The appeal by the MDC for medical assistance follows its announcement that over 600 of its activists had been hospitalised since the government crackdown on opposition activities on 11 March. (SW Radio Africa) [138m]

- 17.29 "Zimbabwean police on Thursday fought running battles with opposition supporters in the second city of Bulawayo as political tensions remained high in the southern African country following the brutal assault of opposition leaders last weekend.

"The police blamed the disturbances on opposition Movement for Democratic Change (MDC) party supporters whom they accused of barricading the main railway line leading into the city with boulders and logs.

"The disturbances came a day after police arrested Lovemore Moyo, the MDC legislator for Matobo and another senior party official Samuel Sipepa Nkomo on Wednesday night.

"Moyo and Nkomo together with 16 other party officials were arrested on Wednesday for allegedly holding a "secret" meeting in the city that the police said was meant to plot violence at next weekend's prayer rally in Bulawayo." (ZimOnline, 16 March 2007) [49bn]

- 17.30 *The Times* reported on the 18 March 2007, that: "Nelson Chamisa, aide to Morgan Tsvangirai, the Movement for Democratic Change leader, was assaulted at Harare International Airport as he was leaving for Belgium via

London to attend a meeting of the European Union and Africa Caribbean Pacific in Brussels, the party's secretary general, Tendai Biti, said from Johannesburg.

"He was beaten on the head with iron bars. There was blood all over his face. He is in a critical condition at a private hospital in Harare," Mr Biti said. ...

"The assault follows the re-arrests at the airport Saturday of three opposition activists, who were allegedly assaulted along with Mr Tsvangirai at the March 11 protest. ... Grace Kwinje and Sekai Holland, among the most severely injured in last week's incident, were prevented from leaving to receive medical care, and Arthur Mutambara, leader of an opposition faction, was later also arrested at the airport." (The Times Online, 18 March 2007) [82o]

- 17.31 On 28 March 2007 heavily armed Zimbabwe police officers using powers under POSA "... cordoned off much of the central business district in a bid to conduct searches on the Headquarters of the MDC at Harvest House. It is understood that Morgan Tsvangirai intended to have a press briefing at Harvest House on the spate of abductions of his party leadership in the month of March. Close to 80 people, including senior MDC officials, were arrested and bussed to Harare Central Police Station. It is alleged that those arrested were seriously tortured before being released the following day and the day after the courts ordered their release." (Zimbabwe Human Rights NGO Forum, 10 May 2007) [35c]
- 17.32 On 5 April 2007, SW Radio Africa reported that Alois Mudzingwa, a founder member of the MDC and National Executive member, had been found unconscious, in suspicious circumstances, on a sports field. He was reported to have died soon after being found. Mr Mudzingwa was reported to have been an active and high profile member of the MDC who had in the past been beaten and tortured by police, militia and war veterans. One such attack resulted in his confinement to hospital for several weeks. [138i] In another news report, the Mail and Guardian reported on 10 April 2007 that Philip Katsande, a provincial official with the MDC had been shot and critically injured following a police raid on his home. The police stated that they were "...hunting for suspects behind a string of petrol bomb attacks on police stations. ... The attack on Katsande comes days after the badly-beaten body of an abducted television cameraman, Edward Chikomba, was found on the outskirts of Harare, in a killing some suspect was linked to his work. Chikomba allegedly leaked footage to foreign media of a badly beaten Tsvangirai after his release from custody last month – images that provoked a torrent of international condemnation of the regime of Robert Mugabe." [6i]
- 17.33 On 26 May 2007, riot police again stormed Harvest House (the HQ of the Tsvangirai faction of the MDC) arresting MDC youth members. The meeting of youth members, called to discuss democracy in Africa, was broken up by police in riot gear who reportedly used force to arrest 211 youth members. There were reports that those arrested were beaten and interrogated by the police and denied access to lawyers or any food. The 211 youth members were all released by the following evening without charge. Nelson Chamisa, spokesman for the MDC stated that he believed that the government was attempting to deflate morale within the party before the 2008 elections. (SW Radio Africa, 28 May 2007) [138t]

- 17.34 "On March 28, police stormed Harvest House in Harare, the political headquarters of the Tsvangirai-led faction of the MDC, and arrested more than ten MDC members and supporters. Several others were arrested in the days and weeks that followed, in Harare, and other parts of the country. The government claimed that the MDC members and supporters were behind the recent petrol bomb attacks, and that they had found dynamite and detonators at some of their homes. Lawyers representing the activists informed Human Rights Watch that they were initially not allowed to see their clients, and alleged that the MDC members were severely beaten and tortured in police custody. In Harare, 13 MDC members were denied bail and remain in custody accused of organizing and carrying out the petrol bomb attacks. In a press statement on April 15, ZADHR condemned the denial of medical access for eight of the MDC members while in custody, and the forcible police removal of the activists from the private hospital where they were receiving treatment for their injuries on March 31. According to the MDC, at least 32 of its members and supporters are in police custody in various police stations around the country accused of planning and carrying out the recent petrol bomb attacks. The reports of abuse and torture of nine of the members raises deep concerns as to whether the activists will receive a fair trial, if one occurs." (Human Rights Watch, 2 May 2007) [69d] (p25-26)
- 17.35 On 12 June 2007, the Zimbabwean courts ordered the release of seven members of the MDC accused of orchestrating the campaign of petrol bombings. In total, 27 members [this conflicts with the 32 members reported above] of the MDC (New Zimbabwe, 12 June 2007) [41i] had been arrested by security services following a raid on the MDC's headquarters. ZimOnline reported on 26 July 2007 that a further fifteen members of the MDC were "... released from police custody on Z\$10 million bail after spending four months in remand prison." [49w] The final two members of the MDC were released on bail on 9 August 2007 after the government failed to present sufficient evidence to the High Court to keep them on remand. Morgan Komichi and Denis Murira, described by the police as the brains behind the bombing campaign, were released after having been held for over 90 days in custody. [49ax]
- 17.36 On the 25 July 2007, 243 members of the National Constitutional Assembly (NCA) were arrested following a series of demonstrations in most major towns across Zimbabwe. Chairperson of the NCA, Dr Lovemore Madhuku, reported that of the 243 members arrested by the police, 170 were hospitalised after being tortured and beaten whilst in police custody. "It's reported the violence was more severe in Harare where police also followed some of the demonstrators to the NCA headquarters and continued to assault them. ... Police fired shots in the air and threw tear gas at the activists at the offices." (SW Radio Africa, 26 July 2007) [138aa]

(For additional information see: [7.01 – Recent Developments](#) for further details concerning student protests)

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## OPPOSITION GROUPS AND POLITICAL ACTIVISTS

### The Movement for Democratic Change (MDC)

- 17.37 The Economist Intelligence Unit's Zimbabwe Country Profile 2008 (April) noted that:

The MDC is essentially the only opposition party. The government has made a concerted effort to undermine its parliamentary representatives: many have been harassed by the security forces and periodically arrested on spurious charges. This has prompted a major debate within the party as to whether contesting elections and engaging in democratic opposition makes any political sense, given the country's repressive political climate. These divisions came to the fore during 2005 when the party actually split in two; the faction led by the long-standing MDC president, Morgan Tsvangirai, was the larger one. However, following the disputed 2008 elections, the party's two factions have recombined in order to focus their efforts on deposing Mr Mugabe...[regarding 2008 elections] The official results were to be announced by the Harare offices of the Zimbabwe Electoral Commission's (ZEC), but they arrived very slowly. By April 3rd the official results showed that the Tsvangirai wing of the MDC had won control of parliament with 99 seats to ZANU-PF's 97 seats. It was the first time since Zimbabwe became independent in 1980 that ZANU-PF did not control parliament. The Arthur Mutambara faction of the MDC won ten seats, and the independent candidate, Jonathan Moyo, won a seat in Matabeleland, while three other seats were undeclared because the candidates had died." [24m]

- 17.38 Following the MDC's third successive defeat at the March 2005 parliamentary elections, earlier tensions in the leadership of the party came to the fore. *The Sunday Mirror* reported on 7 August 2005 that while the party considered that the election had again been rigged there was disagreement over how the party should proceed. In contradiction to Morgan Tsvangirai, the grouping around the Secretary General, Welshman Ncube publicly urged the party to challenge ZANU-PF's legitimacy through the courts and by continuing to participate in elections, while Tsvangirai's camp had taken the line that the election had been won by Mugabe and other means were needed to secure power. [64b]
- 17.39 A few months after the March 2005 parliamentary elections, the Government launched Operation Murambatsvina. This resulted in the demolition of poor and unplanned housing making over 700,000 people homeless. The actions of the Government, seen by most commentators as a way of punishing MDC supporters, has reduced the MDC's power bases in the towns and cities. (Solidarity Peace Trust) [65b] (p16) Zimbabwe Updates, reporting an article published by *New Zimbabwe* on 26 July 2005, noted that while "...Mr Mugabe carried out his assault on the townships, bulldozing the homes or livelihoods of 700,000 people, the opposition failed to offer any coherent response. The MDC was paralysed by factional warfare and incapable of opposing Mr Mugabe." A number of reports of intra-MDC violence have been reported including serious assaults. [29a] The International Crisis Group in a report entitled, *Zimbabwe's Operation Murambatsvina: The Tipping Point?* noted that while the MDC had become embroiled in leadership and strategy debates it failed to influence or capitalise upon the events surrounding Operation

Murambatsvina. This has cost it dearly in political confidence and in support from the electorate. [100c] (Executive summary)

- 17.40 As 2005 progressed further reports emerged of the growing split in the party. On 24 July 2005, the *Sunday Mirror* noted rumours that "A number of MDC officials, including Kuwadzana MP and national youth chairman Nelson Chamisa have blamed the problems plaguing the party on 'serious infiltration by enemy forces [CIO]'." [64c]
- 17.41 Noting the growing criticism of Morgan Tsvangirai, the International Crisis Group's August 2005 report noted that he (Tsvangirai) has devoted more attention to the internal disputes than to addressing the problems unleashed by the Government. The report also noted that a number of important donors are known to have withheld or reduced support recently out of dissatisfaction with the party's course. [100c] (p.10)
- 17.42 The IWPR noted on 16 November 2005 that President Mugabe's decision to create a 66-member Senate had effectively split the MDC into pro and anti camps concerning its participation in the senate elections. [77k] (p1) *Keesing's News Digest* for November 2005 noted that the faction opposed to participation in the elections, is "... led by MDC president Morgan Tsvangirai, and a second faction that contested the polls is led by secretary general Welshman Ncube." [124]
- 17.43 The Zimbabwe Situation reporting ZimOnline noted on 4 November 2005 that "Divisions in the MDC that insiders say had simmered over the last three years broke into the open last month when Tsvangirai refused to accept a narrow vote by the party council to take part in a November 26 election for a new senate that political analysts say will be used by President Robert Mugabe to extend his patronage network." [89k] The Zimbabwe Situation reporting the *Financial Gazette* (20 October 2005) noted that "The party's national council last week voted 33 for and 31 against participating in the elections, but Tsvangirai said the party had voted 50-50 and he had cast his vote against participation in what party officials say is a sham." [89l]
- 17.44 *The Voice of America* (VOA) in an article published on 4 November 2005 noted that the current crisis within the MDC came to a head over the question of whether or not the party should participate in senate elections scheduled to be held on 26 November: "Mr Tsvangirai wanted a boycott and has campaigned actively against participation." [83c] The BBC noted on 27 October 2005 that "The other five of the party's six top officials, led by secretary general Welshman Ncube, want to participate – and 26 party members have gone ahead and registered their candidacy." [3av]
- 17.45 The Institute for Security Studies in a report published on 7 September 2005, noted that from its inception the MDC was formed from an unlikely alliance of political, civic, business and trade unions interest, who were united in opposing Mugabe's increasingly personal, authoritarian and anti-democratic rule: "The MDC is therefore a coalition united more by distaste for Mugabe and ZANU-PF than by unity of political purpose." [113] (p8) Noting a more obvious strand in the alliance of different groupings within the MDC, the IWPR noted on 16 November 2005 that "There is clear evidence of a full-scale conflict along tribal lines raging inside the MDC. Ncube's [Welshman] pro-senate camp is made up almost entirely of Ndebele's including party vice-

president Sibanda and treasurer Fletcher Dulini-Ncube. Sources in the party say the Ndebele camp may be planning to form their own party out of the current confusion, effectively becoming the heirs to ZAPU." [77k] (p2)

- 17.46 Noting a significant deterioration in the relationship between the two MDC factions, the Zimbabwe Situation reported on 15 November 2005 that intra-factional violence flared up during Morgan Tsvangirai's anti-senate tour of Zimbabwe. A plot to disrupt Mr Tsvangirai's White City Stadium rally resulted in clashes between the opposing camps with more than 20 party supporters being arrested by police after an MDC official lost an eye. "Bekhitemba Nyathi, an MDC youth official in Bulawayo, lost the eye and was recovering in Richard Morris Hospital on Monday after he and other party youths were attacked by members of a pro-senate faction." [89r]
- 17.47 The Zimbabwe Situation reporting the *Financial Gazette* noted on 26 October 2005 that Morgan Tsvangirai believed the pro-senate position taken by some of his colleagues had been hijacked by state security agents for the purpose of exaggerating divisions within the party. The article noted that a lot of what was happening was believed to be a direct result of CIO involvement. [89m] The BBC noted on 27 October 2005 that "The Tsvangirai camp maintains that the Central Intelligence Organisation is actively supporting the electoral ambitions of the 26 candidates (the 26 candidates that have defied Morgan Tsvangirai's ruling). 'What is particularly worrying is the information we received indicating that some of these candidates were brought into the city by the CIO and driven to the nomination court a few minutes before 4pm yesterday (Monday, the nomination deadline),' Last Maengahama, MDC secretary for Harare province, said in a statement." [3av]
- 17.48 ZimOnline reported on 21 October 2005 that the Central Intelligence Organisation (CIO) had infiltrated the MDC. The article noted that "Intelligence minister Didymus Mutasa has said state secret agents are working hard to manipulate divisions rocking Zimbabwe's main opposition Movement for Democratic Change (MDC) party to accelerate its collapse, ZimOnline has learnt. Sources who attended the meeting said Mutasa described bitter wrangling in the MDC over whether the party should contest the senate election as a godsend that the state's spy Central Intelligence Organisation (CIO) had to exploit to the full. 'My boys (CIO spies) are on it big time. This is a God-given opportunity and if we fail to destroy them (MDC) this time, then we might never ever get another chance like this. My ministry will not miss this opportunity,' a source quoted Mutasa as having told his colleagues. According to sources, Mutasa did not give details of what state intelligence operatives were doing to fuel division in the MDC but said he only indicated that huge resources including large quantities of money had been set aside to be used to infiltrate the opposition party and buy off some of its feuding senior leaders." [49s]
- 17.49 IRIN News reported on 28 November 2005 that the two rival factions of the MDC could engage in a war of attrition over the ownership of the party's name and assets. The article also reported that "The MDC's pro-senate faction announced that Vice-president Gibson Sibanda had suspended Tsvangirai last week on Thursday, after a disciplinary committee allegedly found him guilty of violating the party's constitution by issuing a call to boycott the [senate] poll." However, Morgan Tsvangirai is reported to have told IRIN that

only the party's congress, expected to be held in February, had the power to suspend him. [10b]

- 17.50 *Africa Research Bulletin* (volume 43 number 1), dated 1–31 January 2006 states that:

"Zimbabwe's opposition Movement for Democratic Change (MDC) has split into two parties, Welshman Ncube, the MDC's secretary-general, said on January 12th. 'It's self-evident that we have parallel parties now. The issue is which of the two groups is the lawful and legal MDC.' Mr Ncube's dissident faction appointed MP Gibson Sibanda as its acting president; and plans to elect a new president at a congress in late February. In tacit acknowledgement that there are now two parties, some of its members are calling it the Pro-Democracy MDC.

"Morgan Tsvangirai, who still claims to be MDC president and retains mass support in urban areas across Zimbabwe, plans to hold his own national congress on March 18th–19th. Formerly one of Africa's best organised opposition parties, the MDC has split over tactical issues and claims by Mr Tsvangirai's opponents that he has condoned violence and ignored the will of party members. Mr Tsvangirai has rejected the claims...

"Dissident party members... criticised Mr Tsvangirai for his leadership style, including a reliance on an unelected 'kitchen cabinet' that took decisions without consulting elected party officials. The dissident faction claims Mr Tsvangirai scuppered an investigation into allegations that he deployed youth activists to beat up dissident party members, comparing him with Robert Mugabe, the country's autocratic president... Since nearly winning a majority in parliament five years ago, the MDC has seen its influence wane. Sympathetic critics say it has failed to capitalise on Mr Mugabe's unpopularity. The opposition has seen its representation in parliament fall over a series of elections that it, and some independent observers, claimed were rigged. The MDC also failed to exploit the discontent caused by the government's mass evictions campaign in mid-2005 in which 700,000 people lost their homes."

"A senior advisor to Mr Tsvangirai stated that the so-called Pro-Democracy faction knows it has "... nowhere to go unless it joins Zanu-PF. 'Already some of the Ncube group, fearful of losing their seats in parliament, are seeking to change sides and rejoin us.'" [121a]

- 17.51 On 27 February 2006, ZimOnline noted that Arthur Mutambara was elected President of the pro-senate faction of the MDC at the splinter party's congress. [49u] ZimOnline noted on 23 February 2006 that he is "...a respected robotics scientist and businessman, is popular among Zimbabwe's fast-dwindling middle class and intelligentsia who remember him from his days as a firebrand student leader in the late 80s." [49v]
- 17.52 *The Times* reported on 5 July 2006 that Trudy Stephenson, a member of the pro-senate faction of the MDC, was seriously hurt following an attack by assailants identified as members of the MDC. Ms Stephenson who was ambushed following a meeting with colleagues, suffered severe head injuries and a broken arm. Morgan Tsvangirai, the leader of the anti-senate faction condemned what he called the "barbaric attack" and added that he would expel any member found to have been responsible for the attack. [82d]

- 17.53 ZimOnline reported on 20 December 2006 that a number of prominent figures in Zimbabwean society believe that the two factions of the MDC have missed an opportunity to rally Zimbabweans against the government following a proposal to extend President Mugabe's term in office until 2010. Archbishop Pius Ncube, a long standing critic of Mugabe and the government, stated that both factions of the MDC lacked what he described as "... visionary leadership and had actually become a stumbling block to efforts to achieve democratic change in the country." University of Zimbabwe political scientist, Eldred Masunungure, stated that "This (extending Mugabe's rule) would be enough ammunition to propel all the opposition movements into some form of co-ordinated resistance campaign..." but this opportunity had effectively been squandered. [49bb]
- 17.54 Following the *Mail and Guardian's* report of 11 January 2007 that Morgan Tsvangirai had made moves to discuss reunification with the Mutambara faction of the MDC, [6j] there was growing evidence of a rapprochement between the two groups. This was evidenced by their joint participation in the Save Zimbabwe Campaign's prayer meeting on 11 March 2007 and an agreement from both leaders that they would not stand against one another in the 2008 presidential election. (SWRadioAfrica, 16 March 2007) [138s] However, on the 4 July 2007, the Mutambara faction announced that unity talks had broken down over the issue of the number of vice presidents (if successful in the 2008 presidential election), and the system for nominating parliamentary candidates. (ZimbabweJournalists.com, 10 July 2007) [143e] ZimOnline reported on 2 August 2007 that while the two factions would continue to participate in talks with President Thabo Mbeki (of South Africa), differences between the two factions appeared to be insurmountable. [49ap]
- 17.55 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:
- "The government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008." [2m] (Section 3)

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### Women of Zimbabwe Arise (WOZA)

- 17.56 Women of Zimbabwe Arise (WOZA) was founded by Jenni Williams in 2003 and is a well respected protest group that campaigns for equal rights for women in Zimbabwean society. (Kubatana.net, last updated: 27 June 2007) [55r] A report published by WOZA in September 2007 noted that: "WOZA, an acronym for Women of Zimbabwe Arise, is an Ndebele word meaning 'come

forward'. The movement has a countrywide membership of over 55,000 women and some men. ... The majority of WOZA members are low-income earners from urban high-density suburbs. They are mostly vendors, or cross border traders..." [78] (p2)

- 17.57 The WOZA report went on to note that the organisation based its "activities on the principles of strategic non-violence, WOZA creates space to allow Zimbabweans to articulate issues they may be too fearful to raise alone. ... WOZA has conducted over 100 protests on various issues of civil rights and social justice in its five-year existence and up to 3,000 women have spent time in custody. Many have been detained more than once, most for 48 hours or more and 112 members once spent five days in police cells." [78] (p3)
- 17.58 Amnesty International reported in its Zimbabwe 2008 report that: "Members of the women's activist organization Women of Zimbabwe Arise (WOZA) were arrested throughout the year after engaging in peaceful protest. WOZA leaders Jenni Williams and Magodonga Mahlangu were arrested several times and were threatened by police officials. Some of the threats amounted to death threats." [14d] (p3)
- 17.59 Human Rights Watch reported on 8 November 2008 that:
- "WOZA activists have also been subjected to frequent arrests, police harassment and brutality. Since February 14, 2003, WOZA Coordinator Jenni Williams has been arrested and detained by police 32 times, invariably under the Public Order and Security Act. Williams told Human Rights Watch that police routinely assaulted her and other WOZA members during arrest and in custody. On as many as 28 occasions, arresting officers told her they were acting on orders from above and had no knowledge of the crime she was alleged to have committed." [69f] (p34)
- 17.60 The Zimbabwe Human Rights NGO Forum published a report in December 2006 entitled 'A Woman's Place is in the Home? – Gender Based Violence and Opposition Politics in Zimbabwe'. The report noted that: "The numerous demonstrations called by this group have all ended in the arrest and detention of most of the women concerned. Despite the fact that the group has no overt political agenda... [they] are perceived by government as being opposition affiliated." WOZA demonstrations were usually broken up by the police with the use of brutal and disproportionate force. Following arrest, WOZA members (and sometimes their children) were often held in appalling conditions with little or no access to food, water and basic facilities. [35d] (p14)
- 17.61 Following the arrest of WOZA activists, police often seek "... to justify the arrests in terms of the ... Public Order and Security Act (POSA). However, both in the case of WOZA and other demonstrations the police have interpreted the provisions of POSA as giving them even broader powers than the ... provisions of the Act itself. The result has been the acquittal of demonstrators in most instances when the matter comes to court. While the intent behind the arrests is usually harassment and deterrence, rather than successful prosecution, the impact on already overburdened courts and the police force has, in 2006, resulted in a change of tactics by the Zimbabwean state." [35d] (p14)

(For additional information on WOZA see paragraphs: [11.21](#), [11.22](#), [11.96](#), [17.06](#), [17.07](#), [17.15](#), [20.05](#), [25.16](#), [25.17](#), [25.18](#) & [37.14](#).)

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## Student demonstrations

- 17.62 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted:

"The government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. In October 2006 the Zimbabwe Council of Higher Education Act came into effect, mandating the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister of higher education and technology, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council.

"CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work.

"According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 681 students were arrested or detained and 94 students were expelled or suspended for engaging in student activism during the year. On July 9, UZ Vice Chancellor Levy Nyagura evicted more than 4,500 students from residence halls, effective within hours of the announcement, following student protests on campus over increased tuition fees. Those students without contacts in Harare slept in youth hostels, churches, train stations, and in the streets while finishing exams. ZINASU estimated that two-thirds of UZ students did not resume their studies when the new academic term began in September due to a lack of housing and high fees. The residence halls remained closed at year's end." [2m] (Section 2)

- 17.63 The deteriorating state of the economy has been one of the primary factors in the increasing number of demonstrations staged by Zimbabwe's students. On 6 and 7 February 2007, SW Radio Africa reported that students protesting against unaffordable fees and deteriorating standards took place in Bulawayo on Tuesday 6th February 2007. Both news articles note that upwards of 79 students were arrested after marching to the provincial governor's office. Armed police violently broke up the march using teargas and batons. Most of the students were released from custody the following day. [138u] [138v]

- 17.64 On 14 June 2007 four truckloads of riot police disrupted student meetings held at Bulawayo Polytechnic. The meeting was called to discuss the institution's demand for Z\$750,000 in accommodation fees and frequent power cuts. (SW Radio Africa, 14 June 2007) [138w]
- 17.65 ZimOnline reported on 2 July 2007 that the Student Solidarity Trust had published a report cataloguing 1,443 violations of student's rights in the previous 12 months, including cases of intimidation, death threats, unlawful arrest and detention. "The rights that were most violated during the year were the rights to freedom of expression, association, movement, political discrimination, freedom from arbitrary and unlawful arrest and detention..." 35 cases of serious torture were also recorded. [49r]
- 17.66 On 7 July 2007 *The Zimbabwean* noted that Beloved Chiweshe, the Secretary General of the Zimbabwe National Students Union and Munjodzi Mutandiri, were reportedly abducted by CIO agents before being tortured and beaten. The abductions came "... in the wake of some brutal attacks perpetrated against student leaders at Masvingo State University." The article noted that the government was aiming to terrorise students as a way of stamping down on dissent. [99b]
- 17.67 Information from the Foreign and Commonwealth Office (FCO) (received 9 August 2007) noted that during 2007 security forces were responsible for breaking up student meetings across the country, with a number of students being assaulted and hospitalised. On 7 July, police broke up a student meeting at the University of Zimbabwe, using tear gas and dogs, 6 students were arrested and over 20 were injured, including 1 with a broken leg. [13h] SW Radio Africa reported on 9 July 2007 that during the disturbances of 7 July at the University of Zimbabwe, over 500 students were reported to have been beaten by police. [138y]
- 17.68 The Zimbabwe Situation reported on 30 July 2007 that: "The Zimbabwe National Students Union (ZINASU) claims 3 students from the university of Zimbabwe were murdered by unknown assailants..." The deaths of the three students followed earlier reports that two students had been abducted in the same area and tortured by military police. It is alleged that the two students were abducted and tortured for working with pro-democracy groups. [89ak]
- 17.69 On 10 August 2007, SW Radio Africa reported that president of the students' union, Clever Bere, had been released from police custody after being held for three days. Bere, who is facing charges of malicious damage to property and contempt of court, is reported to have suffered torture and beatings while in police custody. It is reported that Bere's treatment was such that he was taken to hospital for medical check ups. [138x]
- 17.70 The Zimbabwe Human Rights NGO Forum reported in its October 2007 Political Violence Report that students at the country's higher and tertiary education institutions continued to face intimidation and harassment. On 15 October 2007 11 students from Great Zimbabwe University and Masvingo Polytechnic were beaten and arrested after police disrupted a meeting being held by the National Students Union in support of the Free Edson Hlatshwayo Campaign. [35e] (p7) Edson Hlatshwayo was released on bail on 25 October 2007. (The Zimbabwe Guardian, 26 October 2007) [108]

- 17.71 In spite of the tactics employed by the government to break-up student demonstrations, around 500 students from Harare's institutions of higher education marched to president Robert Mugabe's offices to protest at increasing fees and declining educational standards. The students aim was to submit a petition to the Minister of Higher education for improvements in the education system. "According to witnesses students marched along the capital's streets singing and chanting student revolutionary songs and slogans, before riot police dispersed them when they reached Monomutapa offices. No arrests were made but the police confiscated the petition and Zimbabwe National Students Union (Zinasu) banners." [138af]

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## FREEDOM OF SPEECH AND MEDIA

### OVERVIEW

- 18.01 Freedom House in 'The Worst of the Worst 2008 – Zimbabwe', noted that:

"Freedom of expression and of the press is severely restricted in Zimbabwe. The country's draconian legal framework includes the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the POSA [Public Order and Security Act], and the Criminal Law (Codification and Reform) Act. In general, these laws restrict who may work as a journalist, require journalists to register with the state, greatly restrict what journalists may publish, and mandate harsh penalties – including long prisons sentences – for violators." [105b]

- 18.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the 'interest of defense, public safety, public order, state economic interests, public morality, and public health.' The government restricted these rights in practice. Journalists and publishers practiced self-censorship...The government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the ICA during the year increased the government's ability to monitor speech and to punish those who criticized the government." [2](Section 2a)

- 18.03 The Economist Intelligence Unit noted that: "Zimbabwe's press is dominated by Zimbabwe Newspapers, in which the state has a controlling interest and the newspapers are, as a result, little more than mouthpieces for the government. (Economist Intelligence Unit – Zimbabwe Country Profile 2008) [24n] (p6)

- 18.04 The USSD 2007 also noted:

"Using the Official Secrets Act, Public Order and Security Act (POSA), or Criminal Law Act authority, the government arrested individuals for criticizing President Mugabe in public; they were usually fined and released. For example, on August 23, the government charged and convicted Tendai Murove for contravening sections of the Censorship and Entertainment Control Act after he was found in possession of an e-mail sent to him by a friend. The message reportedly mocked President Mugabe for his economic policies and the country's record inflation. Murove plead guilty and was fined... There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the government were frequently targeted for harassment, abduction, and torture." [2] (Section 2a)

- 18.05 "A range of draconian laws and institutions, along with prison sentences for "publishing false news", are used to clamp down on critical comment. Journalists who fail to register with a government body risk imprisonment.

