

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Question

Can you provide an update on the situation in Zimbabwe particularly in respect to the authorities' treatment of persons seen to be in opposition to them but also treatment of the general public at large?

RESPONSE

Can you provide an update on the situation in Zimbabwe particularly in respect to the authorities' treatment of persons seen to be in opposition to them but also treatment of the general public at large?

There are several recent comprehensive reports on treatment of opposition groups in Zimbabwe, which include discussion of measures which also affect the general public.

The latest US Department of State report on Zimbabwe states in its summary:

The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. President Mugabe and his ZANU PF party used intimidation and violence to maintain political power. A systematic, government sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. Security forces committed at least one extrajudicial killing. Ruling party supporters, with material support from the government, continued their occupation of commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. Security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention remained problems, and lengthy pretrial detention emerged as a problem. Infringements on citizen's privacy continued. The Government continued its far reaching "fast track" resettlement program under which most large scale commercial farms were designated for seizure without fair compensation.

The government continued to restrict freedom of speech and of the press, academic freedom, freedom of assembly, and the right of association for political organizations. The government at times restricted freedom of movement. Thousands of farm workers continued to be displaced internally due to the ongoing land resettlement policies, and the Government prevented international organizations and local nongovernmental organizations (NGOs) from assisting them on some occasions. Opposition supporters were displaced by threats of violence. During the first half of the year, there were reports that the Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters; there were no such reports during the second half of the year. The Government attacked and arrested members of civil society and human rights NGOs and accused the NGOs of sponsoring opposition political activity...(USDOS 2005, *Country Reports on Human Rights Practices 2004: Zimbabwe*, 28 February – Attachment 1).

The same report goes on to give numerous examples of the violence and intimidation against people perceived as being opponents of the government:

- Section 1a. contains three instances of MDC activists being killed.
- Section 1b. refers to several instances of kidnapping and disappearance of MDC supporters, as well as one *by* MDC supporters.
- Section 1c. contains numerous examples of violence against MDC activists as well as “persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers...”
- Section 1d. contains examples of politicians from both sides of parliament being arrested and detained. Section 1f describes security forces interfering with private correspondence and searching homes without warrants.
- Section 2b describes the monitoring and disruption, using laws such as the Public Order and Security Act (POSA), of meetings perceived to be anti-government, including several by the MDC.
- Section 3 looks in detail at how the ruling party ZANU-PF has used violence and intimidation to remain in power and restrict the democratic process (USDOS 2005, *Country Reports on Human Rights Practices 2004: Zimbabwe*, 28 February – Attachment 1).

In the most recent UK Home Office report on Zimbabwe, Section 6.7 on political activists contains recent information on politically motivated crimes. It quotes an October 2004 report from the Zimbabwe Human Rights NGO Forum which states that “in the period January-October 2004 there were 61 abduction/kidnappings, 378 assaults, 8 attempted murders, 33 death threats, 3 murders, 2 rapes, 184 displacements, 726 infringements of freedoms of expression/association/movements, 167 counts of torture and 203 unlawful arrests and 151 counts of unlawful detention. All of these crimes were believed to be politically motivated” (UK Home Office 2005, *Zimbabwe Country Report*, April – Attachment 2).

The UK Home Office report also contains several pages of incidents of political violence in Zimbabwe. Sections **4.40 to 4.63** deal with political violence in 2004 and 2005, including numerous incidents involving MDC members, usually as victims, occasionally as perpetrators. As well, Sections **4.111 to 4.125** examine the lead up to the recent parliamentary

elections in March 2005 (UK Home Office 2005, *Zimbabwe Country Report*, April – Attachment 2).

A March 2005 Human Rights Watch report also examines the lead up to the parliamentary elections. It states in summary:

The government of Zimbabwe has greatly limited the space for the opposition to campaign. It has restricted the rights to freedom of expression, association in many parts of the country. Opposition party members and ordinary citizens have been intimidated by ruling party supporters and officials, war veterans, and youth militia. The government has, thus, substantially infringed the right of Zimbabweans to freely form and express their political opinions and electoral judgements. In short, due to this climate of intimidation and repression, the playing field for the 2005 election has not been level...

...Repressive laws, most notably the Public Order and Security Act (POSA), which were used arbitrarily by the government against the opposition in 2002, continue to be used. In addition the Access to Information and Protection of Privacy Act (AIPPA) introduced after the 2002 election has been selectively used by the government against independent journalists and media organisations perceived to be critical of the government...(Human Rights Watch 2005, *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*, 21 March – Attachment 3).

The same report contains details of manipulation by the government of electoral boundaries and voter registration (pp.8-9); political intimidation (pp.14-19); and repressive laws (pp.19-24) (Human Rights Watch 2005, *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*, 21 March – Attachment 3).