State-run Zimbabwe Broadcasting Corporation (ZBC) operates the country's only TV and radio stations. ZBC formerly had two TV channels; its second network was leased to private station Joy TV which closed in 2002. Some of its programmes were said to have ruffled government feathers. Surveillance, threats, imprisonment, censorship, blackmail, abuse of power and denial of justice are all brought to bear to keep firm control over the news. Radio is the main source of information for many Zimbabweans. Although there are no private stations, the country is targeted by overseas-based operations.

The Voice of the People, set up by former ZBC staff with funding from the Soros Foundation and a Dutch organisation, operates using a leased shortwave transmitter in Madagascar. Another station, the UK-based SW Radio Africa, aims to give listeners in Zimbabwe "unbiased information".

From the US, the government-funded Voice of America (VOA) operates Studio 7, a twice-daily service for listeners in Zimbabwe which aims to be a source of "objective and balanced news". Radio broadcasts by foreign stations deemed hostile to the government have been jammed. (BBC Country Profile, 3 December 2008) [129c]

18.06 Reporters Without Borders (RWB) reported that:

"Zimbabwe's press today lies in ruins. If, in 2007, Reporters Without Borders has recorded fewer press freedom violations than in previous years, it is because there are very few journalists left to arrest, newspapers to close or foreign correspondents to expel. A handful of privately-owned publications do still appear, but under tight surveillance, forced to come to terms with the presidential party. The journalists who can still work in the country protect their accreditation, renewed each year by the all-powerful Media and Information Commission (MIC). They face two years in prison if caught working without this precious document. The management of the few remaining private titles to still appear are under heavy pressure to adopt the political line of the ruling party and to prevent the more critical journalists from working. No foreign reporter can legally work in Zimbabwe, without fear of arrest, being paraded like a trophy and expelled after high-speed sentencing." [44g]

18.07 Reporters Without Borders (RWB) also reported that:

"In any event, the life of independent journalists has become impossible. Two episodes reveal interference in the media by Central Intelligence Organisation (CIO) with disastrous results. The independent-minded editor of the privately-owned weekly the Financial Gazette (FinGaz), Sunsleey Chamunorwa, was blocked from entering his office on 13 March and told that he had been dismissed without notice. The newspaper has belonged to the CIO since 2001, after a financial operation using the governor of the Central Bank, Gideon Gono, as cover. "The editor managed to hang on until now because Gono refused to bend to pressure from the ruling party and the CIO, which complained about the party's editorial line, which supposedly harmed the party and favoured the MDC", [Movement for Democratic Change, the main opposition party], a source at the paper who requested anonymity, told Reporters Without Borders. In another similar incident on 7 March, Tichaona Chifamba, CEO of the publishers of the Daily Mirror, announced to staff that the paper was being forced to stop appearing because of a financial crisis. The CIO had taken control of the paper in 2004, after driving out its founder

Ibbo Mandaza. Since then, sales had fallen to a circulation of only 2,000 copies a day and debts amounted to 500 million Zimbabwe dollars (about 1.5 million Euros).” [44g]

- 18.08 The *Mail and Guardian* reported on 13 November 2006, that: “The Zimbabwe government has directed the country's largest journalism training school to accept only students who have completed a controversial national youth service training programme - blamed by critics for brainwashing youths into zealots of President Robert Mugabe's ruling Zanu-PF party.” The report noted the views of some observers who stated that the government's new directive was “...an open attempt by Mugabe's government to ensure the college that trains the bulk of journalists in the country produces pliable and uncritical journalists.” [6d]

- 18.09 The Committee to Protect Journalists reported on 10 February 2009 that following pressure from the Southern Africa Development Community, the Government

“... agreed to amend the Access to Information and Protection of Privacy Act, a repressive accreditation law that effectively enabled the government to determine who could and could not report the news.

“The amendments, passed by parliament [in January 2008], ostensibly allowed Zimbabwean reporters to work without accreditation and eased entry into the country for international journalists. But the government largely ignored the changes, barring most foreign journalists from entering the country for the election and continuing to enforce the obsolete accreditation provisions. In the run-up to the balloting, the Zimbabwe Electoral Commission denied entry to international media such as the BBC, CNN, Sky News, and South Africa's e.tv. In at least 19 cases documented by CPJ, police used outdated sections of the accreditation law to harass, obstruct, or detain journalists.” [30b]

- 18.10 Commenting on, and broadly welcoming the signing of the power sharing agreement in September 2008, the Media Institute of Southern Africa (MISA) stated on 18 September 2008 that the government needed to conduct a wider ranging review of current restrictive legislation before real progress could be made. The report noted:

“It is MISA-Zimbabwe's strong conviction that the Agreement's desire to free the media space remains illusory and is not easily achievable under the BSA [Broadcasting Services Act] as presently constituted. For instance, under the BSA, as amended in 2007, the issue of foreign investment shall be at the absolute discretion of the minister responsible. This amounts to the retention of the prohibition of foreign funding and foreign ownership in the broadcasting sector, an austere restriction in a sector that is capital intensive notwithstanding the country's severe shortage of foreign currency.”

The report went on to state: “... MISA-Zimbabwe is of the view that the new government needs a new law that guarantees the independence of the ZBC, in addition to spelling out its responsibilities, mode of funding, governance structures and its accountability processes to the people of Zimbabwe.” [17d]

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## NEWSPAPERS AND JOURNALS

### 18.11 Freedom House reported that:

"The government dominates the print and broadcast media. Coverage in state-controlled dailies such as the Chronicle and the Herald consists of favorable portrayals of Mugabe and ZANU-PF and attacks on government critics. The Daily News, the country's only independent daily, was shuttered in 2003 for not adhering to the AIPPA. The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are seen as mouthpieces of the regime." (The Worst of the Worst 2008 – Zimbabwe) [105b]

### 18.12 Reporters Without Borders (RWB), 2008 Annual Report, noted that: "A handful of privately-owned publications do still appear, but under tight surveillance, forced to come to terms with the presidential party. ... The management of the few remaining private titles to still appear are under heavy pressure to adopt the political line of the ruling party and to prevent the more critical journalists from working." In spite of some favourable rulings by Zimbabwean courts, the government continued to block media companies from setting up independent operations. [44g]

### 18.13 The USSD 2007 report also stated that:

"There were two independent major weekly newspapers, the Zimbabwe Independent and the Standard, and a semi-independent weekly paper, the Financial Gazette, all three of which continued to operate despite threats and pressure from the government. The newspapers continued to criticize the government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws... On March 8, the Zimbabwe Mirror Newspaper Group, which published the independent Daily Mirror and Sunday Mirror, closed due to financial problems after the Ministry of State for National Security gained a controlling interest in the newspaper group in 2002... In April the Zambian independent Post newspaper opened a bureau in Zimbabwe." [2] (Section 2a)

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## TELEVISION AND RADIO

### 18.14 Freedom House also reported that:

"The cost of satellite services that provide international news programming place them out of reach for most Zimbabweans. In 2005, the government began jamming the shortwave radio signals of stations perceived as hostile, including Voice of the People, the London-based SW Radio Africa, and the Voice of America. In April 2007, the Iranian government agreed to help fund a new state radio station intended to counter Western broadcasts. Mugabe enacted the Interception of Communications Bill in August, empowering the state to monitor telephonic and electronic communication with sophisticated surveillance technologies acquired from China." (The Worst of the Worst 2008 – Zimbabwe) [105b]

- 18.15 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that:

“Radio remained the principal medium of public communication, particularly for the majority of the population that lived in rural areas. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity... The popularity of independent shortwave and medium-wave radio broadcasts to the country continued to grow, resulting in further government jamming of news broadcasts by radio stations based in other countries, including both the Voice of America and SW Radio Africa [2m] (Section 2a)

- 18.16 The source went on to note that: “The government controlled the only domestically based television broadcasting station. International satellite television broadcasts were available freely through private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency.” [2m] (Section 2a)

- 18.17 And continued:

“The Broadcasting Services Act, which parliament's legal committee found to be unconstitutional but which was still in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government controlled signal carrier. Throughout the year legal rights groups criticized the act for limiting free speech.” [2m] (Section 2a)

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## THE INTERNET

- 18.18 The USSD 2007 report noted that “There were no government restrictions on the Internet; however, the ICA, enacted in August [2007], permits the government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.” [2m] (Section 2a)

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## TREATMENT OF JOURNALISTS

- 18.19 Freedom House noted that:

“Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and supporters of the ruling party. Several journalists were arrested and beaten while covering the government's crackdown on the MDC in 2007. In April, a cameraman for state television, Edward Chikomba, was abducted, beaten, and murdered, allegedly for leaking footage of Tsvangirai's beating. Foreign journalists are

rarely granted visas, and local correspondents for foreign publications have been refused accreditation or threatened with lawsuits and deportation.” (The Worst of the Worst 2008 – Zimbabwe) [105b]

- 18.20 Human Rights Watch (HRW) annual report 2008 noted that:

“Intimidation, arbitrary arrest, and criminal prosecution of journalists continue to seriously limit freedom of expression and information. Several of the journalists who tried to report on the events of March 11, 2007 and its aftermath were arrested, including independent journalist Gift Phiri, who was reportedly tortured in police custody. He was released on bail after four days, and charged with practicing without a license and ‘abusing journalistic privilege.’ On the day of the March prayer meeting itself, police assaulted photojournalist Tsvangirai Mukhwazi and held him in custody for three days, even though he had the required media accreditation. Four days later, police severely beat another photographer and his brother in Glenview, Harare when they attempted to take pictures of a group of people at a shopping mall mourning the death of an opposition activist.” [69k]

- 18.21 Following ZANU-PFs poor showing in the March 2008 elections, the party

“... unleashed a brutal crackdown on ... the press. Veteran journalist Geoff Hill described the weeks between the first round of voting in March and a runoff in June as ‘the worst time for journalists in Zimbabwe’s history,’ a view expressed by numerous foreign and local reporters. ... The nationwide press crackdown targeted anyone involved with the media: distributors, lawyers who defended journalists, and state broadcasters considered ‘disloyal’ to the ruling party.” (Committee to Protect Journalists, 10 February 2009) [30b]

- 18.22 The Committee to Protect Journalists went on to note that journalists routinely faced verbal intimidation, harassment and arrest and detention under often obsolete laws. Cases were reported where the police arbitrarily arrested and detained journalists for committing the “despicable ... crime of committing journalism”. The same source added “In July [2008], Associated Press photographer Tsvangirai Mukwazhi was severely beaten by police at his home in Harare and temporarily detained at the Southerton Police Station, journalists told CPJ. Police accused the photographer of ‘bringing the country into disrepute,’ but did not lodge charges against him.” Even journalists employed by state owned media companies were targeted where they were considered to have not been supportive enough to the ruling party and its candidates. The report noted that Henry Muradzikwa, chief executive of the state Zimbabwe Broadcasting Corporation (ZBC), was fired and seven employees were suspended for these reasons. [30b]

- 18.23 Serious concerns’ were expressed by the Committee to Protect Journalists (CPJ) on 28 September 2007, when it was reported that a list of 15 independent journalists was sent to the editor of the London based *The Zimbabwean*. The list is purportedly a government document highlighting the names of 15 journalists who are to be “placed under strict surveillance and taken in.” [30a] ZimOnline on 27 September 2007 suggested that the leaked document was a “hit list” of independent journalists that the government wished to silence before elections in 2008. The article went on to note the recent shooting of its editor Abel Mutsakani, who was seriously injured after three men broke into his South African home and shot him close to the heart.

It also noted the death of Edward Chikombo, a part-time cameraman for the state broadcaster ZBC. [49c] However, while expressing concerns about the safety of journalists in Zimbabwe, the CPJ noted that similar lists had appeared in the past in what were believed to be government ploys to “ratchet up tension”. Editors at *The Zimbabwean* noted that “it’s not the first time... If a fake, it may be designed to cause unnecessary concern; if genuine, it’s not news that we are under surveillance.” [30a]

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## PUBLIC ORDER AND SECURITY ACT (POSA)

- 18.24 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

“In February 2006 the government passed the General Laws Amendment Act (GLAA), which amended sections of the Public Order and Security Act (POSA) to allow authorities to monitor and censor ‘the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt or ridicule of--the president or acting president.’ The GLAA recommends a prison term for any journalist who ‘insults the president or communicates falsehoods’.” [2](Section 2a)

- 18.25 The USSD 2007 also noted:

“The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons.” [2](Section 2a)

- 18.26 The USSD further noted:

“There were credible reports that the deputy minister of information routinely reviewed Zimbabwe Broadcasting Corporation news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the government. POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA.” [2](Section 2a)

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## HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

### HUMAN RIGHTS ACTIVISTS

#### NON-GOVERNMENTAL ORGANISATIONS (NGOs)

- 19.01 Freedom House reported in 'Freedom of Association Under Threat', dated 21 November 2008, that:

"Nongovernmental organizations (NGOs) in Zimbabwe are severely restricted. The Private Voluntary Organizations (PVO) Act, originally introduced by the Rhodesian government and revived in 2002, sets out registration and funding requirements for NGOs. Civic organizations must register with the Ministry of Labor and Social Welfare, and the minister appoints a PVO Board, which has extensive powers to scrutinize organizations' officers, finances, and activities. Organizations in violation of board standards may be fined, their registration revoked or amended, or their members imprisoned. In 2005, the finances of scores of NGOs were investigated by interministerial teams that included representatives of the Central Intelligence Organization. Parliament in 2004 passed the Non-Governmental Organizations Act, which bars the registration of foreign NGOs engaged in 'issues of governance,' including human rights organizations, and bans domestic 'governance' NGOs from receiving foreign funding. The act also expanded the definition of NGO to include religious and environmental organizations and private trusts, and created an NGO Council with more oversight powers than the PVO Board. Mugabe declined to sign the act at the time, but many of its provisions have been enforced.

"The government routinely uses the state-owned media to threaten NGOs believed to be aligned with Western interests or the political opposition. In April 2007, the government threatened to deregister all NGOs with ties to Western countries, though no action was taken. Members of politically oriented NGOs are routinely arrested, imprisoned, and assaulted. Security forces have at times prevented humanitarian agencies from delivering aid in rural areas; in June 2008, the government ordered a halt to all nongovernmental humanitarian work, including the distribution of food aid." [105d]

- 19.02 The Human Rights Watch - World Report 2009 (Zimbabwe), dated 14 January 2009, noted that:

"The violence in the aftermath of the general elections created an even more challenging environment for human rights defenders. Many NGOs are perceived by the government of Zimbabwe as being aligned to the MDC. In the capital Harare, the government clampdown forced several NGOs to shut down. In the months after March elections, police raided the offices of NGOs such as the Crisis in Zimbabwe Coalition and the Zimbabwe Election Support Network (ZESN). ZANU-PF supporters attacked hundreds of ZESN election observers, forcing many to flee their homes. Human rights defenders were intimidated and threatened by police and security agents, who in May and June arrested a number of activists, including a prominent human rights lawyer and 13 members of the NGO Women of Zimbabwe Arise." [69c]

- 19.03 Freedom House's 2008 Zimbabwe report noted that the government has used its wide ranging powers [105a] (p5), and the threat of these powers (FCO reporting 8 August 2007) [13l], to manipulate and harasses non-governmental organisations for a number of years. "...nongovernmental organizations (NGOs), particularly those dealing with human rights issues, have faced increasing legal restrictions and extralegal harassment." [105a] (p5)
- 19.04 Amnesty International reported on 6 June 2008, that the government banned all "...field operations by non-governmental organisations (NGOs) in the country. ... Without giving specific reasons for his action, the Zimbabwean Minister of Public Service, Labour and Social Welfare, Nicholas Goche, wrote to all private voluntary organisations and NGOs on 4 June 2008, instructing them to stop their operations."
- Amnesty International stated its belief that the suspension of NGO field operations would significantly increase food insecurity in the run up to the presidential run-off exposing "...millions of people to hunger... the suspension is yet another attempt by the government to manipulate food distribution for political ends. Suspension of humanitarian operations by NGOs ensures that the government has a monopoly over food distribution through the state-controlled Grain Marketing Board (GMB) during the pre-election period." [14o]
- 19.05 Reliefweb published a news report by the Voice of America (VOA), dated 4 August 2008, that stated that the government had partially lifted its ban on NGO field operations. The article noted that the government had decided to allow "...non-governmental organizations involved in feeding HIV-AIDS patients to resume their work as soon as possible." The Health Minister stated "...that NGOs wishing to resume feeding programs for those battling HIV/AIDs should present themselves to local administrators and request the appropriate authorization. ...a World Food Program official said the United Nations agency is in talks with Harare to provide more aid despite the ban on NGO distribution." [22d]
- 19.06 The Institute for War and Peace Reporting (IWPR) noted on 19 June 2008 that it had "...been inundated with reports that since the beginning of June, NGOs have come under siege from marauding state security agents, with more than a dozen raided in the past week or so and scores of officials arrested." The report noted that NGOs have had offices raided, documents, computers and laptops seized. Individuals have been arrested and harassed with a number of prominent human rights lawyers fleeing the country after receiving threats to their lives. The IWPR stated that one lawyer had "...fled the country after receiving credible information that he was on a list of human rights lawyers targeted for imminent assassination for representing MDC members." Other lawyers have fled the country on the basis of the list. The existence of the list was apparently verified by two separate sources. [77c]
- 19.07 The Zimbabwe Human Rights NGO Forum reported in May 2007 that:
- "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 agents. Another disturbing trend has been the abduction of MDC supporters by suspected CIO agents usually driving unmarked vehicles. The abductees in most instances have been

dumped outside Harare after having been tortured. Cases of lawyers being physically and verbally assaulted whenever they visited their clients at police stations have been recorded. The situation was so bad that in some of the cases, lawyers witnessed their clients being tortured in front of them.” [35c] (p1 – Overview)

- 19.08 Amnesty International (AI) noted in its ‘Annual Report – Zimbabwe 2008’ that the government used the Public Order and Security Act (POSA) selectively. “On 21 February [2007] police in Harare announced a three-month ban on demonstrations in parts of the city. This ban appears to have breached Section 27 of the Public Order and Security Act (POSA), which only allows police to impose a one-month ban.” [14d]

- 19.09 *The Mail and Guardian* reported on 16 April 2007 that political tension caused by a wave of strikes and protests against Robert Mugabe’s government has led the Government to announce that it had cancelled licences for all NGOs operating in the country. ZANU-PF accuses NGOs of being fronts for Western powers wishing to topple the government. [6k] Reuters reported on 17 April 2007 that by deregistering all NGOs and requiring them to submit new applications, the government was attempting to weed out groups that it believes are working with the opposition to oust President Mugabe. [75a] *The Times Online* reported on 17 April 2007 that the recent launch of the Save Zimbabwe campaign by a coalition of churches, civic groups and aid groups wishing to highlight the current economic crises in the country, has been effectively used by Mugabe to justify his claims that NGOs have been infiltrated by opposition figures. [82i]

- 19.10 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

“Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; increasing poor women’s access to the courts; constitutional and electoral reform; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major local human rights NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZLHR, Zimbabwe Peace Project, NCA, SST, and WOZA.” [2m] (Section 4)

- 19.11 The USSD 2007 report stated that:

“The government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the government as groups that merely did the bidding of ‘Western governments’.

“The government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Restore Order.

“In October 2006 the government submitted its long overdue 7th, 8th, 9th, and 10th combined periodic report to the ACHPR in accordance with Article 62 of the African Charter on Human and Peoples’ Rights. Although African Union

(AU) member states are required to submit updates on the human rights situation in their countries every two years, the report covered an eight year period. According to a shadow report submitted to the ACHPR in May by a coalition of five internationally respected human rights organizations, the government's 'glowing account of Zimbabwe's record on civil and political rights' and the claim that the government 'has shown commitment to the protection and promotion of the human rights' were undermined by the realities on the ground. The report stated that the government was acting in violation of the African Charter. On May 19, a group of NGOs in attendance at the 41st Session of the ACHPR in Ghana declined to make an address during the proceedings, citing fear of retribution by the Zimbabwean government. In an earlier briefing, Justice Minister Patrick Chinamasa had accused NGOs operating in Zimbabwe of working to destabilize the country. At the 42nd Session of the ACHPR in November, the Commission adopted a resolution on the upcoming elections and the status of freedom of expression in Zimbabwe. The resolution reaffirmed the fundamental importance of freedom of expression as a cornerstone of democracy and called on the Zimbabwean government to ensure that it created conditions conducive to free, fair, and credible elections by pursuing the ongoing SADC talks with the political opposition.

"In September parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. Critics charged that the law would circumvent efforts by international human rights organizations to accurately report on the country's human rights situation. No further action was taken toward establishing the commission by year's end." [2m] (Section 4)

19.12 Human Rights Watch, in November 2006, reported that:

"Violent repression of civil society activists by state authorities in Zimbabwe continues to escalate. Over the past year the government has reacted to a spate of nationwide protests against its policies on social, economic, and human rights conditions in the country by intensifying its efforts to intimidate, silence, and punish those who expose abuses and exercise their basic rights.

"In the past three years human rights violations against opposition supporters and civil society activists have increasingly been carried out by uniformed army and police personnel and state security agents. The government has taken no clear action to halt the rising incidence of torture and ill-treatment of activists while in the custody of police or the intelligence services. Recent statements by President Mugabe appear to condone acts of torture and other serious human rights violations." [69b] (p1)

19.13 It was reported that the government closely monitored NGO activity. The Association of Zimbabwe Journalists reported on 8 June 2007 that the Central Intelligence Organisation (CIO), had deployed "dozens" of its operatives in "... various stations in the rural areas to monitor the activities of non-governmental organizations..." who were distributing food aid in Matabeleland South [MDC support is especially strong in Matabeleland North/South]. A source close to the CIO is reported to have told zimjournalists.com that each NGO in "... the drought stricken province was being watched by 'case officers'." The source added that "... more officers had been called in from other provinces and would operate under the cover of various jobs that will arise when the relief

programmes begin. Government is reportedly concerned that NGOs will meddle in politics and use food aid as a way of turning the people against ZANU-PF and government.” [143f]

- 19.14 The Foreign and Commonwealth Office noted in its annual human rights report published in July 2005, that:

“The government has used existing legislation (the Private Voluntary Organisations Act) to increase harassment of NGOs. This includes refusing work permits and temporary entry permits for foreign (predominantly European) NGO staff and demands by the government for details of NGOs’ use of funds. The NGO bill, which passed through parliament in December 2004, was designed to stifle further NGO activity. It required Zimbabwean NGOs to register annually with a government controlled body. It banned domestic NGOs concerned with governance and human rights from receiving foreign funding, and it banned international NGOs from work in this area. The President referred the bill back to parliament in May 2005, but it has already led NGOs to circumscribe their activities and focus on how they will deal with the consequences of the bill, reducing their focus on their core functions. Unless significant amendments are made when it passes again through parliament, the implications of the bill would be severe if passed into law. It would restrict the operations of NGOs, many of whom perform vital functions in areas where the government is failing; and severely curtail freedoms of expression and association.” [13d] (chapter 2 – p93)

- 19.15 Amnesty reported in a report dated 27 January 2006, that “Human Rights defender Arnold Tsunga has received a credible warning that the Zimbabwean Military Intelligence Corps has been ordered to kill him. Amnesty International believes his life is in grave danger.” AI went on to note that Arnold Tsunga is the chairperson of the Zimbabwe Human Rights Association (ZimRights) and a trustee of the radio station Voice of the People (VOP). He is a prominent lawyer, currently acting secretary of the Law Society of Zimbabwe, which regulates the country’s legal profession. “He is also Executive Director of the Zimbabwe Lawyers for Human Rights (ZLHR).” [14f] (p1)

- 19.16 A story broadcast by SW Radio Africa on 24 November 2005, reported that Zimbabwe and South Africa had signed a ‘defence and security’ deal increasing co-operation by sharing security information and co-operating in enforcing immigration laws. However, the report noted that a Zimbabwean official boasted that they would now be able to obtain information regarding the operation of NGO’s in South Africa; however, a spokesperson for the South Africans denied there was such an arrangement. [89h] In a separate article of the same date, the Zimbabwe Situation reported that: “Top Zimbabwean spy Aggrey Maringa told the Johannesburg based Sunday Times newspaper that ‘There are some NGO’s under the microscope, we will be comparing notes. We have not given each other prescriptions as to boundaries.’ This has been interpreted as a clear indication they got assurances from [South Africa that they would] get access to this information. Coincidentally state security minister Didymus Mutasa told a gathering in Cape Town that journalists and NGO’s posed the greatest threat to Zimbabwe’s stability. The South Africans were however quick to issue a denial of the Zimbabwean claims.” [89y]

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## FREEDOM OF RELIGION

- 20.01 Freedom House noted in its 2008 report that: "Freedom of religion is generally respected, although church attendance is becoming increasingly politicized. Zimbabwe's economic crisis has propelled a recent boom in attendance, and church groups such as the Solidarity Peace Trust and the Zimbabwe Christian Alliance have been at the forefront of opposition to the Mugabe government. Other church groups, such as the Zimbabwe Council of Churches and the Ecumenical Peace Initiative, are widely perceived as progovernment." [105a] (p4-5) However, the USSD International Religious Freedom Report 2008, Zimbabwe, (USSD RFR 2008) released on 19 September 2008 noted that while the Government continued to maintain good relations with religious groups it "... criticized, harassed, and intimidated religious leaders who were critical of government policies or who spoke out against human rights abuses committed by the Government. Church leaders and members who criticized the Government faced arrest, temporary detention, and, in the case of foreigners, possible deportation." [2a] (Introduction) "In September 2007, vocal government critic Bishop Pius Ncube resigned his post after evidence of an adulterous affair surfaced in the media; Ncube claims the scandal was manufactured by the government." (Freedom House, Freedom in the World 2008) [105a] (p4-5)
- 20.02 The USSD RFR 2008 reported that:
- "Divisions between mainstream Christian religious groups and practitioners of indigenous religions continued. An interfaith council continued to work towards creating closer ties between different religious groups." [2a] (Section 1)
- 20.03 The report also noted that:
- "Religious groups continued to be challenged by the Government's restrictive laws regarding freedoms of assembly, expression, and association. Although not specifically aimed at religious activities, the Public Order and Security Act (POSA) continued to be used to interfere with religious and civil society groups organizing public prayer rallies. Although POSA exempts religious activities and events, the Government generally views any public gathering that is critical of the regime as political even if the nature of the event is religious.
- "The Government viewed with suspicion missionaries it considered politically motivated. Some missionary organizations occasionally experienced delays implementing humanitarian relief activities and in having their work permits issued." [2a] (Section 2)
- 20.04 Furthermore, the report stated that: "The Government does not require religious groups to be registered; however, religious organizations that operate schools or medical facilities are required to register those specific institutions with the appropriate ministry regulating their activities. Religious institutions are allowed to apply for tax-exempt status and duty-free privileges with the Customs Department. These requests were generally granted." [2a] (Section 2)
- 20.05 The USSD RFR 2008 also stated that:

"The country has a long history of Catholic, Anglican, and Methodist primary and secondary schools. The Government does not regulate religious education in private schools. Since independence there has been a proliferation of evangelical basic education schools. Christian schools, the majority of which are Catholic, constitute one-third of all schools. Islamic, Hindu, and Hebrew primary and secondary schools are also found in major urban areas such as Harare and Bulawayo." [2a] (Section 2)

- 20.06 The Afrol Gender Profile – Zimbabwe (accessed on 31 August 2006) noted that "Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children." [73a]

- 20.07 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who spoke out against the government's human rights abuses. Church leaders and members who criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies, such as the March 11 prayer rally that was violently disrupted by police during which one person was killed and numerous others were arrested and beaten." [2m] (Section 2b)

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## Religious groups

- 20.08 The USSD Religious Freedom Report 2008 noted that:

"Practitioners of indigenous religions, including traditional healers, experienced improved relations with the Government. The Government was more inclusive of indigenous religions, of which it has traditionally been suspicious, and tolerant of witchcraft practices, which it had previously attempted to restrict. Unlike in previous reporting periods, President Mugabe made no negative statements about evangelical or indigenous churches, and he also met with leaders from these groups." [2a] (Section 1)

- 20.09 The report continued:

"It is estimated that between 70 and 80 percent of the population belong to mainstream Christian denominations such as the Roman Catholic, Anglican, and Methodist Churches; however, over the years a variety of indigenous churches and groups have emerged from these mainstream denominations. While the country is overwhelmingly Christian, the majority of the population believes, to varying degrees, in indigenous religions as well. Religious leaders reported an increase in adherence to traditional religion and healers.

"Muslims account for 1 percent of the population, primarily in rural areas where Muslim-led humanitarian efforts are often organized. The remainder of the population includes practitioners of Greek Orthodoxy, Judaism, and traditional indigenous religions. There are also small numbers of Hindus, Buddhists, and Baha'is." [2a] (Section 1)

20.10 The report also noted that:

"There were continuing reports of tensions between traditional indigenous religions and mainstream Christian churches. Some indigenous churches' acceptance of polygamy and rejection of modern medicine were common sources of tension. One leader of a traditional religious group reported that he believed that traditional religious leaders were not always consulted or taken seriously by the mainstream religious groups, especially in terms of addressing the country's problems. However, religious leaders from a wide spectrum of churches and groups continued to discuss these matters productively in meetings of the interfaith council and suggested possible areas of cooperation, such as combating HIV/AIDS." [2a] (Section 3)

20.11 IRIN News reported on 19 June 2006 that, following intervention by the Social Welfare Department, Zimbabwean police arrested the leaders of the Mudizmu Unoyera, or Holy Spirit cult. The cult led by founders Mai Maria, or Mother Mary, and Enwas Nyanhete, referred to as Baba Josefa or Father Joseph claim to be the parents of the cult's spiritual leader Girl Jesus. The cult, which was set up in 1998, is accused by the police and the Social Welfare department of abusing children who were in most cases left with the cult by their parents in the hope that family businesses would prosper as a result of their children being left at the cult's shrine. The report noted that all children found at the shrine were now being cared for at safe houses. [10n]

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## WITCHCRAFT

20.12 The USSD Religious Freedom Report (USSD RFR) 2008 noted that during the year the Government softened its stance towards indigenous religions which it had previously tried to restrict.

"Practitioners of indigenous religions, including traditional healers, experienced improved relations with the Government. The Government was more inclusive of indigenous religions, of which it has traditionally been suspicious, and tolerant of witchcraft practices, which it had previously attempted to restrict. Unlike in previous reporting periods, President Mugabe made no negative statements about evangelical or indigenous churches, and he also met with leaders from these groups.

"A July 2006 amendment to the Witchcraft Suppression Act (WSA) criminalizes any practice "commonly associated with witchcraft," but only if that practice is intended to cause harm. Spoken words alone are not considered a witchcraft practice or evidence of illegal activity. The amendment also criminalizes witch hunts, imposes criminal penalties for falsely accusing others of witchcraft, and rejects killing of a witch as a defense for murder.

“Attacks on individuals in witchcraft related cases appear to be prosecuted under laws for assault, murder, or other crimes. At the end of the reporting period, there were no new or outstanding cases under the witchcraft law.”  
[2a] (Section 3)

- 20.13 The USSD RFR 2007 also noted that: “Reports of possible ritual killings and mutilations continued to be cited by newspapers and women and children's rights groups throughout the reporting period. Police usually inquired into these killings; however, limited resources prevented police from conducting many investigations or identifying perpetrators.” [2c] (Section 3)

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## ETHNIC GROUPS

- 21.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

“According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

On October 2, parliament passed the Indigenization and Economic Empowerment Bill; however, President Mugabe had yet to sign it into law at year's end. The bill's official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980--the date of the country's independence--was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF”. [2m] (Section 5)

## SHONA

- 21.02 Jane's Sentinel Security Assessment – Zimbabwe (date posted: 14 October 2008), noted that:

“The Shona are a group of culturally similar peoples living in the eastern half of Zimbabwe, north of the Lundi River. The number of Shona speakers is estimated at over nine million, or 75 per cent of the estimated total population in 2003. In addition, there are several million Shona speakers in Zambia and especially in central Mozambique. The main tribal/dialect groupings are the Karanga (Midlands and Masvingo; about 40 per cent), Zezeru (central Mashonaland; about 31 per cent), Manyika (Manicaland; about 10 per cent), Ndau (Manicaland and Masvingo; about seven per cent) and Korekore (northern Mashonaland; about six per cent). Most of the Ndau and Manyika sub-groups live in Mozambique. A smaller, more distinct group of Shona, the Kalanga (about three per cent), lives near Plumtree and the Botswana border and is divided from the main body by broad areas of Ndebele settlement. Elementary education, Christian missions and partial urbanisation have weakened traditional institutions but barely affected belief in magic and witchcraft. Personal and political relations are largely ruled by a kinship system governed by exogamous clans and localised patrilineages. Descent, succession and inheritance are largely patrilineal. Chiefdoms, wards and villages are administered by hereditary leaders.” [111k] (Demography)

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## NDEBELE

- 21.03 Jane's Sentinel Security Assessment – Zimbabwe (date posted: 14 October 2008), noted that: “The Ndebele of Zimbabwe, or Matabele, are a different group to the Ndebele of South Africa, and are closely related to the Zulu. The

Zimbabwean Ndebele numbered about 2.5 million or 20 per cent of the estimated total population in 2003. A husband will allocate land and livestock to his wives; the eldest son of the first wife is the principal heir and inherits this property. They practise the custom of the levirate, in which men inherit the wives and children of their deceased brother." [111k] (Demography)

- 21.04 Freedom House in Freedom in the World – Zimbabwe 2008 reported that: "The minority Ndebele ethnic group continues to suffer political and economic discrimination, and Ndebele areas are often targeted by security forces as opposition strongholds. Restrictive citizenship laws discriminate against Zimbabweans with origins in neighboring African countries." [105a] (p6)

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## WHITES

- 21.05 The number of whites remaining in Zimbabwe is estimated to be between a few thousand (Economist Intelligence Unit – Zimbabwe Country Profile 2008) [24n] (p10) and 40,000 (Institute for War and Peace Reporting, 13 January 2009) [77g] having dropped from a peak of about 275,000 in the mid-1970s. [24n] (p10)
- 21.06 The historical injustice over the allocation of land in Zimbabwe gave Robert Mugabe, who in 1999 was suffering waning popularity, a scapegoat with which to boost his popularity. "Until 2002 about 30% of agricultural land was ... white-owned ..." – farm invasions and confiscations have ensured that few farms are now in white ownership. (Economist Intelligence Unit: Zimbabwe Country Profile 2008) [24e] (p15)
- 21.07 Since the start of the decade, the government has "... attempted to attribute the country's economic and political problems to the white minority and Western countries" (USSD 2007 Report) [2m] (Section 5) with Mugabe often portraying the white community as motivating and funding the MDC. (Kubatana, 28 July 2005) [55g] (p11)
- 21.08 The USSD 2007 Report stated that:
- "Throughout the year government-controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country's problems. ... On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program." [2m] (Section 5)
- 21.09 The Institute for War and Peace Reporting noted on 13 January 2009 that:
- "Embattled Zimbabwe president Robert Mugabe is piling more pressure on the country's dwindling white community, with a campaign of intimidation and arrests.

"Mugabe, who, of late, has been using warlike demagoguery to frighten critics, alleges that the opposition Movement for Democratic Change, MDC, is taking instructions from its 'white masters'. He has repeated his mantra that the MDC will never rule 'my Zimbabwe', and says he will not surrender the country to white colonialists.

"Mugabe's government has stepped up a propaganda campaign against ... whites ... [accusing them] of training hit squads to overthrow Mugabe and undermine the September 15 power-sharing deal.

"At the same time, the security forces are stepping up verbal and physical threats against whites, jailing some for allegedly fomenting unrest against the regime." [77g]

21.10 The USSD 2007 report also noted that:

"The constitution and law provide that no person can be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, sex, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems. The government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately." [2m] (Section 5)

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## ASIANS

- 21.11 Jane's Sentinel Security Assessment – Zimbabwe (date posted: 14 October 2008), noted that there were around 15,000 Asians living in Zimbabwe. [111k] (Demography) Although they were a smaller group than Zimbabwean Whites, the UK *Independent* newspaper of 10 April 2000 concluded that, in many towns, they were more visible than Whites because they ran shops and factories rather than farms. During the violence of the campaign for the June 2000 elections, there were reports that racial intimidation was spreading beyond the White-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians. [4a]
- 21.12 The Canadian IRB noted on the 7 February 2006 that: "According to a March 2005 *Cape Times* news article, some members of various ethnic communities, such as those with Indian backgrounds, have been affected by the 'Citizenship Amendment Act of 2001, which denies citizenship to anyone whose parents were born outside Zimbabwe unless he/she renounces a claim to a second citizenship'. This piece of legislation has reportedly affected some Indians negatively by imposing restrictions on their legal and civil status within the country." [48]
- 21.13 In April 2002, Andrew Ndlovu, leader of the Liberation War Veterans' Association, warned Zimbabwean Asians that their businesses and lands could be seized. In a report in the state-owned *Herald* newspaper, it was claimed that Asians had exploited Black Zimbabweans. The *Herald* reported that Ndlovu had told Asian traders and small business owners to reduce rents,

stop trading in currency on the black market, bank their money in Zimbabwe and raise wages. [5a] In May 2002, Ndlovu was arrested and charged with extortion and breaching the Public Order and Security Act. The local newspaper, *Daily News*, claimed that he allegedly printed a document entitled, *Operation Liberation – Indians Watch Out*, accusing the Indian community of sabotaging the economy through illegal currency dealing and ordering Indians to surrender parts of their properties to the Government. He was released on bail of Z\$100,000. [9z]

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## FARM WORKERS OF MALAWIAN, ZAMBIAN AND MOZAMBIKAN ORIGIN

- 21.14 The *Zimbabwe Independent* noted on 31 August 2001 that there were between 350,000 and 400,000 farm workers in Zimbabwe, who numbered up to two million with their families. Most of these people were third generation Zimbabweans whose grandparents came to Zimbabwe from Mozambique, Malawi and Zambia during the colonial era. Many had “lost contact with their countries of origin” and had “lived on white-owned farms throughout their lives”. “War Veterans” targeted these farm workers in their campaign against White ownership of commercial farms. Hundreds of thousands of farm workers were reportedly displaced along with the White owners of commercial farms when squatters occupied the farms. [11c] IRIN News reported in February 2003 that the numbers of commercial farm workers who had been affected by the Government’s resettlement programme had increased to around one million. [10ae] The *Zimbabwe Independent* newspaper called it “ethnic cleansing”. [11c]
- 21.15 The USSD 2007 report noted that the Government amended the citizenship laws requiring all “...all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals.” [2m] (Section 3)
- 21.16 IRIN (Relief Web) noted in an article dated 10 October 2003 highlighted the concerns about the vulnerability of displaced farm workers. Reported to make up over half of the estimated 100,000 displaced persons in Zimbabwe, farm workers faced continual harassment. According to IRIN “Many of them have been expelled from communities in which they have attempted to resettle. They are often, according to relief workers, excluded from lists of beneficiaries for food and other international assistance. Others have been re-employed by new owners of commercial farms, but farm wages have fallen”. [10b]
- 21.17 On 10 February 2004 ZWNews reported an MDC claim that Shemi Chimbarara, a farm worker on MDC MP Roy Bennett’s farm, was shot and killed by soldiers on 8 February 2004. A group of ZANU-PF supporters, led by Chamunorwa Muusha and Charles Chigamba, a former police officer known as Nasho, burned the house and car of another farm worker. This incident came days after one woman was reportedly raped by Muusha and another woman and a girl were sexually abused by Chigamba. [67b]

- 21.18 BBC News reported on 24 August 2005 that historically, many people from neighbouring countries such as Mozambique, Zambia and Nyasaland had migrated in the 1950s and 1960s, some seeking work on white-owned farms in the more developed Southern Rhodesia (Zimbabwe). For a variety of reasons, a number of these people left the farms where they had worked and moved to the larger towns and cities across Zimbabwe. However, as the BBC article explained “In the wake of the government’s crackdown on illegal buildings and unlicensed traders, Zimbabweans of foreign parentage are finding themselves in a particularly difficult situation.... While thousands of Zimbabweans who can trace their ancestry to a Zimbabwean rural village are being transported to the countryside, those whose parents or grandparents were immigrants are left in limbo. ‘To say every Zimbabwean has a rural home is not true,” says Alouis Chaumba, head of the Catholic Commission for Justice and Peace in Zimbabwe. “Some are the grandchildren of people who came here during the Federation.” [3b] (p1-3)
- 21.19 Kubatana.net in *Development Denied: Autocratic Militarism in Post-Election Zimbabwe*, dated 28 July 2005, reporting on non-Zimbabweans caught up in Operation Murambatsvina, noted that “Those without Zimbabwean ID were initially taken to fenced holding camps and stored like beasts. The razed suburb of Mbare had many Mozambican traders, Hatcliffe many of the 200,000 displaced Malawian ex-farm workers from the misnamed ‘Land Reform’ of previously white-owned farms.” [55g] (p3)

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## ALBINOS

- 21.20 IRIN reported on 16 February 2006 that “Zimbabwe has around 14,000 people living with albinism...” [10b] SNNi.org (Smart News Network International) noted on 7 January 2006 that albinos in Zimbabwe face a great deal of social stigmatization. “Discrimination against albinos, especially women, is rampant in all sectors in Zimbabwe. ‘Most employers call you for an interview and when they see you they just tell you there is no job,’ says Brenda Savanhu, a qualified secretary. ‘They do not tell you the reason, but we know why they are doing it.’”

Many albinos have difficulties affording sun creams and sunglasses needed to protect their sensitive skins, rendering them more prone to skin cancers. The article noted a more worrying situation for albino women; that of men sleeping with them in the mistaken belief that sex with an albino woman will cure them of any sexually transmitted disease (STD). [126] Noting a rise in violence against albino women, ohmynews.com reported on 8 November 2005 that “In Zimbabwe, albinos are not only treated as lepers, there is a rise in the rape of albino women in the belief that if a HIV positive man sleeps with an albino woman, he is automatically cured.” [127] The USSD 2007 report noted that: “NGOs continued to lobby to include albinos in the definition of ‘disabled’ under the law.” [2m] (Section 5)

- 21.21 IRIN reported on 16 February 2006 that: “About 65 percent of people with albinism in Zimbabwe are aged under 20. ‘Mortality is incredibly high – most of our people are aged between 33 to 50 years – very few people live beyond

that, and it is sad because skin cancer is curable,' commented Makumbe [founder of the Zimbabwe Albino Association (ZIMAS)]." The IRIN article also noted that across southern Africa most people with albinism are regarded as "unnatural and even cursed" with discrimination in the workplace being common. [10b]

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## OTHER ETHNIC MINORITIES

- 21.22 The Lemba or Lembaa [also know in Zimbabwe as the Remba] are a small group of people in southern Africa who while speaking languages similar to their neighbours, have specific religious practices similar to those in Judaism, and a tradition of being a migrant people with clues pointing to an origin in the Middle East or North Africa. [128] (**The Lemba, p1-2**) Afrol Gender Profile – Zimbabwe (accessed on 31 August 2006) noted that: "The Remba [or Lemba] ethnic group practice infibulation, the most extreme form of Female Genital Mutilation (FGM)." [73a] (p2)
- 21.23 The World Directory of Minorities notes that, the Shangaan, Venda and Tonga peoples make up about two per cent of the population. The Shangaan and Venda live mainly in the far south of Zimbabwe. In 1985–86 the Government introduced teaching in primary schools in these groups' own languages. In 1995 the national radio station began broadcasting programmes in the three minority languages. [16] [27] (**Tribal map**)
- 21.24 Mulonga.net reported in an article dated 27 December 2005 that the Tonga form "...the third largest ethnic and language group after the Shona and Ndebele and the most marginalised in the country." [40a] The World Directory of Minorities noted that the Tonga live in north-western Zimbabwe. In the 1950s about two-thirds of their population, some 57,000 people (in both Zimbabwe and Zambia) were moved from their ancestral lands to make way for the Kariba Dam. Tonga leaders claimed that central government investment and relief, including "cultural support such as primary school instruction in the Tonga language", was "inadequate". [16] [27] (**Tribal map**) IRIN reported on 5 September 2007 that since the construction of the Kariba dam the Tonga suffer from some of the highest levels of unemployment and poverty in Zimbabwe. [10p]

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## LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS (LGBT)

### LEGAL RIGHTS

22.01 *Gay Times* (accessed on 2 December 2008) noted that:

“Whilst here is no Statutory legislation prohibiting homosexual activities in Zimbabwe, there are criminal offences under Common law which effectively make homosexuality illegal in Zimbabwe. Common Law prohibitions include Sodomy defined as the ‘unlawful and intentional sexual relations per annum between two human males’ and Unnatural Offences defined as the unlawful and intentional commission of an unnatural sexual act by one person with another person. The meaning of ‘Unnatural’ involves a value judgement which can be interpreted how you will. These offences are particularly repressive. Zimbabwean law therefore criminalise sex and even the display of affection between men and criminalises unnatural sexual acts between two persons which in theory could be applied to two women though in practice never has. Although these outdated laws are not always applied, the threat of being caught still hangs over the gay and lesbian community in Zimbabwe. S11 of The Censorship and Entertainments has also been used to harass gay people in Zimbabwe. This provides that no person shall import, print, publish, distribute, or keep for sale any publication which is undesirable. A publication is undesirable if it is ‘indecent or obscene or is offensive or harmful to public morals or is likely to be contrary to public health.’” [118b]

22.02 With regard to the status of Lesbians in Zimbabwe, the Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 2 December 2008, noted that: “The common law prohibiting consensual lesbian sexual acts had previously fallen into disuse and [t]his law has not been revived by the codification and modification of the criminal law.” [42c]

22.03 The Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 17 November 2008, noted that “The Zimbabwean constitution provides for freedom of association. There is nothing illegal about forming an association to cater for the needs and interests of LGBTI people in Zimbabwe. Government would, therefore, have to resort to illegal means to close down GALZ.” [42b]

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### GOVERNMENT ATTITUDES

22.04 The *Gay Times* (accessed on 2 December 2008) noted that: “The last few years have seen attacks of extraordinary virulence on Zimbabwe’s lesbian and gay community, led by Robert Mugabe.” The Zimbabwean government has a history of homophobia extending back to at least 1995. [118b] *Behind the Mask* (accessed on 2 December 2008) noted that: The Zimbabwean president and government are extremely homophobic to the point of obsession. Mugabe has in the past said of gays: ‘What an abomination, a rottenness of culture, real decadence of culture. [Homosexuals are] repugnant to my human conscience ... immoral and repulsive ... Lower than pigs and dogs ... Animals in the jungle are better than these people because at least they know that this is a man or a woman... I don’t believe they have any rights at all.’” [92f]

- 22.05 Similar language has been used by supporters of the government. Addressing an election rally at ZANU-PF headquarters in Harare, Rev Obadiah Msindo informed crowds gathered for the rally that MDC leader, Morgan Tsvangirai, was homosexual. Using homophobic language designed to both ridicule and diminish the standing of the leader of the opposition, the Rev Msindo claimed that Morgan Tsvangirai was the “girlfriend” of both Tony Blair and Gordon Brown and was conducting a sexual relationship with them both. The pronouncements followed similar homophobic language used by President Mugabe against critics of his government. (Afrik.com News, 19 March 2008) [92e]

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## SOCIETAL ILL-TREATMENT OR DISCRIMINATION

- 22.06 *The Independent* noted on the 21 November 2006 that homosexuality, which in Shona is called ngochani, had historically been widespread and accepted. Only since the colonial period has homosexuality been taboo in most African societies. [4c] (p1-2)
- 22.07 The Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 17 November 2008, noted that:
- “Zimbabwe is not the worst place in the world in which to be gay or lesbian even though the President, government officials and church leaders have whipped up a climate of hysterical homophobia. Nevertheless, there is growing tolerance of LGBT in Zimbabwe especially amongst younger people in urban areas who have grown up with the knowledge that gay and lesbian people exist within their midst.” [42b]
- 22.08 UN Integrated Regional Information Networks reported on 26 October 2006 that GALZ has a membership of around 6,000 men and women, with around 400 new members joining each year. The report went on to note that:
- “Despite the pervasive homophobia in Zimbabwe, GALZ has seen its membership rise steadily, with about 400 new members joining each year.
- “‘It is apparent that homosexuality exists throughout society, including rural areas,’ said Madzikure. ‘Even if Mugabe does not accept it, it [homosexuality] is there, and it will not go away. We have to accept that it exists, so that we can work together in addressing HIV/AIDS among the gay community.’
- “Chairman of the Zimbabwe National Network for People Living with HIV (ZNPP+), Benjamin Mazhindu, called for legislation on homosexuality to be changed. ‘What we need to do is fight for a change of laws so that gays are given recognition. Without that, fighting AIDS among homosexuals will be futile.’” [10q] (p2-3)
- 22.09 Behind the Mask reported on 18 June 2007 that GALZ had opened a new Gay and Lesbian centre in Bulawayo. GALZ Director, Keith Goddard was reported to have said that the opening of the Bulawayo centre along with the introduction of “affinity groups” across Zimbabwe was as a result of the

significant growth of the organisation's membership. Mr Goddard said that "We are definitely growing as more and more people are gaining courage and are comfortable about their sexual orientation in Zimbabwe." The Bulawayo centre is reported to want to focus on women's needs. [92c]

- 22.10 Commenting on the people who use the GALZ social centre in Harare, Keith Goddard is reported to have said:

"A lot of the people who come [to the GALZ centre] are quite happy to walk out in the street in drag and demonstrate,' Goddard says. 'Or appear on television. Or write to the paper and use their real names. Or simply say to friends, 'I'm tired of this homophobic bullshit, I'm a Gay person...'" (The Washington Blade, 28 April 2000) [86] (p5)

The article continued:

"This activism has sparked some negative responses - such as those seen in the constitutional commissioners' outreach reports. And while more and more people, particularly young black men, are living deliberately open lives as Gay people, there are dangers. Most of the people who come to GALZ's center regularly have been physically attacked at some point, occasionally by state agents. But as the center's very existence suggests, those attacks are increasingly rare. And while Mugabe's government has issued strong threats, it has not raided the GALZ center since its early days. As Goddard stresses, this shows that even the state has come to accept Gays' existence." [86] (p5-6)

- 22.11 The USSD 2006 report noted that:

"On August 5, six unidentified men approached the Gays and Lesbians Association (GALZ) exhibit at the Zimbabwe International Book Fair, seized GALZ literature, and forcibly removed the GALZ members from the event. Police officers and security guards working at the event stood by and watched without intervening. A nearly identical incident occurred at the same book fair in 2005. GALZ staff members believed these actions were part of an ongoing government campaign of discrimination and harassment against homosexuals. No action was taken against those who threatened the GALZ staff members in 2005 or during the year." [2b] (Section 5) *The Independent* noted on the 21 November 2006 that abuse and violence at the Harare International Book Fair has become an annual homophobic ritual. [4c]

### Societal ill-treatment of lesbians

- 22.12 Behind The Mask, reported on 13 June 2008, that lesbian and bisexual women often face far more severe discrimination because of the traditional lower status of women in Zimbabwean society. The report noted that while gay men "... are spurned by society, they still maintain the privileges that automatically accrue to them as biological males." These privileges include the right of free association, whereas "Women... are not at liberty to mix with whom they please and establish unsupervised relationships. This makes it more difficult for lesbian and bisexual women to meet with others like themselves whilst keeping their sexuality hidden from their families." However, women who were economically independent (generally in the large towns and cities) were reported to be in a slightly better situation. [92g]

- 22.13 The same source also noted that: “In the rural areas lesbian and bisexual women ...” have little access to a support network. “With no support network and no information, these women are far more likely to internalise their oppression and believe that they should conform to cultural norms of heterosexual marriage and the bearing of children. Although these women may outwardly concur with their position, they are still forced to accept a lifestyle, which runs entirely contrary to their emotional and psychological needs.

“Although spaces for lesbians and gay men remain limited, men are once again at an advantage. Whilst gay men are generally more accepting of lesbian and bisexual women as social equals and do not view women as sex objects, many still carry with them unconscious prejudices of heterosexual socialisation. ...