Another recent report by Human Rights Watch comments on a new bill [which was enacted soon after the report came out] which it states “significantly extends government control” over NGOs and other civil society groups (p.1). The Bill “tightens the surveillance and control mechanisms of government on NGOs”; widens the definition of an NGO; and places new bureaucratic burdens on the registration process, requiring a high level of detail on membership, funding sources and constitutions (p.5-6).The report states:

The 2004 NGO Bill must be understood in the context of political polarization over the past four years. After the controversial 2002 Presidential election, the United States and the European Union imposed targeted sanctions against the government of Zimbabwe and all major Western bilateral donors stopped government-to-government assistance, opting instead to channel their aid directly through NGOs. In the diplomatic arena, the NGO Bill might be understood as the government's counter-attack on these Western punitive measures. The Bill targets Western donor-funded NGOs and churches that are active in human rights and democracy activities. While these organizations declare themselves to be non-partisan, the government has charged them with improper links to the MDC and to imperialist Western interests and money. Moreover, the government maintains that such organizations use human rights rhetoric to conceal their real objective which is regime change. To undermine national sovereignty and national security, the government claims that these organizations lie about their human rights record. British Prime Minister Tony Blair's statement in the House of Commons on June 14 2004 that his government was working closely with the opposition MDC to effect regime change in Zimbabwe was seized on by the Minister of Information and Publicity as evidence that the MDC was a British “puppet”. The Minister continued: “[T]he same is true of those media houses and NGOs that support it [the MDC] (Human Rights Watch 2004, *Zimbabwe's Non-Government Organizations Bill: Out of Sync with SADC Standards and a Threat to civil Society Groups*, December, p.3 – Attachment 4).

A May 2005 Amnesty International report also looks at recent moves by the government of Zimbabwe to restrict human rights organisations that have been critical of the government's human rights record. It states that

The Government of Zimbabwe has repeatedly expressed the view that the MDC and certain human rights organizations are being used by foreign governments to oust the Zimbabwe African National Union-Patriotic Front (ZANU-PF) from power and effect "regime change"... Human rights defenders have been branded as "subversive", "foreign controlled" and racist" (Amnesty International 2005, *Zimbabwe: Human rights defenders under siege*, 10 May, AFR 46/001/2005 – Attachment 5).

The report examines the various legal means that the government has used to silence human rights groups:

Since its introduction POSA has been used by the authorities in Zimbabwe to arbitrarily arrest hundreds of opposition supporters, independent media workers and human rights defenders. This targeted use of POSA has resulted in violations of Zimbabweans' rights to freely assemble, criticize the government and President, and engage in, advocate or organize acts of peaceful civil disobedience (Amnesty International 2005, *Zimbabwe: Human rights defenders under siege*, 10 May, AFR 46/001/2005 – Attachment 5).

Other laws the government uses for this purpose are the Access to Information and Protection of Privacy Act, which "has been used to close down independent media, arrest scores of journalists and prevent foreign journalists from working in Zimbabwe"; and the Private Voluntary Organizations Act and the NGO bill which places tight restrictions on the registration of NGOs, and a penalty of five months in prison for "any person involved in the management or running of an NGO that is not registered". The report describes several recent instances of arrest, detention, and sometimes physical abuse of persons under these laws. One incident described is the arrest and torture of MDC activists in 2003. A section on arrests in 2005 states that in the first three months of 2005, 300 activists from the group Women of Zimbabwe Arise have been arrested or detained by police during or after demonstrations (Amnesty International 2005, *Zimbabwe: Human rights defenders under siege*, 10 May, AFR 46/001/2005 – Attachment 5).

Another recent Amnesty International report dating from March 2005 assesses human rights violations in the lead up to the March elections. It describes the arrest of MDC candidates and supporters, and disruption of MDC training sessions; incidents of political violence and intimidation in Manicaland and other areas; the climate of impunity for the perpetrators and the use of food distribution as an instrument of political manipulation. The report quotes MDC sources on numbers of arrests:

MDC candidates and MPs reported arrested from 23 January to 6 March are: MDC MP for Makokoba, Thokozani Khupe, was arrested on 23 January, held overnight, and charged under POSA with holding an illegal meeting; MDC candidate for Zengeza, Goodrich Chimbaira, was arrested 23 January under POSA on allegations of holding an illegal meeting; MDC MP for Kuwadzana, Nelson Chamisa, was arrested on 25 January on allegations of inciting public violence; MDC candidate for Sahmva, Godfrey Chimombe, was arrested on 22 February while putting up posters; MDC candidate for Bindura, Joel Mugariri, was arrested on 24 February allegedly for putting up campaign posters without permission; MDC candidate for Zvimba North, Prince Chibanda, was detained on 3 March and held overnight but not charged; MDC candidate for Mount Darwin South, Henry Chimbiri, was detained by police on 34 March, charged under Miscellaneous Offences Act and released on payment of a fine; MDC candidate for Mudzi West, Shorai Tsungu, was reportedly detained by police on 5 March in connection with allegations that

he was responsible for graffiti in 2002. All of these MDC candidates were released – on bail or after fines or without charge. Source: MDC (Amnesty International 2005, *Zimbabwe: An assessment of human rights violations in the run up to the March 2005 parliamentary elections*, 15 March, AFR 46/003/2005 – Attachment 6).

List of Sources Consulted

Internet Sources:

Google search engine

UNHCR *REFWORLD* UNHCR Refugee Information Online

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. USDOS 2005, *Country Reports on Human Rights Practices 2004: Zimbabwe*, 28 February.
2. UK Home Office 2005, *Zimbabwe Country Report*, April.
3. Human Rights Watch 2005, *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*, 21 March.
4. Human Rights Watch 2004, *Zimbabwe's Non-Government Organizations Bill: Out of Sync with SADC Standards and a Threat to civil Society Groups*, December.
5. Amnesty International 2005, *Zimbabwe: Human rights defenders under siege*, 10 May, AFR 46/001/2005.
6. Amnesty International 2005, *Zimbabwe: An assessment of human rights violations in the run up to the March 2005 parliamentary elections*, 15 March, AFR 46/003/2005.