One “... potential source of sanctuary for lesbian and bisexual women is the women’s movement but, in Zimbabwe, this is deeply divided by conflicting ideologies.” The traditional and invented African traditions of many of these organisations further constrict a woman’s freedoms. In addition “The conservative wing of the women’s movement is... heavily influenced by fundamentalist Christian thinking which finds no room for the inclusion of lesbians.” And lesbians “... may even be perceived as a threat since many [women’s] organisations fear to associate with those unpopular both with government and the Christian church.” [92g]

- 22.14 The same observed

“A woman is not thought of as owning a sexuality independent of the needs of men and the idea of sexual expression not involving penetration is entirely alien to the machismo mentality. For these reasons and others related to the general invisibility of lesbian and bisexual women in public spaces, the majority of Zimbabweans believe that it is illogical for lesbians to exist in African cultures. Those who profess to be lesbian are simply not believed. Women who claim to be independent of men, even for sex, arouse intense anger in those men with deep-seated insecurities about sexual rejection and the need to control. In more traditionally conservative circles, homosexuality may be thought of in terms of illness brought on by demon possession. The cure for a man is exorcism but often the cure for a woman is ...” rape. (Behind The Mask, reported on 13 June 2008) [92g]

(Additional information about sexual violence against lesbians, and HIV/AIDs can be found at [Women and Children](#))

## LGBT SOCIAL SCENE

- 22.15 GALZ describes the gay and lesbian social scene in Zimbabwe as “vibrant” and “flourishing”. In supporting this view GALZ points to the annual Jacaranda Queen (Drag Queen) competition which has taken place in one form or another since the 1970s; the most recent incarnation of which began in 1995 at the height of government pronouncements against Lesbians and Gays. (GALZ, accessed 23 November 2007) [42d] (Behind the Mask, 1 November 2002) [92a] ‘Samantha’, the 2005 winner of the competition, was reported as saying on receipt of the prize “I will utilize this opportunity to do charity work and show a better side of our community. I am very happy; I have to call my

mother..." [92b] Kubatana reported on 10 November 2007 that the most recent Jacaranda Queen drag pageant was held at Harare's Harry Margolis Hall in November 2007. [55i]

- 22.16 International Gay guide, Spartacus, confirmed in its 2008 listing for Zimbabwe that there is "... an annual Pride celebration [doesn't state the details but it is likely to be connected to the Jacaranda Queen contest] in September/October each year." In addition, the guide also noted that there were a couple of dance clubs where gay people could meet in the Borrowdale area of Harare. [166a] The GALZ website (accessed 23 September 2008) noted that another gay friendly venue was The Book Café in Harare. [42e] The BBC, in an article dated 7 August 2007, described 'The Book Café' as the "... epicentre of Harare's alternative culture." [3i]

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## DISABILITY

- 23.01 The National Association of Societies for the Care of the Handicapped (NASCOH) noted in a disability update published on 20 February 2007 that over 1,200,000 people, around 10 per cent of the population of Zimbabwe were considered to be disabled in some way. The disabled population were reported to be among the poorest in society with over 70 per cent of people with disabilities without employment. [91]
- 23.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that the law specifically prohibited "...discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived." [2m] (Section 5)
- 23.03 The USSD 2007 continued:
- "According to the National Association of Societies for the Care of the Handicapped, persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector was largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. Additionally, there was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education." [2m] (Section 5)
- 23.04 The USSD also noted:
- "Operation Restore Order in 2005 severely affected persons with disabilities, and, according to the UN special envoy's report on the operation, the government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population. The government broadcasts a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities." [2m] (Section 5)
- 23.05 The NASCOH report noted that many in Zimbabwe still believe that disability is a punishment caused either by angry "... spirits for a wrong committed by a family to another family, bewitching by vindictive or aggrieved parties, a curse for wrongdoing, use of magic gone awry within the family, or use of the disabled member as a sacrificial pawn..." [91]

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## WOMEN

### OVERVIEW

- 24.01 The Department for International Development's country overview of Zimbabwe (last updated in December 2008) noted that women living in Zimbabwe had the lowest life expectancy of any country in the world. The report noted that AIDS and poor economic conditions had contributed towards an average life expectancy in the country to drop to 34 years. [148b]
- 24.02 A number of sources noted that deteriorating economic and political conditions have led to an escalation in violence against women. The aftermath of the March 2008 parliamentary and presidential elections, that saw the Government and its supporters engaged in a "... systematic campaign of violence ... In an attempt to overturn the vote in the presidential run-off ..." (The Human Rights Watch, 14 January 2009) [69c] resulted in large numbers of women becoming victims of political violence. Pambuka News noted in an article dated 4 December 2008:

"In the MDC strongholds such as Manicaland and Mashonaland Central where the government had been trying to violently suppress the opposition, women and girls were raped and abused. In numerous examples, the youth militia and war veterans approached women and asked them to reveal the whereabouts of their husbands or brothers. Women were tortured and abused in order to force them to tell where their husbands were hiding. They raped them or physically assaulted them to force the males, whom they suspected to be opposition supporters, to return home. ... Many other instances were reported where women and girls were abducted for the purposes of supplying youth militia at the bases with sexual services, cooking and cleaning. Several testimonies collected for this study contain clear cases of sexual slavery and torture." [146a] (p3)

### POLITICAL RIGHTS

- 24.03 Freedom House in *Freedom in the World – Zimbabwe 2008* reported that: "Women serve as ministers in national and local governments and hold seats in Parliament. Joyce Mujuru is second vice president of Zimbabwe and a possible successor to Mugabe." [105a (p6)]
- 24.04 Kubatana.net reported in *Development Denied: Autocratic Militarism in Post-Election Zimbabwe*, dated 28 July 2005, that during the March 2005 parliamentary election many women who were ZANU-PF supporters were pleased by the central role given to gender in the election, which included the use of "women only" shortlists and the appointment of Joyce Mujuru as a Deputy President in the lead up to the poll. "Although others contest that 'women only' shortlists were used disproportionately in constituencies where the sitting ZANU-PF MP was thought to be less than loyal, and some see Comrade Mujuru's appointment as expedient in preventing a more weighty candidate for the Presidency from emerging, ZANU-PF loyalists saw a commitment to gender and development, enhanced by International Women's Day rallies during the election campaign." [55g] (p.9)

- 24.05 The *Afrol Gender Profile – Zimbabwe* (accessed on 2 February 2009) reported that historically, women, despite the use of a women-only shortlist, have been underrepresented in government and politics. Until the formation of the current power sharing government, women were only represented in a small number of senior parliamentary positions - deputy speaker, three cabinet posts, three ministers of state, and three deputy ministers. “Women participate in politics without legal restriction; however, according to local women’s groups, husbands – particularly in rural areas – commonly direct their wives to vote for the husband’s preferred candidates.” [73a] (p3)

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## SOCIAL AND ECONOMIC RIGHTS

- 24.06 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

“Despite laws aimed at enhancing women’s rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.” [2m] (Section 5)

- 24.07 The USSD 2007 report also stated that:

“Women and children continued to be adversely affected by the government’s forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband’s family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband’s family in rural areas where resources were already strained.

“The Ministry of Women’s Affairs, Gender, and Community Development showed some improvement in efforts to advance the cause of women. The ministry, through collaboration with local NGOs, introduced training workshops for traditional leaders in the rural communities to create more awareness on women’s issues. Women’s Affairs Minister Oppah Muchinguri also established ‘gender units’ in every ministry to advance women’s rights. The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government.

“Several active women’s rights groups concentrated on improving women’s knowledge of their legal rights, increasing their economic power, combating

domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.” [2m] (Section 5)

- 24.08 With regards to women’s inheritance rights, a report published by HIV-AIDS Zimbabwe (HAZ) reported on 18 July 2007 the case of a woman who had “... won the right to stay in her matrimonial home after a fierce legal wrangle with her late husband’s relatives who wanted to take her home away from her.” The report noted that there were a number of legal associations who specifically take on women’s cases – some of these services are offered free of charge. [106] (p2)

- 24.09 Afrol noted (accessed on 2 February 2009) that:

“The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women’s right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. During the September land conference, women’s rights organizations effectively lobbied the Government to agree to create legislation giving married women joint spousal title to property offered under the resettlement program; however, no such legislation had been enacted by year’s end. ...

“The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavourable to widows. Women’s groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law. However, in February [2006] the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man’s claim to family inheritance takes precedence over a woman’s, regardless of the woman’s age or seniority in the family; the Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favourable to women, but women generally lack awareness of their rights under the law.” [73a] (p1-4)

- 24.10 The Institute for War and Peace Reporting noted on 3 July 2008 that the current economic conditions in the country, over 80 per cent unemployment coupled with hyper-inflation, has led many women to turn to the sex industry as the only way of feeding themselves and their families. The report highlighted a number of examples of women who have made the decision to sell sex for food and shelter. [77a]

(For related information see Section 26 Children – Customary marriages)

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### Reproductive rights - infertility

- 24.11 The New Internationalist reported in July 1998 that fertility in Zimbabwe has traditionally been highly prized, with the success of a marriage often being measured by a couple’s offspring. However, the report also noted that where a couple were unable to conceive, the woman was often the one who was

blamed. Many men in these situations often choose to seek another partner, partly as a means of "... exonerating himself from the stigma of being the infertile one. ... Women without children suffer social rejection and are made to feel personally inadequate. Male fertility, on the other hand, is a taboo subject, to be concealed at all costs. Covering up for men is usually done through a traditional practice called *chiramu* which involves the clandestine bringing-in of the husband's close relative (usually a brother) to impregnate the wife."

In the current economic climate, where basic drugs like paracetamol are unavailable to many, infertility treatment is an option only to the rich in Zimbabwe. In these circumstances, many people continue to turn to traditional healers and religious practitioners. [59] (p1-2)

### Access to abortion

24.12 The United Nations Population Division (Department of Economic and Social Affairs) noted, in a report dated 23 November 2005, that abortion in Zimbabwe was only legally sanctioned in the following circumstances:

- to save the life of the mother;
- to preserve the physical health of the mother;
- following rape or incest; and,
- foetal impairment.

Abortion was not available on request or for the following reasons:

- to preserve mental health; and,
- economic or social reasons. [74] (p189)

24.13 The UN report went on to note that:

"A legal abortion must be performed by a physician in a designated institution with the permission of the superintendent of the institution. If the pregnancy resulted from unlawful intercourse, a magistrate of a court in the jurisdiction where the abortion will be performed must certify that the alleged intercourse was reported to the police and that pregnancy may have resulted from it. When the abortion is requested because the pregnancy poses a threat to the life or physical health of the pregnant woman, or on grounds of foetal impairment, two physicians that are not members of the same practice must certify to the relevant hospital superintendent that one of these conditions exists. However, if the woman's life is in danger, a physician can perform the abortion in a place other than a designated institution and without a second medical opinion." [74] (p189)

24.14 IRIN news reported on 30 March 2005 that the protracted process of satisfying the conditions of the 'Termination of Pregnancy Act (1977)' "... coupled with the fact that legal abortions are not free, have led to a growing 'black market' for the procedure, where back street terminations are often performed by unskilled personnel in unhygienic surrounding." As a result it was reported that 70,000 illegal abortions take place in Zimbabwe every year. One consequence of illegal was a large number of young women (usually between the ages of 15 and 24) seeking post abortion medical assistance. [10m]

- 24.15 *The Herald* reported on 12 July 2008 that a woman who confessed to "... terminating a seven-month pregnancy was sentenced to perform community service after a Harare magistrate wholly suspended her nine-month prison term" [23f] Another *Herald* article, dated 14 July 2008, reported that the Director of the Zimbabwe Women Lawyer's Association, Emilia Muchana, called on the government to improve the implementation of the Termination of Pregnancy Act so as to allow women to terminate ..." pregnancies that result from rape. Ms Muchana stated that implementation of the Act was slow with women giving birth to 'unwanted lids' due to delays in granting them the go-ahead to terminate such pregnancies." [23g]

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## CULTURAL NORMS/CONSEQUENCES

- 24.16 Freedom House in *Freedom in the World – Zimbabwe Country Report (2008)*, reported that:
- "Women enjoy extensive legal protections, but de facto societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and hold seats in Parliament. Joyce Mujuru is second vice president of Zimbabwe and a possible successor to Mugabe. The World Health Organization has reported that Zimbabwean women's life expectancy of 34 years is the world's shortest. Sexual abuse is widespread, including the use of rape as a political weapon. A recent upsurge in gender-based violence spurred renewed calls for the enactment of the Prevention of Domestic Violence Bill, which has lingered in Parliament for eight years. In July 2007, Amnesty International reported that women oppositionists faced particular brutality by security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education." [105a]
- 24.17 Afrol (accessed 2 February 2009) stated that "Women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms subject women to societal discrimination. Customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing; the custom of forcing a widow to marry her late husband's brother; and the custom of offering a young girl as compensatory payment in interfamily disputes is deeply rooted in Zimbabwe." [73a] (p1-4)
- 24.18 Womankind.org noted in *Why Zimbabwe* (accessed on 17 October 2007) that: "There are three types of marriages, namely civil marriages, registered customary marriage and unregistered customary marriages. Customary marriages are traditional unions, which are sometimes registered, but which often remain informal. The legal status of a marriage determines the rights of a wife after divorce or the death of a spouse. Nearly a fifth of marriages are estimated to be polygamous: some women see polygamy as preferable to monogamy where they might otherwise be socially excluded due to their unmarried status." The report also noted that "An estimated 80% of marriages in Zimbabwe are 'customary marriages', in which a woman's right to inherit property upon the death of her husband can be severely compromised. Around 18% of women are in polygamous marriages, which further limit a wife's property rights. Childless widows are often evicted, as are those who refuse to be physically 'inherited' by a male relative of their late husbands." [125]

- 24.19 Afrol (accessed 2 February 2009) also noted that societal attitudes towards women's rights had improved in recent years. It noted that "... gender issues, which belonged to the private and family sphere, are now discussed in public and abuse is starting to be taken to court." However, the profile states that "Violence against women, especially wife beating, is common. Domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The media increasingly reports incidents of rape, incest, and sexual abuse of women." [73a] (p1)
- 24.20 Afrol also noted that Female Genital Mutilation (FGM) is still practised by a small ethnic group called the Remba [or Lemba]. [73a] (p2)

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## VIOLENCE AGAINST WOMEN

- 24.21 The USSD 2007 report noted that:

"Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

"On October 25, the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in December 2006. The government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 15 killing of his wife. The case was pending at year's end.

"During the year the government conducted a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups reported that awareness of domestic violence increased following the October enactment of the Domestic Violence Act." [2m] (Section 5)

- 24.22 The USSD 2007 report continued:

"There were continued reports of rape, incest, and sexual abuse of women. Approximately 1,100 rapes were reported in Harare in 2002. Although the government refused to supply figures subsequently, the rate reportedly increased. In many cases the women knew their rapist. Few cases of rape,

especially spousal rape, were reported to authorities, because women were unaware spousal rape was a crime and, particularly in rural areas, feared losing the support of their families. Musasa Project reported that most women initially came to the organization for other counselling, and information about the rape only came to light after several sessions. During the year there were reports of women raped and murdered as part of witchcraft rituals. Human Rights NGO Forum reported four politically motivated rapes although Musasa Project reported that cases of political rape were no longer common. There was no evidence that authorities took action to address rapes at national youth service camps. ... On September 18, the Union for the Development of Apostolic Churches in Zimbabwe Africa announced a resolution to ban polygamy in order to combat the spread of HIV." [2m] (Section 5)

- 24.23 The BBC reported on 25 July 2007 that Amnesty International claimed in a new report that "women who oppose Robert Mugabe's regime in Zimbabwe are suffering increasing violence and repression..." The report also noted that "Detained women human rights defenders have been subjected to sexist verbal attacks, and denied access to food, medical care and access to lawyers... Some have been severely beaten while in police custody, in some instances amounting to torture." [3be] Freedom House in Freedom in the World – Zimbabwe 2008, reported that ZANU-PF youth militias have used rape, torture and even murder as a political weapon. [105a] (p11)

For further information on violence against women see [Section 19](#) Human Rights Activists & [17.73](#) WOZA

- 24.24 Freedom House also reported that security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group. Hundreds of women are reported to have been arrested during recent demonstrations. [105a] (p5)

- 24.25 Various sources reported during the 2008 elections that rape was used by ZANU-PF as a political weapon against opposition supporters. IRIN News reported on 9 July 2008 that:

Several women, including a 70-year-old grandmother and a 15-year-old girl, have been gang-raped..." In some cases, it was reported that opposition supporters were forced to "donate" women to torture camps to avoid becoming victims themselves. "Rape was being used as a 'deplorable' weapon against those perceived as not supporting ZANU-PF. And 'in many instances, the victims cannot remember the number of people who raped them but it is usually more than 20..." which increased the chances of contracting a sexual transmitted disease. [10u]

- 24.26 Reuters reported similar events having taken place during and after the elections, with 53 cases of rape having been reported since mid April 2008. Reuters noted that: "More than 50 women, some as young 13 and others as old as 60, have been gang raped and tortured by government-backed militias in Zimbabwe because of their support for the opposition... One 60-year-old woman said she was raped by 18 militia members who told her they wanted her to have a ZANU-PF baby..." The 13 year old girl was reported to have been held at a youth militia camp and used as a sex slave, being repeatedly raped and beaten. [75c]

(For additional information on violence against women see [Section 17 – Women of Zimbabwe Arise](#) & [Section 26 – Child abuse](#))

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## LEGAL PROVISIONS AND ACCESS TO THE LAW

- 24.27 Freedom House in *Freedom in the World – Zimbabwe 2008*, reported that “Women enjoy extensive legal protections, but de facto societal discrimination and domestic violence persist. ... The prevalence of customary laws in rural areas undermines women's civil rights and access to education.” [105a] (p6)
- 24.28 The United Nations Development Fund for Women (UNIFEM) noted in a ‘News Flash June 2006’ that the Zimbabwean cabinet had approved the “long awaited” Domestic Violence Bill. The new Bill, seen by women's NGOs as a major step forward in protecting women's rights, was due to be debated by parliament sometime in August. [141] However, as the above report by Freedom House notes, it is generally not a lack of legislation in Zimbabwe that deprives women of the same rights as men, but the lack of implementation of relevant laws.
- 24.29 The Veritas Trust published the draft *Domestic Violence Bill, 2006* on 30 June 2006. The memorandum to the Bill says that the purpose of the Bill is “...to afford the victims of domestic violence the maximum protection... that the law can provide and to introduce measures which seek to ensure that the relevant organs of the State give full effect to the provisions of...” the Bill. The main result of the Bill is the criminalisation of many acts of domestic violence not previously punishable under the law. The Bill states that “...all acts of domestic violence as defined in section 3 [see original document] with the exception of emotional, verbal and psychological abuse and economic abuse and stipulates the relevant penalty.” Clause 4 of the Bill provides that every police station will have a section dedicated to dealing with domestic violence issues. It also “...places a legal duty on the police to assist a complainant of domestic violence.” And, that the police should, where appropriate, assist victims in obtaining shelter and medical treatment. Clauses 8, 9 and 10 provide for “interim protection order[s]” and “final protection order[s].” Clauses 14 and 15 provide “...for the appointment of anti-domestic violence counsellors.” [142] (pi-iii) *The Herald* reported on 3 March that President Mugabe had “... assented to the Domestic Violence Act, effectively making it law.” [109a] However, the Foreign and Commonwealth Office reported on the 8 August 2007 that the Act still needs to be enacted. [131] No information as to when this was likely to happen was available.
- 24.30 The USSD 2007 report also noted that:
- “Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.” [2m] (Section 5)

## 24.31 The USSD 2007 report continued:

“The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and, feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases, and the government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV.” [2m] (Section 5)

## 24.32 The USSD 2007 report continued:

“The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.” [2m] (Section 5)

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## CHILDREN

### BASIC INFORMATION

- 25.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the UN Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country." [2mb] (Section 5)

- 25.02 The USSD 2007 report continues:

"During the 2005 Operation Restore Order, the government detained many street children and took them to transit camps or juvenile detention centers. At year's end NGOs were uncertain how the operation affected the number of children living on the streets, which in previous years had risen dramatically. One local child welfare advocacy group reported that the continuing economic decline and the government's lack of support to social welfare institutions contributed to a noticeable rise in the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers." [2m] (Section 5)

- 25.03 *The Daily Mirror* reported on 18 January 2006 that the experience of children and the parents of children with disabilities was often difficult with discrimination of disabled children still very common. The report noted that disabled "...children face a lot of challenges ranging from lack of adequate schooling facilities, transport problems and accommodation..." Most "...disabled children spend the better part of their time indoors as their parents try to hide them for fear of victimisation by their able-bodied counterparts." The mothers of disabled children are sometimes blamed for their child's disability with some women being labelled a 'witch'. [145]

- 25.04 The Department for International Development's (DFID) country overview of Zimbabwe (last updated in April 2008) noted that "1 in 12 children die before the age of five: 82 per 1,000 births. Almost 40% of these will die in the first

month of life." However, DFID noted that international funding, partly from the UK, had helped increase the number of children being vaccinated with the result that "Zimbabwe is expected to be declared polio free by the WHO within a short time." [148b]

- 25.05 The Institute for War and Peace Reporting (IWPR) noted on 5 June 2007 that the effects of Operation Murambatsvina were still being felt some two years after the government cleared away the homes of the poor. The report noted that a combination of harsh government policies, poverty and HIV/AIDS had caused a growing number of children to seek shelter on the streets of Harare and Zimbabwe's other large towns and cities. Some estimates suggest that, in Harare alone, there were thousands of homeless street children having to beg, steal or prostitute themselves to make enough money to feed themselves and sometimes younger siblings. One contributor to IWPR commenting on sexual abuse faced by many street children, noted that: "Some of the kids are picked up while begging at street corners by men in cars and others are raped where we sleep..." Police do not investigate complaints made by street children. [77x]
- 25.06 IRIN News reported on 30 May 2008, that: "More than 10,000 children have been displaced by election violence in Zimbabwe, according to the UN Children's Fund (UNICEF)." [10t]

Also see [Section 24](#) - Disability

### Age of consent

- 25.07 The legal age of majority in Zimbabwe, as set down in the Legal Age of Majority Act (No.15 of 1982), is eighteen years of age. However, the Childwatch International Research Network noted in its *Zimbabwe Country Case Study* that while the Act does not define the exact meaning of the term 'majority' it appears to mean that a person reaching eighteen years of age has full legal capacity to act independently. The age of consent for sexual relations is currently sixteen years of age. [28] (p1)
- 25.08 The USSD 2007 report noted that:
- "The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans. In July IRIN news service reported that poverty had driven many heads of households to demand a large amount of money or other commodity as the dowry price for their daughters." [2m] (Section 5)

### Customary marriages

- 25.09 IRIN reported on 17 July 2007 that worsening economic conditions in the country were leading increasing numbers of parents to look to traditional

dowry/bride price practices as a way making ends meet. In one example, the report noted the case of a 15 year old girl who was married "... to a polygamous businessman thirty years older than she was." In exchange for agreeing to the marriage, the girl's father was given US\$115 and the mortgage on the family home was paid off. [10d]

- 25.10 Womankind.org noted in *Why Zimbabwe* (accessed on 17 October 2007) that "Child marriage is common in Zimbabwe and 21% of children (mostly girls) are married before the age of eighteen." [125]
- 25.11 The US State Department Religious Freedom Report (USSD RFR) 2008, noted that some indigenous churches accepted polygamy. [2a] (Section 3)

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## Child abuse

- 25.12 The USSD 2007 report stated that: "Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. The local NGO Girl Child Network reported cases of child sexual abuse had increased during the year. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to the belief among some that having sex with a virgin would cure men of HIV and AIDS." [2m] (Section 5)
- 25.13 UNICEF reported on 27 February 2008 that: "The number of reported cases of children being raped in Zimbabwe has increased by more than 40 per cent in the last three years, according to official police statistics. ... Official police figures show that there were 2192 reported 'rape cases involving children 16 years and below' in 2003. In 2006 this surged to 3112, an increase of 42 percent." The report stated that a willingness among some families to reach a settlement with the perpetrator deepened the existing culture of silence exasperating the problem. As a result, UNICEF and the National Faith Based Council of Zimbabwe announced that they were launching the 'Stand Up and Speak Out' campaign to encourage children, families and community leaders to speak out against the problem. [85b]
- 25.14 The USSD 2007 report stated that:
- "Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims." [2m] (Section 1e)
- 25.15 Afrol News (accessed on 31 August 2006) reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. [73a]

## Child labour

25.16 The USSD report 2007 report stated:

"Under the LRAA, child labor is punishable by a fine, two years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education".

"The government released the 2004 Child Labor Report in March 2006. According to the survey, approximately 46 percent of children between the ages of five and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 80 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold mining, as street vendors, and as car-watchers. In addition there were reports of an increasing number of girls engaged in prostitution. Although the government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, they were unable to gather concrete data on the number of cases".

"Although the incidence of child labor on commercial farms decreased as a result of land redistribution, most economically active children still worked in the agriculture industry. The General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) estimated that, of the country's approximate 200,000 farm workers, 10 percent were children under the age of 16. GAPWUZ also reported children continued to work on tea and sugar estates".

"Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay".

"The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. On October 1, the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphased program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children.." [2m] (Section 6d)

- 25.17 On the 8 August 2007, the Foreign and Commonwealth Office reported that "... at the Government's request, IOM [International Organisation for Migration], ILO [International Labour Organisation], UNDP [United Nations Development Programme] and UNICEF [United Nations Children's Fund] are undertaking a joint assessment to define the worst forms of child labour in Zimbabwe. The project is expected to start in June and to last 12-18 months. The assessment will be done in consultation with unions, business, the government and representatives of civil society." [13h]

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## HIV/AIDS Orphans

- 25.18 The Department for International Development's Key Facts - Zimbabwe (last updated in December 2008) noted that: "Zimbabwe has the highest proportion of children orphaned by AIDS in the world. According to Unicef, more than 25% of all children - some 1.8 million of them - have lost one or both parents." [148b] IRIN News reported on 20 January 2009 that around 160,000 children have been infected with HIV, of this figure, around "... 120,000 children are in need of antiretroviral drugs, but only 9 percent are receiving their medication from the government-run programme. The drugs should be fetched every month, but the HIV/AIDS clinics have closed, so getting the drugs has become extremely difficult." [10h]
- 25.19 The USSD 2007 report noted that:
- "There were an estimated 1.6 million HIV/AIDS orphans in 2006, and the number was increasing. The number of AIDS orphans (including children who lost one as well as both parents) was about 10 percent of the country's population. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving many children destitute." [2m] (Section 5)
- 25.20 IRIN also noted that the collapse of the health services system has meant that previously manageable conditions are developing into full blown AIDS at a much quicker pace. According to UNICEF about 41 percent of child deaths are AIDS-related ..." [10h]

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## EDUCATION

- 25.21 The Economist Intelligence Unit's 'Zimbabwe Country Profile - 2008' noted that:
- "The newly independent government invested heavily in education in Zimbabwe in the 1980s and, with the introduction of free primary school education, by 1990 it was broadly agreed that Zimbabwe had achieved universal primary education. However, even though the country's education

system was widely regarded as among the best in southern Africa and the population one of the most well-educated in the region, the quality of the education system has come under serious threat in recent years. This mainly reflects the government's budgetary crisis, the erosion of real incomes and the departure of the best teaching staff to employment abroad.

"According to the Ministry of Education, Sports and Culture, despite the introduction of fees at government schools, the net enrolment rate at primary schools rose from 82% in 1994 to 92.5% in 2000; according to World Bank data this figure had fallen to 80% in 2001 and is 65% at present, while the ratio of primary school pupils per teacher has risen to 39:1 (although this remains below the Sub-Saharan average). Up-to-date data on school enrolment rates are much harder to obtain, but according to the World Bank's World Development Indicators 2007, 36% of the relevant age group were enrolled in secondary school in 2005. The ongoing rapid deterioration of the economy in the last two years suggests that drop-out rates will have risen still further. Meanwhile, the University of Zimbabwe (UZ) in Harare has been affected by student protests over fees, and has also been periodically closed following political unrest." [24n (p10-11)]

- 25.22 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Primary education is not compulsory, free, or universal for any children. According to the UNICEF Humanitarian Action Report 2007: Zimbabwe: "the education system has been eroded by deteriorating infrastructure, reduced public expenditure and high attrition of human resources. School enrollment ratios are low, attendance and completion ratios declining, and learning spaces and teaching/learning materials scarce." The Central Statistical Office's consumer price index statistics showed that education costs increased nearly 1,162 percent from April 2006 to April 2007. In February the IRIN news service reported that increased tuition fees forced many parents to withdraw their children from school."

"UNICEF estimated 82 percent net primary school enrollment through 2005; however, children's welfare activists believed the number to be much lower than in 2005 due to Operation Restore Order and the displacement of thousands of children from their homes and schools. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls."

"In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In October 2006, in collaboration with UNICEF and other partners, the government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school."

"According to Children Crossing Borders, a July report by Save the Children UK, unaccompanied children as young as seven crossed the South African border to find work. Many of them could not afford school fees." [2m] (Section 5)

## 25.23 The USSD 2007 continues:

"The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence." [2m] (Section 5)

## 25.24 Freedom House noted in Freedom in the World – Zimbabwe 2008 that:

"Academic freedom is limited. All schools are under state control, and education aid is often distributed based on parents' political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy. In 2007, several protests by university students resulted in arrests and beatings; police closed the University of Zimbabwe in July. In September, the police defied a High Court ruling to reopen student residences that were kept shut after classes resumed." [105a] (p6)

## 25.25 IRIN reported on 10 February 2009 that:

"About 94 percent of Zimbabwe's rural schools - where most children are educated - failed to open this year, the UN Children's Fund said on 10 February 2009. ... Widespread disruption of schools began in the aftermath of the March 2008 elections and continued beyond a presidential run-off poll in June, which was not recognized internationally because of the state-sponsored political violence.

"After the elections, many teachers failed to return to their posts as a consequence of salaries made worthless by hyperinflation and a fear of continued political violence.

"In 2008, school attendance rates dropped from 80 percent to 20 percent, UNICEF said, and the few schools that opened in 2009 are charging fees in foreign currency, making them unaffordable to most citizens." [10i]

25.26 *The Times* reported on 8 October 2008 that: "In the mid-1990s there was a national O-level pass rate of 72 per cent. Last year it crashed to 11 per cent. Many schools recorded zero passes." [82a]

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## CHILD CARE

## 25.27 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions

continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the UN Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country." [2m] (Section 5)

- 25.28 UNICEF noted in *At a Glance: Zimbabwe* (accessed on 2 February 2009) that Zimbabwe has 1.1 million orphans, the vast majority of whom have been orphaned by AIDS. [85a] (p2) An article published in the government owned *The Herald*, dated 1 November 2007, noted that the number of orphaned children in the country had grown rapidly in recent years with one estimate suggesting that "... by 2010, more than one third of children may have lost parents as a result of HIV and AIDS." [23a]
- 25.29 Kubatana.net (accessed 2 February 2009) noted that there were at least 30 non-governmental organisations throughout Zimbabwe that championed the plight of, and/or provided assistance and shelter for orphaned children. [55o] In addition, a number of other NGOs operated in Zimbabwe, including 'Mustard seed Communities', accessed 2 February 2009, which provided residential, medical care, food and education to Zimbabwean Children. However, the assistance they were able to offer was limited. [137a] The Firelight Foundation [72a] and Save the Children were also active in Zimbabwe providing a range of support services for orphans and other children. Services included arranging accommodation for orphaned children, providing food, medication and funding for education. Save the Children (What we do in Zimbabwe – 2008/9) noted that it worked in partnership with a range of organisations including UNICEF, IOM, World Food Programme and local NGOs. [104a]
- 25.30 HIV-AIDS Zimbabwe (HAZ) reported on 18 July 2007 that economic conditions were making it increasing difficult for the country's orphanages to care for the increasing numbers of children who have lost one or both parents to AIDS. However, the report noted that the Roman Catholic Diocese of Mutare had recently established two children's houses under its 'Home of Hope' initiative. "The two completed homes are part of an on going project to construct 13 homes for OVCs [Orphans and Vulnerable Children]." Each home will house eight children and access to the facility will be via the social welfare department. [106]

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## TRAFFICKING

26.01 The US State Department's Trafficking in Persons Report, dated 4 June 2008, placed Zimbabwe in tier 2 (Watch List). In effect, there are four tiers, 1, 2, 2 "watch list" and 3. Tier 2 Watch List was a deterioration on last year's report that placed Zimbabwe in Tier 2. The US State Department defined tier 2 as: "Countries placed on the Special Watch List in this Report will be re-examined in an interim assessment to be submitted to the U.S. Congress by February 1, 2009." [2e]

26.02 The Report noted that:

"The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Zimbabwe is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat severe forms of trafficking over the last year, and because the absolute number of victims of severe forms of trafficking is significantly increasing. The government's efforts to address trafficking at home somewhat diminished during the reporting period, particularly in regard to law enforcement efforts. In addition, the trafficking situation in the country is worsening as more of the population is made vulnerable by declining socio-economic conditions." [2e]

26.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"No laws specifically or comprehensively address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons. Trafficking was a serious problem. Rural children were trafficked into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under the false pretenses of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children were reportedly trafficked for sexual exploitation in towns along the borders with the four surrounding countries. There were also reports that young women and girls were lured to South Africa, the People's Republic of China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor." [2m] (Section 3)

26.04 The USSD 2007 continued:

"Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by 'guides' when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South

Africa before their 'employers' reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members."

"The constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of two years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws."

"The government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases".

"There was no statistical tracking of trafficking prosecutions. The primary government authority to combat trafficking was the ZRP, which relied on NGOs to alert them to any cases. In April 2006 the government formed an interministerial taskforce to coordinate efforts to combat trafficking, but had not registered any notable accomplishments by year's end. The Interpol National Central Bureau Zimbabwe's 'antitrafficking desk' was staffed with ZRP officers who assisted with international investigations."

"There were anecdotal reports that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The government took steps during the year to educate and train officials to combat trafficking. Several senior government officials attended an International Organization for Migration (IOM) seminar on trafficking during the year. Officials from social services, law enforcement, immigration, and health care agencies attended five antitrafficking workshops conducted by IOM during the year." [2m] (Section 3)

26.05 The USSD 2007 also noted that, with regards to protection:

"Although the government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. During the year, the government allocated land to the IOM to open a second reception center in the town of Plumtree on the border with Botswana."

"Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway

also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims”.

“The government-run media prominently featured articles about trafficking in persons, and the government had prevention programs to provide alternatives for children at risk. The government also cooperated with the IOM and Interpol in a public awareness radio campaign that led to the identification of several victims during the year.” [2m] (Section 3)

26.06 And with regard to prevention, the USSD Trafficking report 2008 noted that:

“The government sustained its previous level of anti-trafficking awareness raising efforts. There is a general lack of understanding about trafficking across government agencies, especially at the local level. However, senior government officials frequently spoke about the dangers of trafficking and illegal migration, and the state-run media printed and aired warnings about false employment scams and exploitative labor conditions. During the year, all four government-controlled radio stations aired an IOM public service announcement eight times each day in five languages during peak migration periods. In January 2008, the government signed a memorandum of understanding with the South African government for a joint project to regularize the status of illegal Zimbabwean migrant farm workers in South Africa’s Limpopo Province and ensure them proper employment conditions. The inter-ministerial anti-trafficking taskforce took no concrete action during the year. Information was unavailable regarding measures adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. Zimbabwe has not ratified the 2000 UN TIP Protocol.” [2e]

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## TEACHERS

- 27.01 Sources reported that “Zimbabwean teachers have been on the frontline of violence since elections in the country in March, causing many to flee or go into hiding...” (Africasia, 11 May 2008) [151b], with many teachers being accused of supporting the opposition MDC. A report published by the *Zimbabwe Times*, dated 12 May 2008, noted that: “At least 7,000 teachers have fled their schools... as political violence spreads to all corners of the country... The displaced teachers are mostly those from rural areas where President Robert Mugabe’s former ruling ZANU-PF party have embarked on a terror campaign in which opposition supporters have been harassed or killed ahead of the presidential run-off. ... According to the PTUZ [Progressive Teachers Union of Zimbabwe] the situation is tense in resettlement areas where marauding ZANU-PF activists led by war veterans are harassing and beating up teachers while accusing them of supporting the victorious MDC.” [155b] The Independent Online reported on 1 May 2008 that two schoolteachers had been beaten to death at a school in the north-western Guruve region (Mashonaland Central). [157a] “According to figures compiled by PTUZ more than 133 teachers have been assaulted...” and “...67 teachers have been hospitalised...” (Zimbabwe Journalists, 2 June 2008) [143g]
- 27.02 *The Zimbabwe Standard* reported on 10 May 2008 that teachers in ZANU-PF’s strongholds of Mashonaland East, Central and West and Manicaland provinces were bearing the brunt of violence directed towards “traitors” suspected of supporting the opposition. The article noted examples of threats and violence against teachers, including teachers being made to publicly sing ZANU-PF songs “...and denounce [the] MDC as a puppet of the West. Another teacher, who has since fled to Harare, said the war veterans threatened to throw him in a tank filled with acid if he was seen in the area again because ‘I was a bad influence to society’.” There were also examples of teachers being humiliated and threatened in the presence of their pupils and villagers. The “...usually pro-Mugabe Zimbabwe teachers Association (Zimta) has said it was concerned about the safety of its members” admitting that teachers were being harassed. [20b]
- 27.03 IRIN reported on 10 February 2009 that after the elections, state-sponsored political violence prevented many teachers from returning to work. The “... consequence of salaries made worthless by hyperinflation ...” was also another reason for not returning to work. [10i] *The Times* reported on 8 October 2008 that: “Six teachers were murdered and thousands assaulted by ZANU (PF) militia in the violence that marred the second-round presidential election on June 27. Schools were looted and turned into torture centres. Teachers disappeared. Many are still unable to return for fear of being disciplined.” [82a]
- 27.04 *The Times* reported on 8 October 2008 that even after receiving substantial pay increases from the government, teachers in Zimbabwe were still unable to feed themselves with the salary they received. It was reported that salaries were increased “... to the equivalent of £5.70 a month – barely enough for bus fares and bread for days.” [82a] The BBC reported on 27 January 2009 that one teacher it interviewed claimed that as the economy as deteriorated so he has had to look for other work to supplement his income. “I first got a second

job around 2002 when our incomes became inadequate – then I started to give extra lessons after school. Then around 2007 it got really bad.” [3t]

- 27.05 Noting the reasons behind the attacks on teachers, Africasia reported on 11 May 2008 that many teachers “...served as polling and returning officers for the March 29 elections.” And “as polling officers, teachers are suspected to have deliberately overstated or understated figures in favour of or against one of the two main contenders. Teachers are perceived to have given voter education which ran contrary to the information residents had – that you are to vote freely and for a candidate of your choice...” The article also noted that: After its formation nearly a decade ago, the opposition Movement for Democratic Change identified teachers as the perfect messengers for the party, not least because of their work with voter education programmes.” [151b]
- 27.06 *The Zimbabwean* reported on 1 July 2008 that “...Ladistous Zunde, treasurer of the Progressive Teachers’ Union of Zimbabwe (PTUZ) has gone missing and the union is fearing for his life. Mr Zunde has been in hiding since Friday 27 June 2008 after unknown people visited his home, tried to abduct his son and harassed his wife. ... PTUZ has since closed its head office in Harare saying the lives of its officers was in danger.” [99f]
- 27.07 Education International has reported in an article, dated 14 January 2008, that
- “The two major teacher unions in the country are the Zimbabwe Teachers’ Association (ZIMTA), an EI member, and the Progressive Teachers Union of Zimbabwe (PTUZ) which has applied for EI membership. Both unions were heading for a showdown with government over their demands for better wages. Under the new pay structure, a junior teacher will earn a gross salary of Z\$260 million. This is broken down into a Z\$150 million basic, Z\$78 million transport allowance and Z\$30 million in housing allowances. Senior teachers will earn in the region of Z\$330 million. Additionally, transport and housing allowances will be exempt from tax... A series of strikes last year got their salaries raised to Z\$15 million but within weeks that figure actually made them far worse off. The new offer of a 1000 percent pay hike is almost exactly what the unions had demanded. The problem is, from the time the demands were made in November up to now, prices of basic commodities and services have gone up massively.” [50d]
- 27.08 NewsVoA has reported in an article, dated 6 February 2008, that:
- “The Progressive Teachers Union of Zimbabwe said Wednesday that district education officials in company with suspected state security agents have been visiting schools and demanding the names of union members who are on strike. The union said it has received reports of such intimidation from Mashonaland East, Mashonaland Central, Harare, Gweru, Masvingo and Matabeleland. PTUZ members and some other teachers are in the third week of a strike backing their demand for a monthly entry-level salary of Z\$1.7 billion, about US\$280. Union officials said about 80% of public schools in the country have been affected.” [83d]
- 27.09 SW Radio Africa has reported in an article, dated 20 February 2008, that:
- “A group of 9 officials from the Progressive Teachers Union of Zimbabwe (PTUZ) are receiving treatment at the Avenues Clinic after they were severely

assaulted by ruling party supporters at ZANU-PF offices on Tuesday... ZANU-PF has offices on Fourth Street close to the bus terminus and the rank marshals in the area are believed to be youth militia members and ruling party supporters. They forced the group to march to the ZANU-PF offices, supposedly to verify that they were indeed teachers. The Fourth Street offices are notorious for their use by ZANU-PF as a torture centre... Among those assaulted was the PTUZ President Takavafirei Zhou and Secretary General Raymond Majongwe. With them was [sic] Linda Fumhunda, Harrison Mudzuri, Bernard Shoko, Charles Mbwandarika and Ladistos Zunda... The PTUZ officials were released without charge and went to Harare Central Hospital for treatment. But Madziva said the doctors there refused to provide them with any medical assistance. They ended up at the Avenues Clinic, a private hospital that has been treating victims of political torture for years." [138ak]

27.10 AllAfrica.com has reported in an article, dated 29 February 2008, that:

"Zimbabwe teachers downed their chalks on Thursday in protest after President Robert Mugabe secretly awarded huge pay rises to the security forces ahead of elections set for next month... The increments were meant to cushion them against rampant inflation now estimated at more than 100,000 per cent, the world's highest... This prompted the largest union, the Zimbabwe Teachers Association (ZIMTA), which in the past avoided confrontation with government to instruct its members to stay at home and join their colleagues from the militant Progressive Teachers Union of Zimbabwe who went on strike early this month... Last week, soldiers got windfalls of between Z\$1 billion (Sh6,900) and Z\$3 billion (Sh20,000) depending on the rank this month, while teachers were paid Z\$500 million (Sh3,450). Other civil servants got less and they are angry. The opposition accuses Mr Mugabe's government of vote-buying and trying to rig the March 29 elections." [50d]

27.11 There were reports of violence against teachers following the commencement of planned strike action on 21 February 2007. (Solidarity Peace Trust, 24 March 2007) [65d] ZimOnline noted on 22 February 2007 that there were reports of teachers having been beaten by the police for having joined the strike. "Armed police details reportedly stormed Shiriyedenga, Ruvheneko and Chembira schools in the high-density suburb of Glen Norah, allegedly assaulting teachers and forcing some of them to eat chalk." [49ce] However, the teaching unions agreed to call off the strike two days later (23 February 2007) after the government agreed pay increases that took the average salary over the Poverty Datum Line. [65d]

27.12 SW Radio Africa reported on 7 May 2007 that:

"The Progressive Teachers' Union of Zimbabwe (PTUZ) reports that at least 4,500 teachers have resigned from their jobs since January this year citing poor salaries and working conditions. ... Teachers are demanding a 650% salary increase, to bring their salaries from a minimum of Z\$500,000 to Z\$4 million starting this month. These demands were submitted to the Public Service Commission last week. ... Teachers' salaries were increased by government in March, but those gains are already meaningless due to hyperinflation. ... Most teachers who have left have gone to seek greener pastures in neighbouring countries. Last year's survey revealed that 5,000 teachers had left the country in 12 months. In 2007 it's taken just 4 months to reach that amount. [138r] The same source noted on the 18 June 2007 that

five teachers in Mt Darwin were assaulted by war veterans and ZANU-PF youth following reports that teachers at the school had ridiculed a former student for wearing a ZANU-PF t-shirt. The five teachers were reported to be in hiding in a safe house. [138aj]

- 27.13 Following a further strike by 12,000 members of the Progressive Teachers Union of Zimbabwe (PTUZ) in support of increasing salaries by 500 per cent, there were reports that the Central Intelligence Organisation (CIO) had moved around schools intimidating teachers into returning to work. A spokesman for the PTUZ stated that the response from teachers had been overwhelming with 80 per cent turning out in support. (SW Radio Africa, 11 September 2007) [138ag]

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## MEDICAL ISSUES

### GENERAL

- 28.01 Noting the collapse of health services across the country, various sources reported the closure of hospitals and wards as resources dried up and medical staff left to find employment in other countries. Amnesty International reported on 21 November 2008 that the health "... system is paralysed by shortages of drugs and medical supplies, a dilapidated infrastructure, equipment failures and a brain drain. As a result, ordinary Zimbabweans are unable to access basic health care." Cases of cholera increased significantly during the latter half of 2008 [14h] and the numbers of Zimbabweans dying from AIDS related illnesses increased to 3,000 per week (nearly 160,000 per year). (International Crisis Group, 16 December 2008) [100g] (p8)
- 28.02 Amnesty International went on to note in its report of 21 November 2008 that the country's main referral hospitals, "... including Harare Central, Parirenyatwa and United Bulawayo hospitals, are barely functioning and some wards have even been closed. Two government maternity hospitals in greater Harare have been closed. Many district hospitals and municipal clinics are either closed or operating at minimum capacity. The University of Zimbabwe Medical School closed indefinitely on 17 November." [14h] The University of Zimbabwe Medical School remained closed as of 8 January 2009 because of lack of teaching staff/materials and running water. (The Times (Zimbabwe), 8 January 2009) [155d]
- 28.03 Human Rights Watch noted in its report of 22 January 2009, that:
- "Many district hospitals and municipal clinics in Zimbabwe are currently either closed or operating at minimum capacity. Other aggravating factors include dilapidated infrastructure, equipment failures, and a 'brain drain' of medical professionals. As a result, ordinary Zimbabweans cannot access basic healthcare. The cholera outbreak has been aggravated by the closure in November [2008] of Harare's two main public hospitals, Parirenyatwa and Harare, and a shortage of drugs and medical personnel. The main victims of the health crisis are the elderly, children, women and the chronically ill, including people living with HIV/AIDS. The crisis is such that in November 2008, UNICEF moved into a 120-day emergency mode, focusing on the cholera outbreak and providing emergency health care to children." [69g] (p19)
- 28.04 As hospital wards closed across the country, the Zimbabwean Health Minister admitted that the country's hospitals were "... literally not working." (The Times, 12 December 2008) [82e] Other hospitals, such as Marondera hospital had only one ward still open when *The Times* reported on 21 December 2008. The hospital had "... no doctors and no medicines, just nurses who are only there because they are scared of being beaten but are not being paid so don't do anything. There's no electricity or water and it is very dirty ..." [82x]
- 28.05 The lack of sanitation and running water caused the already existing cholera outbreak, which had been killing significant numbers since at least August 2007 (News 24, 20 August 2007) [38i], to gain further ground. ZimOnline reported on 26 September 2008 that a "... Zimbabwe doctors' organisation has warned of a looming health disaster in the country's cities ..." as the lack

of clean water increased the incidence of diarrhoea and cholera. "The Zimbabwe Association of Doctors for Human Rights (ZADHR) said in a statement this week that a government body charged with providing water in urban areas had failed to do so forcing many residents to rely on unclean water." [49k]

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### Cholera epidemic

- 28.06 A Human Rights Watch report entitled 'Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe' dated 22 January 2009 noted that the current cholera outbreak had:

"... started in August 2008 [and had] exposed the true decline of healthcare in Zimbabwe.

"Between 1985 and 1992 no cases of death from cholera were reported in Zimbabwe. Since 1992, as the health and sanitation infrastructure has deteriorated in Zimbabwe, there have been an increasing number of outbreaks. However, deaths from cholera had typically been few, as mortality can be prevented through simple treatment - oral, or in severe cases, intravenous rehydration. Typically only one percent - or one person in every 100 infected - dies from cholera. However, in the current outbreak Zimbabwe has seen a mortality rate five to six times higher." [69g] (p17-18)

- 28.07 ZimOnline reported on 26 September 2008 that a "... Zimbabwe doctors' organisation ... warned of a looming health disaster in the country's cities ..." as the lack of clean water increased the incidence of diarrhoea and cholera. "The Zimbabwe Association of Doctors for Human Rights (ZADHR) said in a statement this week that a government body charged with providing water in urban areas had failed to do so forcing many residents to rely on unclean water." [49k]

- 28.08 An upswing in the number of reported cholera cases increased throughout 2008. On 9 December 2008 *The Times* reported that the World Health Organisation (WHO) was predicting that "Up to 60,000 people in Zimbabwe could become infected with cholera if the epidemic ..." got further out of control. The United Nations and its agencies (UNICEF, WHO, UNHCR) were assisting in developing emergency plans in response to the rising infections. [82y] The UN Office for the Coordination of Humanitarian Affairs reported as of 29 December 2008 that the total number of people estimated to have died as a result of cholera had risen to 1551 since August 2008. "The epidemic currently affects all ten of the country's provinces, and at least 84% of the country's districts." [51b] During January 2009 the World Health Organisation reported that there had been a further 1,500 deaths from cholera, bringing the total to over 3,000 dead. (BBC News, 29 January 2009) [3p] However, Human Rights Watch warned on 22 January 2009 that deaths from cholera could be much higher because of the "... incapacity of Zimbabwe's health services to document cases. ... According to health experts, the high mortality in the current outbreak is exacerbated by severe malnutrition and high rates of HIV prevalence." [69g] (p17-18)

- 28.09 On 5 February 2009 the World Health Organisation (WHO) reported that the total number of deaths from cholera had risen to more than 3,300 with nearly 66,000 people infected. In the two days since the last WHO announcement (on 3 February) the organisation had upgraded its figures by 1,038 new cases and 28 deaths as more information became available. (Mail and Guardian, 5 February 2009) [6a] The Economist Intelligence Unit reported in February 2009 that the cholera outbreak was the "... deadliest cholera outbreak in Africa in 15 years and is gaining momentum ... Although cholera is normally both preventable and treatable, the economic and political crisis in Zimbabwe has caused the near collapse of the health services. Some 5.2% of patients catching cholera in the country are now dying, a very high fatality rate for such a treatable disease." [24p] [p10]

## HEALTH CARE FACILITIES

- 28.10 As mentioned in the section above, Amnesty International noted (on 21 November 2008) that there were dangerous shortages in all areas of the health care system. A shortage of drugs and medical supplies compounded serious problems caused by Zimbabwe's dilapidated health care infrastructure and brain drain. The country's main referral hospitals were reported to be "barely functioning" and hospital wards had been closed across the country. "As a result, ordinary Zimbabweans are unable to access basic health care." [14h]
- 28.11 The US State Department's *Consular Information Sheet – Zimbabwe*, updated on 18 December 2008, noted that medical facilities were extremely limited, stating that:
- "The public medical infrastructure has effectively crumbled and medical facilities are extremely limited. There have been several instances where American citizens facing life-threatening illnesses or injuries have been turned away from hospitals because there were not sufficient beds or medical supplies available. Most serious illnesses or accidents require medical evacuation to South Africa. ... Provincial hospitals in rural areas, if still operating, have rudimentary staffing, equipment, and supplies, and are not equipped to provide medical care in case of a serious accident. The fuel shortage further diminishes emergency response capabilities. Emergency patients often must arrange their own transportation to medical facilities." [2g] (p8-9)
- 28.12 Previously, *The Telegraph* had reported on 2 August 2007 that shortages of medical supplies had caused patients to die from easily treatable conditions; dehydration was reported to be a big killer because many patients were unable to pay for their own medical supplies. The litre of intravenous fluid had cost "... half a civil servant's monthly salary." [5e] *The Times*, on 11 January 2009, provided examples of treatment prices introduced by the government in the public health sector "... including US\$70 (£50) for an overnight stay in hospital. A caesarean will cost US\$130 and parents of premature babies will be charged \$5 a day for an incubator." The article went on to state that: "Cancer patients will have to find hundreds of dollars for radiation and chemotherapy." [82ae]

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## HEALTH CARE PROFESSIONALS

- 28.14 The US President's Emergency Plan for AIDS Relief reported in the 2008 Country Profile: Zimbabwe, that: "Zimbabwe continues to suffer ... unprecedented rates of inflation and a severe 'brain drain' of Zimbabwe's health care professionals." [120]
- 28.15 The World Health Organisation (WHO) in *Health Action in Crises* (accessed on 30 August 2007) noted that:
- "The health services are facing critical staff shortages: 56%, 32% and 92% of doctor, nurse and pharmacist positions are vacant. Brain drain due to poor salaries and working conditions is compounded by qualified personnel being either chronically ill or deceased (annual staff mortality rate is estimated at 2.5%) due to HIV/AIDS." [97b] (p2)
- 28.16 *The Times* reported, on 11 January 2009, that the crisis in the public health care system, caused by the collapse in the economy, was "... affecting even private hospitals. Doctors are paid in local currency worth less than US\$10 a month and have stopped coming to work." [82ae] While *The Times* reported, on 9 December 2008, that "Many doctors and nurses (in the public sector) have ceased work after not being paid for months as Zimbabwe's economic crisis deepens." A spokeswoman for the UN said that "... three hospitals in Harare are closed due to a lack of personnel." [88y] *The Times* also reported (21 December 2008) that even when medical staff were in attendance it was often through fear of being beaten for not reporting to work. The article noted one such case where nurses were at the hospital but not working. [82x] The *Guardian* reported on 6 December 2008 that nurses in the country were earning less than the bus fare to get to work. [34b]

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## ACCESS TO DRUGS

- 28.17 The Economist Intelligence Unit's Zimbabwe Country Profile 2007 noted that as the economy has collapsed over the last ten years, so the government has starved the sector of funds. "Much of the equipment in major hospitals is broken or not operating owing to a lack of spare parts, and many drugs are not available now that the Ministry of Health and Child Welfare is required to make payments in advance for most products." [24e] (p21) The International Crisis Group reported on 16 December 2008 that there was an "... acute shortage of drugs, medical equipment and running water." [100g] (p8) The *Times* reported, on 21 December 2009, that Matondera Hospital had "no medicines". [82x]
- 28.18 However, the BBC reported on the 17 May 2006 that even where drugs were available, there was information to suggest that patients who did not carry ZANU-PF membership cards were refused medication at government-funded public hospitals. [3ah]
- 28.19 The US Embassy in Harare noted on its website (accessed on 23 May 2007) that there are many good pharmacies in Harare. The website provides contact details for a selection of pharmacies: Avondale Pharmacy: Avondale Shops,

Harare. Tel: 263-4-336642; Chisipite Pharmacy: Chisipite Shops, Harare. Tel: 263-4-494052/497017; Lemon Pharmacy: Avondale Shops, Harare. Tel: 263-4-302755; QV/Baines: 60 Baines Avenue, Harare. Tel: 704020; Shamrock: Avondale Shops, Harare. Tel: 336730/339339. [2d] However, the US State Department's *Consular Information Sheet – Zimbabwe*, updated on 18 December 2008, urged travellers to "... carry an ample supply of prescription and other medications, as they will not likely be available in Zimbabwe." [2g] (p8-9)

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## HIV/AIDS – ANTI-RETROVIRAL TREATMENT

### OVERVIEW

- 28.20 An estimated 1.7 million Zimbabweans are living with HIV and AIDS. Of that number, 306,000 (July 2006 estimate) are in need of Anti Retroviral Treatment (ART) (IRIN PlusNews 2009) [10bm] but only 100,000 of whom were reported to be receiving this. (Irin PlusNews, 29 September 2008) [10a] The number of Zimbabweans dying from AIDS related illnesses was estimated to be around 3,000 per week (nearly 160,000 per year). (International Crisis Group, 16 December 2008) [100g] (p8)
- 28.21 The US President's Emergency Plan for AIDS Relief reported in the 2008 Country Profile: Zimbabwe, that: "Zimbabwe continues to suffer a severe socioeconomic and political crisis, including unprecedented rates of inflation and a severe 'brain drain' of Zimbabwe's health care professionals. Elements of a previously well-maintained health care infrastructure are crumbling. Zimbabwe's HIV crisis is exacerbated by chronic food insecurity. Sub-optimal nutrition increases the vulnerability of individuals with compromised immune systems to life-threatening opportunistic infections, such as tuberculosis." [120]
- 28.22 Figures released by the Health Minister, David Parirenyatwa, on 31 October 2007 claimed to show a reduction in HIV prevalence levels from 18.1 per cent to 15.6 per cent. (Mail and Guardian, 31 October 2007) [6e] The statistics confirmed that HIV levels had dropped for the second year in a row with the number of people infected with HIV having fallen from a high of 21.3 per cent in 2004. The reduced prevalence figures were described by the government as "commendable", suggesting positive government actions had helped to reduce the number of people living with HIV. (ZimOnline, 1 November 2007) [49ck] However, *The Times* published an article on 8 July 2007 that suggested the real reason for the reduction in the HIV prevalence rate could be more to do with the high numbers of people dying because of the early onset of AIDS caused by a lack of ARVs and chronic malnutrition. Noting the reasons for the shrinkage in the country's population [and therefore the prevalence rate], the article suggested that one of the main reasons could be higher deaths from AIDS. Explaining the reasons for this conclusion, the article suggested that the Government's mis-management of the economy had seen the price of food spiral and hyper inflation push many basic commodities out of reach for all but the very wealthy. It suggested that chronic malnutrition, combined with HIV, was causing the rapid transition from initial HIV symptoms to AIDS and death. [82r] Zimbabwe has the lowest life expectancy in the world for women at 34 years. (World health Organisation, 2009) [97d] As a comparison, neighbouring

South Africa, where upwards of 24 per cent of its population live with HIV/AIDS (World health Organisation – South Africa Country Profile, 2009) [97f], has a life expectancy for women of 52 years of age. (World health Organisation – South Africa Country Profile, 2009) [97e]

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### Availability of treatment

- 28.23 No clear information was available as to the numbers of Zimbabweans who were receiving anti-retroviral drugs (ARV) through public health facilities. However, IRIN PlusNews reported on 29 September 2008 that "... about 100,000 are accessing (ARV) medication at public health facilities." (IRIN PlusNews, 29 September 2008) [10a]
- 28.24 A senior representative of the Department for International Development (DFID), based in Harare, reported on 12 July 2007 that Zimbabweans returning home after a period away from the country may find it difficult to access ARVs through the public funded programme. "New arrivals in Zimbabwe would have to be able to work the system pretty hard and with some expertise in order to get into a public programme right away." In obtaining ARVs much will "...depend on where they are in the country, how well they work the system and whether they can make additional payments (both official and illicit)." [148e] DFID's Zimbabwe Factsheet updated in June 2007 noted that the United Kingdom Government does not provide direct funding to the Government of Zimbabwe, but channel's it through UN agencies and Non-Governmental Organisations. [148c] "The vast majority of HIV positive people in Zimbabwe who receive ARVs do so through the public sector which is supported by a multi-donor pool (called the ESP, and supporting 26,000 people, the UK is the major donor), the Global Fund (22,000 people), the US Government (40,000 people from August) and the Clinton Foundation (paediatric and second line)." [148d]
- 28.25 allAfrica.com reported on 12 June 2007 that outgoing US Ambassador to Zimbabwe, Christopher Dell, in a joint statement with the Zimbabwean Minister for Health announced that the USA would be providing antiretroviral drugs for 40,000 Zimbabweans over a three year period. The article reported that "... it is expected that the drugs could be made available to Zimbabweans in a matter of weeks..." [50i] The US President's Emergency Plan for AIDS Relief noted in the 2008 Country Profile: Zimbabwe, confirmed that 40,000 individuals received antiretroviral treatment during 2007 [120]
- 28.26 IRIN PlusNews recorded 19 HIV organisations in Zimbabwe providing assistance to people with HIV/AIDS. (IRIN PlusNews – Country Profile: Zimbabwe, 2009) [10bm]  
 The following link provides details of these organisations – <http://www.plusnews.org/profiletreatment.aspx?Country=ZW&Region=SAF>
- 28.27 In addition to AVR's and treatment, the World Food Programme noted in its 'Food Security: Overview', updated in 2007, that in "... food-insecure areas, the HBC [Home Based Care] programme combines a monthly food ration with basic first aid and medical care, health education, psychosocial support, counselling and material/hygiene support for AIDS patients who are at least

occasionally bed-ridden and cannot access or afford proper institutional care." [54c]

- 28.28 On 4 August 2008 the Zimbabwean government announced that it was partially lifting a ban on NGOs operating in the country. The ban, imposed in June, had prevented NGOs distributing food to patients being treated for HIV/AIDS. The Ministry of Health agreed that food distribution operations could begin immediately. (VOA, 4 August 2008) [83b]

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### Cost and availability of ARVs

- 28.29 A senior representative of the Department for International Development (DFID), based in Harare, reported on 12 July 2007 that while "...there have been serious shortfalls and interruptions in ARV availability donor partners have worked with the MOHCW [Ministry of Health and Child Welfare] and NAC [National AIDS Council] to build some insulation from the ad hoc drug supply with some success." From July/August 2007 supplies of ARVs will become more consistent [148d] as funding of US\$47 million will be disbursed through a multi-donor pool over the next three years. [148c] However, ongoing economic problems may result in a lack of fuel to distribute drugs to outlying hospitals and the continuing brain drain from rural centres may also impact upon the numbers treated. [148d]
- 28.30 Private pharmacies appeared to stock most drugs, even the most expensive combinations; however, even the most basic combinations were expensive costing (April 2007 prices) between Z\$ 400,000 and Z\$ 500,000 for a month's supply. While the government was making limited amounts of ARVs available to the general population, there were reports that "... HIV-positive ZANU-PF officials [were] receiving preferential treatment at public clinics and siphoning off drugs meant for public use for their own purposes." [143d] DFID noted on 12 July 2007 that: "The private sector drug supply is much less reliable and more expensive in Zimbabwe." For varying reasons, the public sector absorbs a large number of private patients each year." [148d] IRIN reported, on 18 January 2008, that "... a one month prescription of Stalenev 30, a common first-line ARV drug, now cost Z\$85 million (about US\$42.50 at the parallel exchange rate). [10c] Rampant inflation has since placed such drugs further out of reach for most Zimbabweans – see [Economy](#) for details of inflation.
- 28.31 Until relatively recently, pharmaceutical companies were still manufacturing ARVs in the country, although worsening economic problems and "crippling foreign currency shortages" has made the import of raw materials difficult. (IRIN PlusNews, 18 January 2008) [10c]

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### Women and children

- 28.32 Avert.com (updated 12 July 2007) noted that:

"... the provision of services to prevent the transmission of HIV between mothers and their children during pregnancy is gradually being scaled up. In 2002 the NAC launched a prevention of mother-to-child transmission (PMTCT)

program, which aimed to provide pregnant women with free VCT and give them access to nevirapine, a drug that significantly reduces the chances of transmission occurring. As of September 2005, there were 1346 sites providing PMTCT services nationally.

“The provision of PMTCT services remains severely limited by a lack of funding, and access to nevirapine is low. It is estimated that one hundred babies are infected with HIV through mother-to-child transmission every day in Zimbabwe – one every fifteen minutes.” [168a] (p5)

28.33 Behind the Mask, reported on 13 June 2008, that:

“It is generally agreed that lesbians are at least risk of contracting HIV if they remain within exclusively lesbian relationships. However, because of gross generalisations within the HIV and AIDS movement relating to lesbian sexual behaviours, African lesbians are placed on the lowest rung when it comes to risks associated with acquiring or transmitting the HIV virus. ...

“In Zimbabwe, where women do not enjoy control over their bodies or their sexuality and are forced into marriages and into having children, lesbians are put at the same high risk of contracting HIV as their heterosexual counterparts.” [92g]

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## MENTAL HEALTH

28.34 The WHO Mental Health Atlas – 2005 (accessed on 2 February 2009) states that:

“The mentally ill are entitled to free health services. The country has disability benefits for persons with mental disorders. Details about disability benefits for mental health are not available. Mental illness falls under the category that qualifies for tax credits. ... Primary health care workers have the capacity to handle patients with severe psychosis and refer only those that they feel require specialized services. Most of the rural and district hospitals do not have facilities for inpatient care and only 17 district, provincial and central hospitals have primary care teams.”

With regard to community care facilities the report noted that “There is a shortage of material and staff to sustain the community care programme.”

[Refer to the source document for a list of commonly available psychiatric drugs; however, please note that there is currently a shortage of all drugs due to the lack of foreign currency.] [97c]

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## HUMANITARIAN ISSUES

### LAND REFORM

- 29.01 The issue of land ownership was addressed in the power sharing deal signed by ZANU-PF and the MDC on the 15 September 2008. The agreement states that:

“Recognising that colonial racist land ownership patterns established during the colonial conquest of Zimbabwe and largely maintained in the post independence period were not only unsustainable, but against the national interest, equity and justice.

“Accepting the irreversibility of the said land acquisitions and redistribution.

“Noting that in the current constitution of Zimbabwe and further in the draft constitution agreed to by the parties the primary obligation of compensating former land owners for land acquired rests on the former colonial power.

“The parties hereby agree to:

- conduct a comprehensive, transparent and non-partisan land audit, during the tenure of the seventh parliament of Zimbabwe, for the purpose of establishing accountability and eliminating multiple farm ownerships;
- call upon the United Kingdom government to accept the primary responsibility to pay compensation for land acquired from former land owners for resettlement.” (BBC News, 15 September 2008) [3aw]

- 29.02 However, in spite of the joint statement of intent, it was reported on 25 September 2008 that: “State security agents and former liberation heroes have launched fresh farm invasions and are dispossessing the few remaining white commercial farmers in Zimbabwe.” (RadioVOP, 25 September 2008) [161a]

- 29.03 The BBC World Service (accessed on 16 August 2006) noted that

“The need for land reform in Zimbabwe was a long standing issue and was generally acknowledged, even by representatives of the commercial farming sector. Colonial policies of expropriation gave a few thousand white farmers ownership of huge tracts of arable land.

“According to government figures published before the current crisis, some 4,400 whites owned 32% of Zimbabwe's agricultural land, around 10 million hectares. Meanwhile, more than one million black families had struggled to survive on land that was allocated to Africans by the colonial regime.” [129a] However, the Economist Intelligence Unit – *Zimbabwe Country Profile 2007* suggested that political reasons lay behind Mugabe's driving of the land reform agenda – it noted that the President's and ZANU-PF's popularity immediately before the commencement of farm invasions had waned significantly. [24e] (p5 & 27)

- 29.04 Noting the history of the land issue, the British Embassy, Harare in *Zimbabwe Land: Questions and Answers on UK Views* (updated in April 2003) noted that land was one of the major issues discussed at the Lancaster House talks in 1980. "It was agreed that the new constitution would limit land acquisition to the willing buyer, willing seller principle for the first ten years after Independence. Britain offered support for land reform, but not a specific sum... A new Land Acquisition Act passed in 1992, provided government with the right of first refusal of all land on offer and the compulsory acquisition and designation of land for resettlement." However, the British Embassy stated that as the 1990s progressed the government's policies increasingly resulted in the allocation of compulsory acquired land to public servants and politicians. The British Government expressed concerns about the lack of transparency involved in the 'Fast-track Programme' and eventually refused to support further land reform until the process became more transparent. [131]
- 29.05 The Global IDP Database (published in July 2003), stated that since the start of the Government's 'fast track' land reform programme, approximately 240,000 farm workers have lost their jobs and 500,000 have been forced to leave their homes. Coping mechanisms for the displaced range from diversifying into gold panning, selling firewood, or family assets and, in some cases, commercial sex. Those who are particularly vulnerable are the elderly, female-headed households, orphans, and those with ill health, for example, HIV/AIDS sufferers. However, whilst in the past the ZANU-PF youth militia and the war veterans concentrated much of their attention on rural areas, since 2002 Harare and the major cities have become the focus for the ruling party's campaign to suppress the opposition. [68]
- 29.06 A report published by the Institute for War and Peace Reporting (IWPR) on 31 May 2006 noted that since the army has been given responsibility for farms and the production of maize (the country's staple food) "The army has targeted those [farming] areas that are potentially opposition strongholds. It is partly a retributive act to take over their land and send signals to the surrounding landowners. It's an act of intimidation, and a violation of the human rights of those people." [77h]

See [paragraph 4.05](#) for more information about Land reform.

## RECENT LAND CONFISCATIONS

- 29.07 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:
- "Disruptions at farms and seizures of property continued and were sometimes violent. Under a government moratorium introduced in January, farmers were given temporary extensions to continue growing crops and to allow for a gradual 'wind down' of operations, including harvesting and selling crops. The government in almost all cases took no action to define the period of extension.
- "In June Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the Gazetted Land (Consequential Provisions) Act, there were renewed and intensified efforts to evict many of the approximately 400

remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last six months of the year. In July many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 30. In October at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional. More than 100 legal cases were pending at year's end.

"On December 13, the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The Tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision. Both the judgments from the Supreme Court case and the SADC Tribunal were pending at year's end.

No action was taken against security officials involved in numerous 2006 and 2005 cases of land invasions, seizures of property, and attacks on farm owners and workers. No action was taken, nor was any anticipated, in the numerous other reported 2006 and 2005 cases of arbitrary interference with citizens' homes." [2m] (Section 1f)

- 29.08 In what appeared to be the final phase of farm evictions, ZimOnline reported on the 27 September 2006 that: "Mugabe's government – which had announced it had ended farm seizures to focus on raising production on land already acquired from whites – has in the last three weeks renewed land grabs, with scores of farmers, especially in the provinces of Manicaland, Masvingo and Mashonaland West, ordered to leave and make way for blacks." The Zimbabwean Government issued 50 eviction orders and will prosecute two other farmers who had ignored previous eviction orders. [49an] Under the new Constitutional amendment anyone failing to vacate a farm following service of an eviction notice could face imprisonment of up to seven years. [130] [49an] *The Daily Telegraph* reported on 2 October 2007 that only a few white farmers were still farming, on often much reduced portions of their original farms. [5]
- 29.09 IRIN reported on 6 November 2006 that the Zimbabwean government had distributed the first batch of 99-year leases to commercial farmers. The leases, seen partly by the Government as a method of boosting production, allow commercial farmers security of tenure, which could serve as collateral to secure loans to buy equipment etc. Farmers have often "...cited their inability

to raise money and uncertainty about their future as reasons for the drop in production.” [10g] ZimOnline reported on 22 January 2007 that six white farmers were among the recipients of the first batches of ninety-nine-year leases presented by President Mugabe. [49av]

- 29.10 However, in spite of recent promises by the government that it would allocate leases to white farmers, Lands Minister, Didymus Mutasa was reported to have said that white farmers have no future in Zimbabwe. “White farmers do not represent the future of farming in this country, blacks do. At the end of it all, I don’t expect to see any more white farmers, just successful black farmers. But of course like with everything in life, there are the lucky ones. Only the lucky ones among the outgoing [white] farmers could remain.” (ZimOnline, 22 January 2007) [49av]
- 29.11 BBC News reported on 4 February 2007 that the final deadline for the remaining group of 400 white farmers to hand farms over to new black owners or face prosecution, lapsed on the 3 February 2007. [3bd] The final confiscation orders made under the Constitutional Amendment Act which came into force on 14 September 2006 means that the government can confiscate land without the former owner having a right of recourse to courts to have the decision judicially reviewed. (Kubatana, 16 September 2006) [55p] Because of the inability of the farmers to appeal to the judiciary, “... the Commercial Farmers Union (CFU) has advised members to resist – saying arrest and persecution is their only way of getting a hearing in court.” [3bd]
- 29.12 State Security Minister Didymus Mutasa, who is also in charge of land reforms told ZimOnline on Monday (6 February 2007) that the government would soon begin arresting white farmers who had failed to vacate properties on the deadline of the 3 February 2007. Mutasa is reported to have warned that “Those that are saying they will defy the law will soon find out that they are not clever at all when the police start doing their job. ... We want to bring finality to the land issue and those who stubbornly stand in our way will face the music.” [49bd] However, a report from the BBC on 6 February 2007 noted that Didymus Mutasa had said that the remaining white farmers could stay on long enough to harvest their crops even though the deadline has passed. The BBC noted that “This is likely to mean the farmers can stay until August.” [3g]
- 29.13 ZimOnline reported on 5 February 2007 that Colin Labat, a former white farmer who had lost his Hippo Valley Estates in Chiredzi in 2003, fled his home after “... senior ZANU-PF legislator Titus Maluleke hired armed soldiers to remove him from the farmhouse.” Labat, who following the confiscation of the farm had been allowed by the government to remain at the farmhouse, was reported to have fled his home after fully armed soldiers stormed the farmhouse – a senior official from the Commercial Farmers Union reported that his whereabouts were unknown. [49be]
- 29.14 “... police officers last week stormed two white-owned farms and ordered the owners to vacate the properties in what observers said was a clear indication of ongoing lawlessness within the farming sector. The police, led by Senior Assistant Commissioner Chivangire, stormed Portwe Farm in Inyathi district in Matabeleland North province and ordered David Jourbert to vacate the property as it now belonged to the police. The police seized keys for the lodge and other buildings at the farm and told the farm workers that they were now working for the state. It was not clear why the police seized the property. ... In

Masvingo, police invaded a farm belonging to Brian and Sally Alford in Chiredzi district and claimed that it now belonged to former Masvingo provincial governor Willard Chiwewe's daughter, who is in her 20s." (ZimOnline, 11 April 2007) [49cd]

- 29.15 In spite of predicted massive food shortages during the coming year [49cb] the Government continued to evict white farmers with another twenty more reported to have been told to cease operations in May 2007. (ZimOnline, 16 May 2007) [49cc] The farm evictions came at the same time that reports stated that less than 10 per cent of the winter wheat crop had been planted. (The Times, 17 May 2007) [82q]
- 29.16 Commenting on the final push by the government to seize remaining white farms, the *Daily Telegraph* reported on 2 October 2007 that: "All agricultural land was officially nationalised last year – with the seizure to take effect from Oct 1 this year. In advance of this deadline, Zimbabwe's army and the Central Intelligence Organisation have been tormenting the last handful of white farmers and their workers. About 50 have been summoned to appear at magistrates' courts. Some have surrendered their farms and homes in despair in the last few weeks." [5j]
- 29.17 The Economist Intelligence Unit noted in its October 2007 Zimbabwe report that:
- "The government announced in early October that it would prosecute white farmers still growing crops, even though Zimbabwe is desperately short of food. The action shows that Mr Mugabe is determined to continue his drive to cleanse the agricultural sector of whites, despite the havoc and hunger created by the campaign. The government said that it would prosecute 11 white farmers for remaining on their farms after receiving eviction notices. An estimated 200 white farmers are still growing crops on their land, compared with about 4,500 in 2000, when Mr Mugabe began his land seizures." [24b] (p10)
- 29.18 In spite of ZANU-PFs and the MDCs power sharing agreement that contained a joint statement of intent on the land issue, it was reported on 25 September 2008 that: "State security agents and former liberation heroes have launched fresh farm invasions and are dispossessing the few remaining white commercial farmers in Zimbabwe. 'Things have progressively gotten worse. There are lots of new offer letters being given out and lots of new invasions. Houses are being broken into by new settlers. The worst affected areas are Manicaland, Masvingo and Mashonaland East, West and Central,' said Commercial farmers Union (CFU) President, Trevor Gifford." (RadioVOP, 25 September 2008) [161a]
- 29.19 ZimOnline reported on 29 September 2008 that: "At least 35 white farmers have been evicted from properties in a fresh wave of farm invasions that highlights continuing instability in Zimbabwe despite a power-sharing deal signed two weeks ago." A spokesman for the Commercial Farmers Union reported that "'Things have progressively got worse. There are lots of new invasions. Houses are being broken into by new settlers.'" Police are reported to have refused to act to prevent or arrest invaders. [49c]
- 29.20 The Scotsman reported on 9 April 2008 that:

"Gangs of ruling-party supporters have also invaded at least 60 white farms since the weekend, union officials say.

"The gangs are being transported, they're armed with sticks and machetes, they're giving farmers anywhere between one hour and ten hours to leave,' said Trevor Gifford, the president of the Commercial Farmers' Union. Only about 450 white farmers remain. He said two farms belonging to black farmers had also been seized." [98a]

For recent developments on land reform/evictions see Latest news

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## FOOD SHORTAGES

- 29.21 The World Food Programme (WFP) noted in its 'Food Security: Overview' for Zimbabwe (updated 2008), that:

"Food insecurity in Zimbabwe is a result of several factors, including a succession of small harvests, some poor agricultural policies and a declining economy, characterised by hyper-inflation, high unemployment and a rapidly depreciating currency. This is further compounded by the high HIV/AIDS prevalence rate, which has contributed to increasing levels of vulnerability." [54b] (p1)

- 29.22 Human Rights Watch reported on 22 January 2009 that:

"Zimbabwe has suffered from food shortages since 2000 when the Mugabe government embarked on a violent and illegal program of land seizures. An estimated 5.1 million Zimbabweans - half the population - are expected to need food aid in 2009. Food output in Zimbabwe has deteriorated drastically in the past year. The UN World Food Program (WFP) estimates that maize production in 2008 was 575,000 metric tons – 28 percent below 2007's historically low level. Maize is Zimbabwe's staple but many villagers interviewed by Human Rights Watch in Mashonaland East, West, Masvingo, Midlands and Manicaland provinces said that they were either living on one meal of sadza (maize meal) a day or on wild fruit. ...

"As a result of severe food shortages, levels of chronic malnutrition among children under age five have increased, so that 28 percent are chronically malnourished. Hyper-inflation ... has eroded the capacity of families to access the little food available on the market, an especially acute problem for people living in urban areas with no access to land. Maize remains unavailable in most shops. Where it is available on the black market, it is pegged to the US dollar, pricing it out of reach for the average Zimbabwean household. When Human Rights Watch researchers visited Zimbabwe in November the price of a 20 kilogram bucket of maize meal was US\$20, unaffordable for most people. Only 6 percent of Zimbabweans are employed in the formal sector. Teachers, for example, earn an average of US\$4 per month." [69g] (p10 - 11)

- 29.23 During and after the election in March 2008, Human Rights Watch reported that food remained an overtly political subject, with food being seized and distributed on grounds of political affiliation.
- “... ZANU-PF sponsored ‘youth militia’ and ‘war veterans,’ state security forces, and supporters systematically killed livestock, and destroyed and plundered the homes and food granaries (reserves) of thousands of suspected MDC activists and supporters in order to ensure their displacement and inability to vote. An estimated 36,000 Zimbabweans were displaced by the violence and left in need of food, water, and shelter. Looted food was given to soldiers, youth militia, and ZANU-PF supporters at camps that had been set up throughout the country and used to beat and torture MDC supporters.” (Human Rights Watch, ‘Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe’, 22 January 2009) [69g] (p11)
- 29.24 Between June and September 2008 the Government suspended NGOs operating in Zimbabwe. “The suspension limited the ability of humanitarian agencies to determine the true extent of the food crisis, and assess the future needs of the population. It obliged them to delay responding to the food crisis until after the authorities lifted the formal ban ...” (Human Rights Watch, ‘Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe’, 22 January 2009) [69g] (p21)
- 29.25 *The Los Angeles Times* reported on 26 September 2008 that political bias in the distribution of food had continued well after the general election in March 2008. The article reported a senior member of Zimbabwe’s Grain Marketing Board (anonymously) admitting that “... right down to the district level, food distributions, the only source of maize, had been run by the army, the Central Intelligence Organization, the police and the district administrator. It was more like a campaign tool. Those who were actually supporting the opposition were getting nothing because the CIO wanted to give the grain directly to their supporters ...” [66b]
- 29.26 On the 29 January 2009 the BBC reported that “... the World Food Programme (WFP) has revised up the number of people it says need food aid. It now says seven million Zimbabweans are in need of food aid, up from 5.1 million in June. ... The agency is being forced to halve the cereal rations given to hungry Zimbabweans so that all the people in need can receive aid.” [3p]
- 29.27 USAID reported in its Zimbabwe Food Security Outlook, October 2008 to March 2009, that: “Supplies of basic goods on the formal market have remained critical, and the parallel market has remained the major source for most basic commodities, though prices at this market are beyond reach of the majority. Remittances from within the country and the Diaspora have been helping the situation somewhat. The sale of some basic commodities in foreign currency seem to only benefit a very small proportion of the population, as the majority of the populace does not have access to foreign currency. [80a]
- 29.28 The Institute for War and Peace Reporting noted on 15 July 2008 that:
- “The food situation in Zimbabwe’s arid southern province of Masvingo has reached crisis point, with many families unable to access even basic foodstuffs.” Food shortages have led to high mortality rates of those suffering

with HIV/AIDS with the report noting "...an upsurge in HIV/AIDS-related deaths... creating increasing numbers of orphans. Many people are returning from the cities to die at home in their villages. ...

"Aid agencies used to distribute high-protein, high-energy foods which kept opportunistic diseases at bay. Without those foods, people quickly succumb to illnesses," he said. AIDS orphans and the elderly are the most vulnerable groups." [77d]

- 29.29 Following the announcement that an agreement had been reached on forming a government of national unity, the Norwegian Government stated that "... it would give Zimbabwe 40 million kroner (7.02 million dollars, 4.86 million euros) in aid to help the country deal with a lack of food and clean drinking water ..." However, the Norwegians appeared to tie any aid to demands that there was "an end to ... political violence," demilitarisation and the re-introduction of "freedom of the press and association". (africasia, 19 September 2008) [151c] The BBC noted on 17 September 2008 that major western governments are refusing, until the situation is clearer, to "... deliver the major economic rescue plan that is waiting in the wings. Instead, they will try to get a quick agreement for humanitarian aid to counter what they regard as creeping starvation in the country." [3z]
- 29.30 After the Government's decision on 29 August 2008 to lift its ban on aid agencies distributing food (Economist Intelligence Unit, September 2008) [24k] (p11) the International Red Cross was reported to be stepping "... up its distribution of emergency food supplies to Zimbabwe. Trucks carrying some 383 tonnes of aid for 24,000 people travelled through the night after loading supplies in Harare, Bulawayo and Mutare." A spokesman for the Red Cross described the situation as "critical" with up to five million people (around half the population of the country) possibly in need of food assistance. (BBC News, 18 September 2008) [3b]
- 29.31 The United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) reported on 18 September 2008 that it was "... moving quickly to provide assistance to the large needy groups in Zimbabwe ... Already, NGOs and UN agencies are re-establishing operations to provide basic life-saving assistance and expect to reach nearly three million people across the country by October." [51a]
- 29.32 The Zimbabwe Independent reported on 18 September 2008 that: "Prime Minister-designate and MDC president Morgan Tsvangirai is next week expected to embark on a countrywide tour to assess the distribution of food aid by the government and non-governmental organisations (NGOs)." Members of the MDC hierarchy declined to confirm details of the planned assessment tour but US "... Ambassador James McGee told an international radio on Wednesday that Tsvangirai had informed him he would from next week conduct a food insecurity assessment field trip..." The report went onto note that Mr Tsvangirai would be assessing "... the extent of food shortages ... and monitor[ing] the distribution of food aid ..." [159a]

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## POLITICISATION OF FOOD

29.33 Political bias continued to be a major issue in Zimbabwe. Amnesty International reported that political affiliation often dictated the treatment an individual received. (Annual Report, 7 August 2008) [14d] Bias in the distribution of food continued in 2008 with food distributions being run by the "... army, the Central Intelligence Organization, the police and district administrators. ... Those who were actually supporting the opposition were getting nothing because the CIO wanted to give ... grain directly to ... supporters ..." (Los Angeles Times, 26 September 2008) [14a] Kubatana.net reported on 28 July 2005 that following Operation Murambatsvina, many people were moved out of the cities and were returned to their province of origin. On arrival, "They were taken to the Sabhuku (sub-chief), where they were more often than not asked for their ZANU-PF party card..." without which they were denied help and expelled into the wilderness. [55g] (p3) A recent report from ZimOnline, noted on 14 May 2007, that the renewed crackdown on the MDC has led to the deployment of CIO agents in southern, opposition supporting regions, of Zimbabwe. CIO agents were reported to have ordered village chiefs and headmen to compile lists of villagers who support and campaign for the opposition. Demands for these lists were accompanied with threats that individuals who continued to participate in supporting the MDC could be killed. [49bq]

29.34 Amnesty International reported on 6 June 2008, that:

"The government of Zimbabwe has banned field operations by non-governmental organisations (NGOs) in the country. Amnesty International has accused the government of using food for political ends and called on them to immediately lift the ban.

"The suspension of field operations by all NGOs on the order of the Zimbabwean government is likely to increase food insecurity in Zimbabwe and expose millions of people to hunger', said Amnesty International. The suspension is yet another attempt by the government to manipulate food distribution for political ends. Suspension of humanitarian operations by NGOs ensures that the government has a monopoly over food distribution through the state-controlled Grain Marketing Board (GMB) during the pre-election period.

"Without giving specific reasons for his action, the Zimbabwean Minister of Public Service, Labour and Social Welfare, Nicholas Goche, wrote to all private voluntary organisations and NGOs on 4 June 2008, instructing them to stop their operations. The Minister gave his intention to invoke Section (10), Subsection (c), of the Private Voluntary Organisations Act [Chapter 17:05] as the basis for his action." [14o]

29.35 The Institute for War and Peace Reporting noted on 15 July 2008 that:

"Since the aid agencies stopped distributing food, the state-controlled Grain Marketing Board, GMB, has been the only source of the staple maize meal. But GMB outlets on the ground are unable to meet the demand, and Masvingo residents say that what maize meal is available it is directed only to those with close ties to the ruling ZANU-PF party. ...

"A miller in Chivi, the most arid district in the province, described how government officials slanted food distribution towards regime supporters.

"Licensed millers purchase South African meal from the GMB at the Beitbridge border post, and then have to take what they have bought to the office of the District Administrator or DA, a government agent who records each consignment. The DA invites village heads and ward councillors to submit the names of residents who need the maize meal. These grassroots-level officials decide who should be awarded the meal, and either accept or refuse money from applicants accordingly. The DA then authorises the sale based on the list of names provided, and only at that point can millers release the maize meal.

"The system is fraught with corruption,' said the miller, who did not want to be named. "The headman and the councillors alert only their relatives and friends of the availability of the meal, and those who oppose them or the [ZANU-PF] party never appear on the lists taken to the DA." [77d]

29.36 A staff member working for the UK's Embassy in Harare, confirmed on 10 June 2008, that food was being used to coerce hungry Zimbabweans to vote for the ruling party (Foreign and Commonwealth Office blog, 10 June 2008) and that ruling party supporters were exacting revenge against those suspected of having helped the MDC gain its parliamentary victory on 29<sup>th</sup> March. (Foreign and Commonwealth Office blog, 18 July 2008) [13n]

29.37 Human Rights Watch reported on 12 August 2008 that "...government restrictions on the distribution of humanitarian assistance including food aid..." remained in place. The report went on to note that: "In the past the government has used food aid as a political weapon to discriminate against opposition supporters. The current suspension points to continuing attempts by the government to control the distribution of humanitarian assistance and deny it to perceived supporters of the MDC." [69a] (p3)

29.38 In previous reports (25 July 2007), Amnesty International had documented "...the political manipulation of food aid, noting that food aid was often withheld from those who did not hold a ZANU-PF loyalty card, and was used in attempts to influence election results. In 2007 Amnesty International found that the manipulation of food distribution persists, particularly of GMB maize sold in rural areas." [14e] This was confirmed by the publication of the Zimbabwe Peace Project's 'Food Monitoring Report' that found that the vast majority of victims of politicised food aid were MDC supporters (around 70 per cent) although there were instances of ZANU-PF supporters being denied food. The report noted that:

"The major findings emanating from this report are that cases of discrimination on political party affiliation and participation in NGO activities abound in the food distribution process. In all provinces, distribution of food and seed from the Grain Marketing Board was the most polarised aid. Traditional leaders, councillors and community food committees mostly recommended by Zanu PF leaders orchestrated the removal of non-ruling party members from the list of beneficiaries. Beneficiaries were expected to chant ruling party slogans and to produce party affiliation cards before receiving food." (Zimbabwe Peace Project, September 2007) [95] (p4)

- 29.39 The Association of Zimbabwe Journalists reported on 8 June 2007 that the Central Intelligence Organisation (CIO) had deployed operatives to the MDC supporting region of Matabeleland South to monitor the activities of NGOs distributing food there. CIO officers were reported to be operating under the cover of various jobs and to have even infiltrated some NGOs. "Government is reportedly concerned that NGOs will meddle in politics and use food aid as a way of turning the people against ZANU-PF and government." [143f]
- 29.40 The Economist Intelligence Unit (EIU) reported in the Zimbabwe Country Report, dated September 2008, that the government's altered its position on the distribution of food by non-governmental agencies when it announced on 29 August 2008 that it was lifting its earlier ban. The report noted that: "Many aid officials said that the food ban had exacerbated the serious hunger across the rural areas, where more than 65% of Zimbabwe's 13m people live. Although the ban has now been lifted, the UN World Food Programme (WFP) said that it would take several months to get food delivery personnel back in operation." [24k] (p11)
- 29.41 As the first (unconfirmed) reports of deaths from starvation began to emerge, *The Telegraph* suggested that one of the reasons why there may be deadlock in the allocation of ministries is because ZANU-PF do not want to give-up control of ministries that are responsible for distributing food. One senior western diplomat is reported to have said that: "ZANU-PF knows the man who delivers food in this country is king..." [5m]

For recent developments on food security and food aid see [Latest news](#)

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## OPERATION MURAMBATSVINA

- 30.01 On 18 July 2005, the United Nations (UN) published the findings of its fact-finding mission to Zimbabwe which found that Operation Restore Order or Operation Murambatsvina (meaning, "drive out rubbish") began on 19 May 2005. [25] (p7)
- 30.02 International Crisis Group reported that: "Operation Murambatsvina (Restore Order) cost some 700,000 Zimbabweans their homes or livelihoods or both and otherwise affected nearly a fifth of the troubled country's population." (Zimbabwe's Operation Murambatsvina: The Tipping Point? 17 August 2005) [100c] HRW noted that of this number, "... 20 percent (114,000) were living in the open with no shelter; 20 percent (114, 000) had gone or were forced to go to the rural areas; 30 percent (170,000) were absorbed by families, friends or the extended family; and another 30 percent (170,000) sought refuge in the community, in churches, and other temporary accommodation." [69i] (p15) Human Rights Watch (HRW) noted in a report published in December 2005 that: The operation took a particularly heavy toll on vulnerable groups - widows, orphans, female, and children headed household, elderly and people living with HIV/AIDS." [69i] (p10)
- 30.03 Commenting in a UN report covering the operation, the UN's Special Envoy, Anna Kajumulo Tibaijuka, found that Operation Restore Order had been conducted in an "... indiscriminate and unjustified way and that the targeting of illegal dwellings was undertaken with little regard to human suffering". Mrs Tibaijuka went on to note that "The humanitarian consequences of Operation Restore Order are enormous. It will take several years before people and society as a whole can recover." [25] (p8)
- 30.04 Noting the reasons behind Operation Murambatsvina, HRW noted in December 2005 that:
- "Zimbabwean authorities claimed that the destruction of homes and other properties was part of a long-term plan to clean up the urban areas, restore order, rid the cities of criminal elements, and restore dignity to the people. However, there were many alternative analyses of Operation Murambatsvina, several of which alleged that the operation was part of the government's efforts to debilitate the urban poor, force them to move to rural areas, and prevent mass uprisings against the deteriorating political and economic conditions in high density urban areas." [69i] (p10)
- 30.05 The BBC had earlier reported on the 9 June 2005 that opposition groups believed that Mugabe's crackdown had more to do with driving opposition supporters back to rural areas, where they have less influence and can be more easily controlled. [3n] This view was echoed in a report published by Kubatana on 28 July 2005 that noted that many people with Zimbabwean ID cards were returned in army lorries to their province of origin, as stated on the ID card. "They were taken to the Sabhuku (sub-chief), where they were more often than not asked for their ZANU-PF party card, and without it denied land and expelled again into the wilderness." [55g] (p3) A report by the Solidarity Peace Trust entitled *Meltdown – Murambatsvina one year on*, dated 30 August 2006, noted that the motives for the demolitions included punishing

opposition supporters. The report stated that “The urban areas have consistently voted for the Movement for Democratic Change (MDC) in all national and local elections over the last five years. OM [Operation Murambatsvina] has been seen as an act of retribution and a reminder that ZANU PF effectively can do what it wants even in areas where there are MDC elected local councils and Members of Parliament (MPs).” [65b] (p16)

- 30.06 Following the demolitions of Operation Murambatsvina, the government pledged that it would provide new housing under its “Operation Garikai” (meaning “live well” in Shona) programme. The housing, consisting of 300,000 new homes, was due for completion by the end of 2005. (The Solidarity Peace Trust, 30 August 2006) [65b] (p26-27) However, IRIN reported on 18 July 2007, over two years after Operation Murambatsvina, that next to no new houses were built with most building materials being diverted to President Mugabe’s new palace. [10k]
- 30.07 In spite of the government’s announcement that Operation Murambatsvina had ceased, there continued for many months afterwards (sometimes over a year after) reports of new evictions. (The Mail and Guardian, 15 May 2006) [6h] (The Zimbabwe Independent, 6 September 2006) [11g]

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### Areas affected by Operation Murambatsvina

- 30.08 Reliefweb published a map by UNOSAT (United Nations Organisation Satellite Imagery) on 12 July 2005 entitled, *Reported Cases of Destroyed Housing during ‘Operation Murambatsvina’ 19 May – 9 July 2005*. The following is a list of townships affected:

| Region         | Town/City        | Region              | Town/City      |
|----------------|------------------|---------------------|----------------|
| Bulawayo       | Bulawayo         | Mashonaland East    | Chitungwiza    |
| Harare Suburbs | Budiriro         | Mashonaland Central |                |
|                | Dzivarekwa       | Mashonaland West    | Kariba         |
|                | Epworth          |                     | Kadoma         |
|                | Glen Norah       |                     | Porta Farm     |
|                | Glenview         |                     | Rimuku         |
|                | Hatcliffe        | Masvingo            | Masvingo       |
|                | Kuwadzana        | Manicaland          | Mutare         |
|                | Mabvuku          | Matabeleland North  | Victoria Falls |
|                | Mbare            | Matabeleland South  | Beitbridge     |
|                | Mufakose         |                     | Gwanda         |
|                | Ruwa             | Midlands            | Gweru          |
|                | Tafara           |                     |                |
|                | White Cliff Farm |                     |                |

[Source 22]

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## FREEDOM OF MOVEMENT

- 31.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that, although the constitution provides for the freedom of movement and travel within and outside Zimbabwe, the Government restricts these rights in practice. The report continued:

"The constitution and law provide for freedom of movement within the country and foreign travel; however, the government restricted freedom of movement, foreign travel, and the rights of internally displaced persons (IDPs) in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with some humanitarian efforts directed at IDPs.

"During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In June and August, when the government issued decrees to control prices and to restrict imports, security forces were deployed to augment the roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption. Authorities seized passports and prevented citizens from leaving the country during the year." [2m] (Section 2d)

- 31.02 Human Rights Watch reported on 9 June 2008 that following ZANU-PF's poor showing at the 29 March elections, its supporters had created 'no-go' areas across the country as party activists punish voters for voting for the MDC. The report noted: "ZANU-PF supporters and 'war veterans' have created 'no-go areas' across broad swathes of the countryside in the provinces of Mashonaland East, Mashonaland West and Mashonaland Central to prevent victims from leaving the provinces, and to prevent foreign journalists and local human rights organisations from reporting on the violence. They have placed barricades across roads leading to villages hit by the violence making the areas inaccessible." A direct result of this has been that thousands of people are unable to flee the violence. [69e] (p39)
- 31.03 Peta Thornycroft in a blog for the *Daily Telegraph* noted that the Zimbabwean Diaspora of skilled workers was one of the main reasons why the economy was managing to keep afloat. There was some anecdotal evidence that Zimbabwean families were pooling "... resources to send the best educated family member to London, to get a job." Foreign currency is then sent home to help support family members struggling through the current economic crisis. However, the blog goes on to suggest that most people who arrive in the UK from Zimbabwe (or other destinations as asylum seekers) are simply economic migrants - the population is too exhausted by the current situation in Zimbabwe to cause problems for the ruling party that would then lead to political persecution. (The Daily Telegraph, 8 December 2006) [5i]

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## INTERNALLY DISPLACED PEOPLE (IDPs)

- 32.01 The United Nations Economic and Social Council in a report entitled *Overview of Economic and Social Developments in Africa 2006*, dated 1 March 2007, noted that there were 570,000 internally displaced people in Zimbabwe [15b] (p14), the majority of whom were descendants of farm workers from neighbouring countries. [11c]
- 32.02 A report by the Internal Displacement Monitoring Centre, published on 20 August 2007, noted that:
- “Threats and incidences of new forced displacements continue to be reported, but there is no information on the number of people recently displaced. General reports of evictions have been noted by both the US State Department and the European Commission... The UN has also reported sporadic evictions in parts of Harare, Masvingo, Bulawayo and Manicaland... In late 2006, the Harare Metropolitan Governor David Karimanzira was allegedly preparing more demolitions of homes and ‘illegal’ business structures in urban areas and rural areas where Zimbabweans make a living from informal gold mining... Evictions conducted under Operation Chikorokoza (meaning ‘end illegal gold mining’) has caused new displacement, sometimes of people who had already been affected by previous evictions... Many victims of Operation Murambatsvina are reported to have returned to urban areas, and as informal vendors continue to live in ‘unauthorised’ dwellings in urban areas, it is likely that new evictions may soon take place... Displaced people have also allegedly been subjected to repeated evictions... Following protests at the University of Zimbabwe over increased lodging fees, the government evicted an estimated 5,000 students from their dormitories. Students were given 30 minutes to vacate their rooms, and student organisations have appealed for humanitarian assistance following the evictions...” [60a] (p7-8)
- 32.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that:
- “An estimated 700,000 persons lost their homes or businesses following Operation Restore Order in 2005, and approximately 2.4 million persons were directly affected. The government's campaign of forced evictions and the demolition of homes and businesses continued during the year. Meanwhile, the government program Operation Live Well, purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Restore Order. Many of those displaced continued to lack permanent shelter. Although humanitarian agencies had access to most displaced persons, the government continued to interfere with some organizations' efforts to assist IDPs during the year. Civil society activists believed that residents were routinely targeted for eviction for political reasons.” [2m] (Section 2d)
- 32.04 The United States Agency for International Development noted in a report dated 15 July 2008 that violence since the elections (held on 29 March and 27 June 2008) has “...forced tens of thousands of Zimbabweans to flee their homes and villages. Most of these internally displaced persons (IDPs) have found temporary shelter with relatives and friends in towns and cities. Some

IDPs have sought refuge in so-called 'safe areas', supposedly protected by negotiated security arrangements with government and United Nations (UN) agencies. However, state-sponsored militias are now even attacking these 'safe havens', sending victims running for their lives once again. With no one to turn to and no place to go, many Zimbabweans are opting to join millions of their countrymen who have fled to an uncertain fate in neighboring lands." [116a] Amnesty International stated that, "tens of thousands" have been displaced over the last few months. (25 July 2008) [14f]

32.05 See section 30.01 - Operation Murambatsvina for more details.

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## CITIZENSHIP AND NATIONALITY

- 33.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that: "The Citizenship Act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals." [2m] (Section3) However, correspondence from the UK Foreign and Commonwealth Office dated 2 October 2006, noted that they had consulted a respected lawyer in Harare who was of the opinion that: "Only those who had acquired their citizenship by registration can be deprived of it after 5 years continuous absence outside the country." i.e. categories of citizenship obtained through "...birth or descent, cannot be deprived of their citizenship regardless of how long they remain outside the country." [13g]

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## FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

34.01 No information was available.

## EXIT/ENTRY PROCEDURES

### Treatment of returned failed asylum seekers

- 35.01 Following the United Kingdom Government's decision to resume returns to Zimbabwe in November 2004, a number of articles appeared in British and Zimbabwean publications claiming that forcibly returned Zimbabwean nationals had been stopped and interrogated by Zimbabwean government agents. Among reports of human rights abuses *The Voice* reported on 9 February 2005 that several returnees had disappeared while others had been beaten and threatened upon arrival. [81] (p1-2) Newzimbabwe on 23 April 2005 and *The Times* on 4 July 2005 reported further claims that returnees were facing interrogation and beatings at the hands of CIO (Central Intelligence Organisation) officers at Harare airport. [82b] Newzimbabwe claimed that returnees faced a "Gestapo" welcome on arrival. [90b] Reports of abuse included imprisonment, beatings to the soles of the feet and electric shock treatment to the chest and testicles. [82b] *The Independent on Sunday* on 3 July 2005 and *The Times* on the 5 July 2005 reported further accounts of human rights abuses of forcibly returned asylum seekers, noting that the CIO and Youth Militia co-operated in perpetrating the abuses. [82c] [4d]
- 35.02 Responding to the UK Government's decision to resume returns to Zimbabwe News24.com reported on 17 December 2004 that Zimbabwe's Information Minister had warned that plans by Britain to deport 10,000 failed asylum seekers could be a plot to destabilise the country before next year's polls. Jonathan Moyo told the government-controlled *Herald* newspaper that the country needed to remain vigilant in case those deported were "trained and bribed malcontents" who could "cause mayhem during and after the March 2005 elections". Mr Moyo is also quoted as saying "We have the right to ask whether these would be deportees are Blair's' mercenaries of regime change.... [38g] (p1-2)
- 35.03 However, in an apparently contradictory statement, BBC News reported on 17 December 2004, that Zimbabwe's Justice Minister Patrick Chinamasa had said that the Government would unconditionally accept anyone sent back from the United Kingdom. "He said that the deportations backed up the government's argument that the opposition is exaggerating claims of human rights abuses. 'The chickens are now coming home to roost. It's wrong to suggest that they went there [the UK] as victims of torture, but the truth are that they were economic refugees,' Mr Chinamasa said." [3bq]
- 35.04 *The Guardian* noted on 10 July 2005 claims by the then Immigration Minister, Tony McNulty, who stated that there had been "no substantiated reports" of abuse since deportations had recommenced in November 2004. [34h] *The Independent on Sunday* noted on 13 July 2005 that reports of abuse against returned failed asylum seekers were being investigated by human rights activists, lawyers and religious groups. However, the article noted that tracking deported refugees in Zimbabwe is fraught with difficulty. "Expatriate leaders say many asylum seekers go into hiding immediately after they return, or are too fearful of retaliation to co-operate with lawyers and opposition groups." [4d]
- 35.05 *The Times* reported on 14 October 2005 that forcible returns to Zimbabwe had been stopped indefinitely, following a ruling by the Asylum and Immigration

Tribunal (AIT) that found that there was a “real risk of serious harm” for those forcibly removed to Zimbabwe. [82g]

- 35.06 *The Guardian* reported on 3 August 2006 that the United Kingdom Government had won an appeal against AIT’s October 2005 ruling. The article noted that “The tribunal [AIT – Asylum and Immigration Tribunal] reversed its decision of last year and yesterday ruled that failed asylum seekers would not automatically face persecution if returned to Zimbabwe.” However, the tribunal stated that some “...claimants linked with Zimbabwe[s] opposition parties or with military or criminal records might be at greater danger of serious mistreatment...” Those claimants with a “...political profile considered to be adverse to the Zimbabwe regime...” are at risk of encountering persecutory ill-treatment. [34c] Commenting on the ruling, News24 reported (2 August 2006) that Zimbabwean Justice Minister Patrick Chinamasa stated that failed asylum seekers returned from the UK would be welcomed back with “open arms”. “They were never persecuted in the first place and claims that they will be harmed when they return home are unfounded.” The article also reported the acting Information Minister Paul Mangwana as saying that “All deportees would be ‘more than welcome to come back and help rebuild our economy’.” [38d] *The Times* reported on the 2 August 2006 that even Didymus Mutasa, minister with responsibility for the CIO [82i], who had previously stated (reported by SW Radio 30 June 2005) in August 2002 that “We [Zimbabwe] would be better off with only six million people, with our own people who support the liberation struggle. We don’t want all these extra people.” [138a] is reported to have said that returning Zimbabweans would be welcome and “looked after very well”. [82i]
- 35.07 Commenting on asylum applicants who have entered the UK under an assumed nationality, *The Independent* reported on 26 October 2007 that a number of returned Malawian asylum applicants were in fact Zimbabweans who had obtained Malawian documentation so that they could more easily flee Zimbabwe. The newspaper claimed that a number of people who had used this method to flee Zimbabwe, and who had been returned to Malawi, were in danger of being returned to Zimbabwe (by the Malawian authorities) where they would face persecution and possibly death. In an example of one such removal, the newspaper noted one man who had been removed to “... Malawi in November 2006. Once in Malawi he was arrested for the false declaration of a Malawi passport, and after two months in prison he was deported to Zimbabwe. Since arriving in Zimbabwe he has already been tracked down by the government, and narrowly escaped arrest. The last anyone heard from him was that he had gone into hiding.” [4b]

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## EMPLOYMENT RIGHTS

- 36.01 Freedom House reported in 'Freedom of Association Under Threat', dated 21 November 2008, that:

"The right to collective labor action is limited under the Labor Relations Amendment Act (LRAA), which allows the government to veto collective bargaining agreements that are deemed harmful to the economy. Although strikes are allowed in all but "essential" industries, they require onerous notification and arbitration procedures and are often declared illegal. Managers in all sectors are prevented from striking. The 2005 Labor Amendment Act prevents public-sector employees from joining or forming unions or engaging in collective bargaining, though these restrictions are not enforced. All unions must register with the Ministry of Public Service, Labor, and Social Welfare.

"The independent Zimbabwean Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule and was a driving force behind the formation of the Movement for Democratic Change (MDC), the main opposition bloc. The ZCTU has consequently become a target for repression, and its members have been routinely harassed both inside and outside the workplace. In recent years, several hundred ZCTU members have been arrested at demonstrations and meetings, and in 2007, security forces raided ZCTU offices during a countrywide crackdown on the political opposition. The government has created a rival trade-union umbrella organization, the Zimbabwe Federation of Trade Unions, to try to undermine the ZCTU, sometimes using violent tactics." [105d]

- 36.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and approximately 80 percent of the population lived below the government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate.

"The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

"The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives

each from the government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in December that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to service an estimated 14,000 registered factories. In December the government media reported 64 workplace fatalities and 5,568 injuries through November. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so." [2m] (Section 6a)

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## Annex A: Chronology of major events

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- 1890** British Colony of Southern Rhodesia established; subsequent influx of White settlers, mainly from the United Kingdom and South Africa.
- 1953** Southern Rhodesia united with Northern Rhodesia and Nyasaland, also British territories, to form the Central African Federation (CAF).
- 1962** White voters in Southern Rhodesia vote into power the Rhodesia Front party, committed to maintaining White rule and achieving independence from the UK.
- 1963** The UK dissolves CAF; Northern Rhodesia and Nyasaland granted independence by the UK under majority rule administrations, as Zambia and Malawi respectively.
- Black nationalist opposition splits and Zimbabwe African National Union (ZANU) led by Reverend Ndabaningi Sithole breaks away from Joshua Nkomo's Zimbabwe African People's Union (ZAPU).
- 1965** Rhodesia Front Prime Minister, Ian Smith, makes illegal unilateral declaration of independence (UDI) for Southern Rhodesia from the UK, renaming the territory Rhodesia.
- 1976** ZAPU and ZANU combine their military efforts in the Patriotic Front (PF) alliance
- 1979** Ian Smith's administration concludes an 'internal settlement' with some Black nationalists; Bishop Abel Muzorewa becomes first Black Prime Minister of 'Zimbabwe-Rhodesia'.  
**December:** Lancaster House constitutional conference in London, attended by all parties including the PF produces independence settlement for Rhodesia; Whites to be guaranteed 20 seats in new 100-seat parliament.
- 1980** **February:** Robert Mugabe's ZANU-PF party wins 57 out of 80 'common roll' seats and Nkomo's PF (ZAPU) wins 20 seats; Bishop Muzorewa's UANC party wins only three seats and Rhodesia Front wins all 20 seats reserved for Whites  
**April:** Independence of Zimbabwe – Robert Mugabe of ZANU-PF becomes Prime Minister and Reverend Canaan Banana becomes President, with ceremonial duties only.
- 1982-87** Insurgency in Matabeleland; Government sends mainly Shona Fifth Brigade to quell dissent – thousands killed during *Gukurahundi* pacification campaign, causing resentment of Government by the Ndebele.
- 1987** Reconciliation between ZANU-PF and ZAPU ends Matabeleland conflict; ZANU-PF and ZAPU merge, keeping ZANU-PF name; reserved seats for Whites abolished; Prime Minister Mugabe becomes executive President.

- 1988** Amnesty proclaimed in Matabeleland, leading to rapid improvement in security; Edgar Tekere expelled from ZANU-PF for persistent denunciation of party leadership and policies.

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- 1989** Edgar Tekere founds Zimbabwe Unity Movement (ZUM) in opposition to ZANU-PF.
- 1990** **March:** Mugabe wins Presidential election, polling 2.03 million votes against ZUM's Edgar Tekere's 413,840; ZANU-PF wins 117 of the 120 contested seats in parliamentary elections, with ZUM taking 20% of the vote and two seats.
- 1990** **August:** Joshua Nkomo becomes Vice-President, in addition to existing Vice-President Simon Muzenda.
- 1994** ZUM merges with Bishop Muzorewa's UANC; Muzorewa forms United Parties grouping later in year.
- 1995** **April:** ZANU-PF wins decisive victory in general elections, although eight opposition parties boycott polls – ZANU-PF takes 118 seats and Sithole's ZANU-Ndonga two.  
**October:** Sithole charged with conspiracy to assassinate Mugabe.
- 1996** **March:** Mugabe wins Presidential elections with nearly 93 per cent of the vote, but turnout less than 32 per cent.
- 1997** **July:** Criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee.  
**December:** Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal.
- 1998** **November:** Banana convicted on 11 charges of sexual assault, sentenced to ten years' imprisonment in 1/1999 – most of the sentence suspended but Banana to serve a minimum one-year in prison.
- 1999** **July:** Vice-President Joshua Nkomo dies.  
**September:** Movement for Democratic Change formed.
- 2000** Reverend Ndabaningi Sithole, leader of ZANU-Ndonga, dies  
**May:** Former President Canaan Banana ordered to serve a year in prison for sexually assaulting a male bodyguard.  
**June:** MDC wins 57 of 120 directly-elected seats in parliamentary elections marred by a violent campaign, perpetrated mainly by Government supporters against the opposition MDC and white farmers that leaves 37 people dead  
**November:** ZANU-PF holds Marondera West in by-election.
- 2001** **January:** ZANU-PF wins Bikita West in by-election from MDC; campaign marred by violence.  
**January:** Canaan Banana reportedly released from prison.

**April:** June 2000 election results in Buhera North, in which ZANU-PF's candidate was declared the winner over MDC leader Morgan Tsvangirai, and in Hurungwe East nullified by High Court; by-elections pending.

**July:** ZANU-PF holds Bindura in by-election with increased majority; violent campaign and MDC candidate detained by police.

**September:** MDC wins Bulawayo mayoral elections with landslide majority; ZANU-PF holds Makoni West and Chikomba parliamentary seats in by-elections with increased majority – results emphasise rural-urban political divide.

- 2002** **March:** President Mugabe re-elected President for six-year term in controversial election following a violent campaign; EU and USA apply selected sanctions against the Zimbabwean Government and officials.
- March:** Zimbabwe suspended from Commonwealth for one year because of election fraud and violence.
- March:** Introduction of the Access to Information and Protection of Privacy Act.
- September:** Local council elections. Won by ZANU-PF after a campaign condemned by rights groups.
- September:** ZANU-PF are also victorious in the Hurungwe West by-election, but similar criticisms are levelled at the ruling party.
- October:** Learnmore Jongwe, MDC MP and spokesperson dies in Harare prison.
- October:** Last of Zimbabwe's troops are withdrawn from DRC.

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- 2003** **February:** The trial of Tsvangirai, Ncube and Gasela starts. They are charged with plotting to assassinate Mugabe.
- March:** Commonwealth continues sanctions until a reassessment takes place in December 2003.
- March:** National stayaway organised by the MDC. Deemed a success, which brought violent reprisals from the state and its agents.
- March:** By-elections in Kuwadzana and Highfields. Both won by the MDC.
- April:** ZCTU strike over massive rises in the price of fuel.
- June:** Mass action organised by the MDC. The stayaway from work was widely observed, though no evidence of the mass demonstrations that were planned. Again, this resulted in a swift and violent response from the state and its agents.
- June:** Tsvangirai charge with treason. This means Tsvangirai has two charges of treason outstanding against him.
- August:** Council and Mayoral elections throughout much of Zimbabwe. Also, by-elections in Makonde and Harare Central. ZANU-PF hold rural Makonde, and MDC hold the urban seat of Harare Central.
- September:** Simon Muzenda, one of Zimbabwe's two vice presidents, dies.
- November:** Kadoma by-election. ZANU-PF win the seat from the MDC.

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- 2004** **January:** Tsvangirai takes the stand at his treason trial.
- February:** ZANU-PF retain the seat of former Vice-President Muzenda in the Gutu North by-election.

**February:** Tsvangirai trial ends on 24 February 2004. The judgement was scheduled to be handed down on 29 July 2004, but was subsequently postponed indefinitely.

**February:** Cabinet reshuffle.

**March:** ZANU-PF win the Kadoma by-election.

**May:** ZANU-PF win Lupane by-election by 883 votes amid evidence that election was rigged.

**May:** Government announce expecting bumper harvest and therefore food aid will not be required. Widely perceived to be untrue and that government planned to use food as a political weapon in 2005 parliamentary elections.

**July:** Verdict in Tsvangirai trial postponed indefinitely when two lay assessors insisted they be fully consulted by trial judge.

**July:** Tsvangirai subject of assassination attempt.

**July:** Executive summary of Southern Africa Development Council report on human rights in Zimbabwe published.

**August:** MDC announce boycotting all elections until electoral reforms in place.

**August:** Government published bill to restrict operation of human rights NGOs.

**August:** The Non-Governmental Organisations Bill (NGO Bill), requiring the registration of all NGOs and also restricting the activities of NGOs, approved by parliament.

**September:** ZANU-PF recapture Seke constituency following the MDC's earlier decision to boycott all elections.

**October:** Morgan Tsvangirai acquitted on two charges of treason. The acquittal was delivered by the High Court on 15 October.

**October:** ZANU-PF retains Masvingo constituency. The by-election was called following the death of Eddison Zvogbo, a founding member of ZANU-PF.

**November:** Zimbabwe Supreme Court rules that the law used to seize white-owned farms is 'legal'.

**December:** Former Minister of Information, Jonathan Moyo, suggests that failed asylum seekers sent back by the UK could be undercover mercenaries or agents of regime change. Minister of Justice, Patrick Chinamasa says that returned asylum seekers would be welcomed back.

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- 2005**
- January:** South Africa's ruling African National Congress (ANC) and its alliance partners concluded that conditions were not believed to be "conducive" to holding "free and fair elections" in Zimbabwe in March.
- January:** Congress of South African Trade Unions (COSATU) announces that they intend to undertake a pre-election fact-finding mission to Zimbabwe. On arrival, the 20-member team is refused entry by immigration officials at Harare's international airport.
- February:** President Mugabe announces that the 2005 parliamentary elections will take place on 31 March; he promises to abide by SADC guidelines.
- February:** President Mugabe announces that war veterans and traditional chiefs would receive pay increases of 1,400 per cent.
- February:** MDC announce that they will participate in the March 31st parliamentary elections.

**31 March:** After a relatively peaceful election campaign, ZANU-PF wins two-thirds of the votes in the parliamentary elections. MDC and International community condemn the election as rigged. South Africa and other African states hail the election as free and fair.

**May:** Operation Murambatsvina – Tens of thousands of shanty dwellings and illegal street stalls are destroyed as part of a “clean up” programme.

**July:** The UN send a fact-finding mission to Zimbabwe to report on Operation Murambatsvina, the subsequent report estimates that the clear-up operation has left about 700,000 people homeless. Access to food and medical treatment for those who have been evicted is described as precarious.

**28 July:** Vice President, Joyce Mujuru announces that “Operation Murambatsvina is now complete”.

**2 August:** Prosecutors drop remaining treason charges against opposition leader Morgan Tsvangirai.

**13 August:** Three weeks after the official cessation of Operation Murambatsvina, the US ambassador to the United Nations food agencies claimed that people who had been caught up in Operation Murambatsvina were dying of hunger.

**August:** Constitutional Amendment Bill passed by parliament. The proposed Bill will reintroduce a second parliamentary chamber (Senate) and fast track all future land seizures removing a landowners’ right to appeal to the courts. The Bill will also allow the government to prevent Zimbabweans from leaving the country; commentators believe that this will be used to confiscate opposition members’ passports.

**November:** MDC leader Morgan Tsvangirai declared a boycott of the Senate elections scheduled for the end of November. The pro-senate wing of the MDC, led by MDC secretary general Welshman Ncube, responded that Mr Tsvangirai did not have the authority to make such a decision - and a group of 26 MDC members registered their candidacy for the elections in defiance of the party leader. The rift in the party escalates as the two factions exchanged, through the media, increasingly harsh words.

**27 November:** Ruling Zanu-PF party wins an overwhelming majority of seats in a newly-created upper house of parliament, the Senate. The opposition MDC splits over its leader’s decision to boycott the poll.

**December:** After a four-day visit, UN humanitarian chief Jan Egeland says Zimbabwe is in “meltdown”.

**9 December:** The Zimbabwean government announced that the country’s annual inflation rate rose to 502.4 per cent in November.

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**2006 January:** Zimbabwean judge Benjamin Paradza, due to be sentenced by the High Court for corruption, was reported to have ‘gone missing’. Mr Paradza, who faces three years in prison or a fine, claims that he was being targeted for delivering judgements that were not in favour of the government. Mr Paradza is seen by many as the last truly independent judge in Zimbabwe.

**February:** Arthur Mutambara is elected president of the pro-senate faction of the MDC.

**22 February:** Robert Mugabe celebrates his 82<sup>nd</sup> birthday.

**March:** IMF maintains Zimbabwe sanctions. The IMF postponed a decision to expel Zimbabwe after it repays \$120m of its debt to the Fund and pledged to

clear the rest by November 2006. The IMF stated it will review its relation with Zimbabwe in September.

**10 March:** Zimbabwe's inflation hits a record high of 782 per cent.

**May:** Year-on-year inflation exceeds 1,000 per cent.

**June:** Information and Publicity Minister, Tichaona Jokonya, died on the 24 June after collapsing in a bath tub following kidney dialysis treatment.

**July:** Opposition MP Trudy Stephenson (pro-senate faction) attacked by MDC supporters loyal to Morgan Tsvangirai. A report published by Morgan Tsvangirai's faction of the MDC claims that the CIO was responsible for the attack.

**August:** As a result of spiralling inflation, new banknotes, with three noughts deleted from their values, are introduced; inflation exceeds 1,204 per cent, a report from the International Monetary Fund states that it expects inflation to exceed 4,200 per cent in 2007.

**September:** Riot police disrupt a planned demonstration against the Government's handling of the economic crisis. Union leaders are taken into custody and later hospitalised, allegedly after being tortured.

**October:** ZANU-PF win the Chikomba and Rushinga parliamentary by-elections on 7 October 2006.

**November:** Local government elections - ZANU-PF take 1,247 wards (482 of which were taken unopposed). The MDC (Pro and Anti-Senate factions) take only 82 wards.

**December:** ZANU-PF party conference approves a plan to move presidential polls from 2008 to 2010, effectively extending Mr Mugabe's rule by two years.

**2007 12 February:** Zimbabwe's annual inflation leapt to a new record 1,593.6 per cent in January, showing no respite in a crisis marked by chronic shortages of foreign exchange, food and fuel and unemployment of more than 80 per cent.

**19 February:** Armed riot police dispersed around 50,000 Movement for Democratic Change (MDC) supporters who had gathered to hear Morgan Tsvangirai launch the party's campaign for next year's presidential election. There were reports that police had indiscriminately beaten up opposition supporters.

**11 March:** Police and security forces suppress a prayer meeting called by the MDC in the Harare suburb of Highfield. Opposition leader Morgan Tsvangirai is hospitalised with a head wound after his arrest at a rally. One man is shot dead as riot police move to disperse the gathering.

**28 March:** Heavily armed Zimbabwe police officers storm the Headquarters of the MDC at Harvest House. 80 people, including senior MDC officials, were arrested and taken to Harare Central Police Station, where many claim that they were beaten and or tortured.

**4 April:** Edward Chikombo, a journalist with reported links to the opposition, was found murdered. The killing was thought to be linked to the smuggling out of the country television pictures of the badly injured opposition leader.

**26 May:** Riot police again storm Harvest House this time arresting MDC youth members. 211 youth members were arrested with reports of beatings and interrogation before the 211 youth members were released without charge.

**June:** Nine men are charged with treason for plotting a coup. Their lawyer says they were planning to form a political party.

Ruling ZANU-PF and opposition MDC hold preliminary talks in South Africa.

**26 June:** Industry and International Trade Minister Obert Mpofu orders retailers to shift prices back to where they were on June 18. This cut prices by around 50 per cent.

**20 November:** Former Prime Minister Ian Smith dies.

**December:** Mugabe attends EU-Africa summit, where he is criticised over his rights record. British Prime Minister Gordon Brown boycotts the meeting over Mugabe's presence.

Mugabe is endorsed as ZANU-PF candidate for forthcoming elections.

**2008 January:** Presidential and parliamentary elections are set for 29 March.

**March:** Mugabe defeated in first round of presidential polls. Opposition MDC wins parliamentary elections.

**May:** Electoral Commission announces presidential run-off election to be held on 27 June. Mr Tsvangirai says there should be no need for second round, insisting he won outright in first round, but agrees to take part in run-off.

**June:** Government bans food aid distribution, accusing aid agencies of campaigning for the opposition. Morgan Tsvangirai pulls out of the presidential election run-off citing escalating violence against MDC supporters. Robert Mugabe subsequently wins the presidential election – he is the only candidate.

**September:** On 15 September, Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara signed a power sharing deal that provided for Mugabe to remain as president with Tsvangirai assuming a new post of prime minister. By the 29 September no agreement had been reached regarding the allocation of cabinet posts in government.

**December:** Around 40 opposition and civil society leaders are abducted.

**2009 February:** The MDC agrees to enter a government of National Unity. Morgan Tsvangirai is sworn in as Prime Minister on 11 February.

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## Annex B: Political organisations

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### **ZANU-PF**

The Economist Intelligence Unit Country Profile 2008 noted that:

“At independence ZANU-PF’s ideology was initially Marxist-Leninist, but from the late 1980s in line with the fall of communism the president did reluctantly allow a move towards market-oriented economic policies. As the political crisis in Zimbabwe has intensified in recent years, Mr Mugabe has reverted to more revolutionary language, notably the need to complete the chimurenga (the revolution by which he came to power) through the redistribution of land. He has also at various times called for the nationalisation of mines and industries.

“Since early 2005 a worrying trend within Zimbabwe has been Robert Mugabe’s increasing use of the military in virtually all areas of government. In addition, many important state-owned corporations are headed by retired military officers. Although this has helped to shore up and maintain the president’s authority, it has led to other problems. In particular, although Mr Mugabe believes that he can rely on the military to be loyal to him, the increased militarization of government is promoting divisions within ZANU-PF that will be difficult to heal in the long run. In addition, although senior army commanders may be loyal to Mr Mugabe, the rank and file are becoming restive and fed up with inadequate pay and living standards, and an increasing number are leaving.” [24n] (p4-5)

### **Movement for Democratic Change (MDC)**

The Economist Intelligence Unit Country Profile 2008 noted that:

“The MDC is essentially the only opposition party. The government has made a concerted effort to undermine its parliamentary representatives: many have been harassed by the security forces and periodically arrested on spurious charges. This has prompted a major debate within the party as to whether contesting elections and engaging in democratic opposition makes any political sense, given the country’s repressive political climate. These divisions came to the fore during 2005 when the party actually split in two; the faction led by the long-standing MDC president, Morgan Tsvangirai, is the larger one. However, following the disputed 2008 elections, the party’s two factions have recombined in order to focus their efforts on deposing Mr Mugabe.” [24n] (p5)

(Please see **Section 4 – MDC** and **Annex D** for information about the rival factions of the MDC.)

### **ZANU-Ndonga**

The late Reverend Ndabaningi Sithole, who led ZANU before Robert Mugabe, set up ZANU-Ndonga. The party held two seats in Parliament prior to the elections in June 2000.

### **Liberty Party/Liberty Party of Zimbabwe**

The Liberty Party of Zimbabwe (LPZ), and a breakaway faction styling itself simply the Liberty Party (LP), is a minor party that contested a handful of seats in Matabeleland in the June 2000 elections. The leader of the LPZ is Canaan Zinothi Moyo. The LPZ contested 13 seats (including one seat, Umzingwane, where two candidates stood as LPZ) and the LP eight.

The highest vote achieved by the LPZ in any seat in June 2000 was in the Bubi-Mguza constituency in Matabeleland North, where the LPZ candidate received 889 votes. However, the small ZAPU party received 1,272 votes and the seat was won by the MDC with nearly 13,000 votes. The only party receiving fewer votes than the LPZ in Bubi-Mguza was the breakaway LP, which polled 223 votes. The LPZ polled a total of 2,997 votes in the 13 seats that it contested, and the LP polled 791 votes in total in the eight seats that it contested.

LPZ leader, Canaan Z Moyo contested the Pelandaba constituency in Bulawayo and he received 54 votes. The seat was won by the MDC with over 16,000 votes. The ZAPU candidate received 270 votes in Pelandaba and the UP candidate received 57 votes. The candidate of the breakaway LP was the only candidate to receive fewer votes than Moyo, with 35 votes.

A Liberty Party candidate in the election for executive Mayor of Bulawayo in September 2001 polled just 390 votes, compared to nearly 61,000 for the MDC candidate and nearly 13,000 for ZANU-PF. Liberty Party candidates has historically received very few votes.

#### **Zimbabwe Union of Democrats [ZUD]**

The ZUD leader, Margaret Dongo, was the MP for Harare South prior to the June 2000 elections. She failed to come to an agreement with the MDC for the June 2000 elections and the seat was won convincingly by the MDC, with Dongo coming third with only 951 votes, behind the ZANU-PF candidate. ZUD fielded 16 candidates in the 2000 elections but did not win any seats.

#### **ZAPU (Zimbabwe African People's Union) [ZAPU 2000]**

ZAPU, or ZAPU 2000, was formed as a resurgent group of the former ZAPU party of the late Joshua Nkomo in 1999. The party advocates a federal system for Zimbabwe, with considerable powers devolved to Matabeleland. The party was unable to agree an electoral alliance for the June 2000 elections with the MDC, as the latter does not support a federal structure. ZAPU candidates stood in most constituencies in Matabeleland and Bulawayo in June 2000 but failed to win any seats.

In early January 2002, ZAPU leader Agrippa Madlela announced that he would not contest the March 2002 presidential election so as to avoid splitting the opposition vote in Matabeleland and backed MDC leader Morgan Tsvangirai for the presidency. Madlela alleged that ZANU-PF was targeting him for 'elimination' ahead of the election. His decision split ZAPU into two factions. Paul Siwela, leader of a splinter group, announced his candidature for the presidency, standing for ZAPU.

#### **United Parties [UP]**

The United Parties (UP) grouping was established by Bishop Muzorewa, leader of the UANC, in 1994 after UANC's merger with the Zimbabwe Unity Movement (ZUM). UP boycotted the 1995 general elections. In the presidential elections in 1996, Bishop Muzorewa was denied permission to withdraw his candidacy prior to the ballot and received 4.7 per cent of the vote. UP has failed to win any seats in subsequent elections.

#### **Conservative Alliance of Zimbabwe**

Successor to the Rhodesia Front, supported by sections of the White population

**National Alliance for Good Governance [NAGG]** – their leader, Shakespeare Maya, contested the March 2002 presidential election. The party also contested the Kuwadzana and Highfields constituency by-elections in March 2003.

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## **Annex C: Prominent people: past and present**

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**Robert Gabriel Mugabe**

Shona, first Prime Minister of independent Zimbabwe 1980–87, first executive President 1987 to present, leader of governing ZANU-PF party.

**Morgan Tsvangirai**

Shona, President of opposition MDC, previously Secretary-General of Zimbabwe Conference of Trade Unions (ZCTU) and one-time ZANU-PF party official.

**Gibson Sibanda MP**

Vice-President of MDC and leader of MDC MPs in Parliament.

**Simon Vengayi Muzenda**

ZANU-PF, former Vice-President of Zimbabwe. Died September 2003.

**Joseph Msika**

ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Joshua Nkomo after his death in 1999.

**Joyce Mujuru MP**

ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Simon Vengayi Muzenda in December 2004. In recent years she has positioned herself as the front runner in any possible take over.

**Solomon Mujuru**

Husband of Vice-President Joyce Mujuru, Solomon Mujuru was the military commander of the ZANLA forces prior to independence. In spite of his retirement from the army in 1992 and from parliament in 2000 he remains an influential figure within the country; he remains a member of ZANU-PF's Politburo and Central Committee.

**Professor Jonathan Moyo MP**

Ndebele, Former ZANU-PF Minister of State for Information and Publicity. The only non-party affiliated member of parliament.

**Professor Welshman Ncube MP**

Ndebele, Secretary-General of the pro-senate MDC, MP for Bulawayo North. He is the main driving force of the Mutambara faction.

**David Coltart MP**

White Zimbabwean, prominent human rights lawyer, MDC MP for Bulawayo South and Shadow Justice Minister.

**Chenjerai 'Hitler' Hunzvi MP**

Leader of war veterans in farm occupations, elected as ZANU-PF MP for Chikomba in June 2000; died in June 2001.

**Ian Douglas Smith**

Prime Minister of colonial Southern Rhodesia in 1960s, illegally declared independence (UDI) of Rhodesia from UK in 1965, PM until 1979, he died on 20 November 2007.

**Joshua Nkomo**

Ndebele, leader of ZAPU until party's merger with ZANU-PF in 1987, Vice-President of Zimbabwe from 1990 until his death in 1999.

**John Nkomo**

John Nkomo is seen as a possible successor to Mr Mugabe. He is currently the national chairman of ZANU-PF and commands considerable respect within the party. He could well become the second vice-president if the current incumbent, Joseph Msika, is forced to retire because of ill health.

**Reverend Canaan Banana**

First, non-executive, President of Zimbabwe 1980–1987; sentenced to a year in prison in 2000 for sexually assaulting a male employee, Released from prison January 2001.

**Bishop Abel Muzorewa**

Prime Minister of 'Zimbabwe-Rhodesia' under power-sharing 'internal settlement' in 1979, former leader of UANC, leader of United Parties since 1994, United Methodist Church's Bishop of Zimbabwe.

**Reverend Ndabaningi Sithole**

Former leader of ZANU, latterly leader of small ZANU-Ndonga party, died 2000.

**Margaret Dongo**

Leader of Zimbabwe Union of Democrats (ZUD), MP for Harare South until lost seat in June 2000 elections.

**Edgar Tekere**

Former ZANU-PF Secretary-General, expelled from party 1988 for denouncing plans for one-party state, founded opposition Zimbabwe Unity Movement 1989 and unsuccessfully challenged Mugabe for Presidency in 1990.

**Tarugarira Wilson Khumbula MP**

ZANU-Ndonga MP for Chipinge South, the only MP not from ZANU-PF or MDC elected in June 2000

**Border Gezi**

Former ZANU-PF Minister for Youth, Gender and Employment Creation. Initiated the National Youth Service programme, the members/graduates of which are sometimes called Border Gezi's, or Green Bombers or Taliban.

**Constantine Gueveya Chiwenga (General)**

Commander of Zimbabwe Defence Forces (since 1 January 2004).

**Vitalis Zvinavashe (General)**

Commander of Zimbabwe Defence Forces, 1994–2003.

**Pius Ncube**

Roman Catholic Archbishop of Bulawayo, Zimbabwe, widely known as a human rights advocate and an outspoken critic of President Robert Mugabe. Heads a multi-denominational church coalition that seeks to improve the conditions of Zimbabweans. He received a Human Rights Award from Human Rights First on 23 October 2003, for speaking out against torture and confronting the Mugabe government. In September 2007 Pius Ncube was implicated in an adultery scandal, thought by many to have been inspired by the CIO, and subsequently resigned as Archbishop of Bulawayo.

**Arthur Mutambara**

President (leader) of the pro-Senate faction of the Movement for Democratic Change (MDC). Mutambara holds a PhD from Oxford University in Robotics and Mechatronics, and held professorships in that field in several US institutions. In the late 1980s, he rose to prominence at the University of Zimbabwe, leading the first anti-government student protests since independence.

**Wellington Chibebe**

Mr Chibebe has been leader of the Zimbabwe Congress of Trades Unions (ZCTU) since 2001.

**Gideon Gono**

As head of the Reserve Bank of Zimbabwe, he is the main driver of economic policy. He appears to have the ear of the president, and has retained his position in spite of mild criticism of government economic policy and the ongoing decline in the economy. Some commentators suggest that he is a contender for the presidency when Mugabe steps down.

**Emmerson Mnangagwa**

Former head of the CIO, Emmerson Mnangagwa was until 2005 the prime contender to succeed Mr Mugabe. He was sidelined after too closely contesting the power of Mr Mugabe in the battle to appoint a new vice-president in 2005. However, Mugabe has kept Mnangagwa in the party and recently was said to favour Mnangagwa over Joyce Mujuru in an eventual take over.

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## Annex D: Government of National Unity

Under the terms of the power sharing agreement Robert Mugabe remains head of state as President. Morgan Tsvangirai (leader of the larger opposition group MDC-M) was sworn in as prime minister on February 11<sup>th</sup> with Arthur Mutambara (leader of the splinter opposition group MDC-M) being sworn in as deputy prime minister on the same day. Zimbabwe's new cabinet was sworn in on February 13<sup>th</sup>. (Economist Intelligence Unit, 13 February 2009) [24f]

### HEAD OF STATE & PRIME MINISTER

|                       |                                |
|-----------------------|--------------------------------|
| President             | Robert Mugabe (ZANU-PF)        |
| Prime Minister        | Morgan Tsvangirai (MDC-T)      |
| Deputy Prime Minister | Arthur Mutambara (MDC-M) [24f] |
| Deputy Prime Minister | Thokozani Khupe (MDC-T) [75d]  |

### MINISTERS AND MINISTERS OF STATE

Mugabe and Tsvangirai agreed the following list of new ministries on 13 September 2008 (see below). [75b] On 13 February 2009, *The Herald*, published a full list of names of appointees to the Cabinet and junior ministries. However, the source did not state which portfolios had been allocated to whom. [23] A copy of the list can be found at the following link: <http://allafrica.com/stories/printable/200902130014.html>

|                                                   |                                                              |
|---------------------------------------------------|--------------------------------------------------------------|
| Finance                                           | Tendai Biti (MDC-T) [3ae]                                    |
| Home Affairs (Shared between ZANU-PF and MDC)     | Kembo Mohadi (ZANU-PF) [3ae]<br>Giles Mutsekwa (MDC-T) [3ae] |
| Foreign Affairs                                   |                                                              |
| Defence                                           | E Mnangagwa (ZANU-PF) [3ae]                                  |
| Justice and legal Affairs                         | Patrick Chinamasa (ZANU-PF) [3ae]                            |
| Constitutional and Parliamentary Affairs          | Eric Matinenga (MDC-T) [3ae]                                 |
| Lands, Agriculture and Resettlement               | Joseph Made (ZANU-PF) [3ae]                                  |
| Deputy Minister                                   | Roy Bennet (MDC-M) [3ae]                                     |
| Environment, Natural Resources and Tourism        |                                                              |
| Economic Planning and Investment Promotion        |                                                              |
| Transport                                         |                                                              |
| Local Government, Urban and                       |                                                              |
| Rural Development                                 |                                                              |
| National Health and Social Amenities              | Henry Madzorera (MDC-T) [3ae]                                |
| Public Service                                    |                                                              |
| Higher and Tertiary Education                     |                                                              |
| Education, Sports and Culture                     |                                                              |
| Energy and Power Development                      |                                                              |
| Mines and Mine Development                        |                                                              |
| Water Resources and Management                    |                                                              |
| Prisons and Correctional Services                 |                                                              |
| Public Works                                      |                                                              |
| Youth Development, Indigenisation and Empowerment |                                                              |
| Industry and Commerce                             |                                                              |
| Information Communication Technology              |                                                              |
| State Enterprises and Parastatals                 |                                                              |
| Science and Technology                            |                                                              |
| Media, Information and Publicity                  |                                                              |

Women's Affairs, Gender and Community Development  
Small and Medium-scale Enterprises  
Regional Integration and International Trade  
Labour and Social Services  
Governor, Reserve Bank of Zimbabwe

Gideon Gono

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## **Annex E: MDC party symbols and slogans**

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The MDC's symbol is an open hand, palm outstretched. The party's slogan during the June 2000 parliamentary election campaign was 'Chinja Maitiro, Maitiro Chinja' in Shona and 'Guqula Izenzo, Izenzo Guqula' in Ndebele. The closest English translation is 'Now is the time, fight for change, support the Movement'.

(See source document [12b] for an illustration of the symbol – hard copy only)

(See source [12a] for details of the RESTART policies)

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## Annex F: List of abbreviations

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|                 |                                                                           |
|-----------------|---------------------------------------------------------------------------|
| <b>AI</b>       | Amnesty International                                                     |
| <b>CEDAW</b>    | Committee on the Elimination of All Forms of Discrimination Against Women |
| <b>CPJ</b>      | Committee to Protect Journalists                                          |
| <b>EU</b>       | European Union                                                            |
| <b>EBRD</b>     | European Bank for Reconstruction and Development                          |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK)                                      |
| <b>FGM</b>      | Female Genital Mutilation                                                 |
| <b>FH</b>       | Freedom House                                                             |
| <b>GDP</b>      | Gross Domestic Product                                                    |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome           |
| <b>HRW</b>      | Human Rights Watch                                                        |
| <b>IAG</b>      | Illegal Armed Group                                                       |
| <b>ICG</b>      | International Crisis Group                                                |
| <b>ICRC</b>     | International Committee for Red Cross                                     |
| <b>IDP</b>      | Internally Displaced Person                                               |
| <b>IFRC</b>     | International Federation of Red Cross and Red Crescent Societies          |
| <b>IMF</b>      | International Monetary Fund                                               |
| <b>IOM</b>      | International Organisation for Migration                                  |
| <b>MSF</b>      | Médecins sans Frontières                                                  |
| <b>NA</b>       | Northern Alliance                                                         |
| <b>NATO</b>     | North Atlantic Treaty Organisation                                        |
| <b>NGO</b>      | Non-Governmental Organisation                                             |
| <b>OCHA</b>     | Office for the Coordination of Humanitarian Affairs                       |
| <b>ODIHR</b>    | Office for Democratic Institutions and Human Rights                       |
| <b>ODPR</b>     | Office for Displaced Persons and Refugees                                 |
| <b>OECD</b>     | Organisation of Economic Cooperation and Development                      |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights                          |
| <b>OSCE</b>     | Organisation for Security and Cooperation in Europe                       |
| <b>RSF</b>      | Reporteurs sans Frontières                                                |
| <b>STD</b>      | Sexually Transmitted Disease                                              |
| <b>STC</b>      | Save The Children                                                         |
| <b>TB</b>       | Tuberculosis                                                              |
| <b>TI</b>       | Transparency International                                                |
| <b>UN</b>       | United Nations                                                            |
| <b>UNAIDS</b>   | Joint United Nations Programme on HIV/AIDS                                |
| <b>UNESCO</b>   | United Nations Educational, Scientific and Cultural Organization          |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights                         |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                             |
| <b>UNICEF</b>   | United Nations Children's Fund                                            |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime                                  |
| <b>USAID</b>    | United States Agency for International Development                        |
| <b>USSD</b>     | United States State Department                                            |
| <b>WFP</b>      | World Food Programme                                                      |
| <b>WHO</b>      | World Health Organization                                                 |

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## Annex G: References to source material

*The Home Office is not responsible for the content of external websites.*

*Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document. (If applicable)*

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