

**Refugee Review Tribunal  
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**RRT RESEARCH RESPONSE**

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**RESPONSE**

- 1. Please provide updated information on current level of politically related violence, specifically against MDC supporters, or people suspected to be MDC supporters. I am particularly interested in the situation in Harare and Bulawayo.**

Sources, quoted below, report that the level of political violence in Zimbabwe has decreased compared to 2008. Sources, however, note that the human rights situation remains fragile and that while the security sector remains in the hands of ZANU-PF and the culture of impunity remains entrenched in Zimbabwe, there is the potential for violence to re-surface. Sources report that there are a number of issues causing concern for the MDC within the inclusive government and that Mugabe and ZANU-PF are not acting as true partners with the Tsvangirai faction of the MDC (MDC-T) or the smaller MDC faction led by Arthur Mutambara (MDC-M). Sources note that the spirit of an inclusive government has yet to reach the grassroots structures of both the MDCs and ZANU-PF. Despite the existence of the inclusive government, sources report that high-profile members of the MDC continue to be detained and prosecuted for a range of offences which the MDC claim are politically motivated.

The information provided in response to this question has been organised into the following six sections:

- [Amnesty International](#);
- [Zimbabwe Peace Project](#);
- [Rule of Law](#);
- [MDC: Arrests & Prosecutions](#);
- [MDC: Other](#); and
- [Inclusive Government](#).

## Amnesty International

On 25 June 2009, Secretary General of Amnesty International Irene Khan was interviewed on *National Public Radio* about her recent visit to Zimbabwe. According to Khan, “although the level of political violence has gone down compared to last year there remains a very fragile human rights situation.” Khan notes that ZANU-PF “is very much in control of all the security side of the government.” The interview continues:

Ms. KHAN: Well, what we found in Zimbabwe was that although the level of political violence has gone down compared to last year there remains a very fragile human rights situation. Lawyers, trade unionists, journalists, human rights defenders are being threatened. There is a climate of intimidation prevailing. Peaceful demonstrators are being arrested. And in fact, even as we were holding our press conference a group of women who were demonstrating outside parliament house were arrested. And most importantly of all, we did not find political will among all members of government to make the reform of the security sector that is absolutely essential.

...Ms. KHAN: Well, there are a number of people now both in the ZANU-PF side of the government as well as in the MDC side of the government who do acknowledge. I mean, there is open acknowledgement yes, violence took place. But there are differences of views as to what to do about it. In particular, there is very little interest in addressing impunity. And many of those who perpetrated the violence remain in power. We talked to low level and middle level police officers and were told that they had been instructed by their senior officers not to take up complaints of MDC activists who had been attacked last year.

MARTIN: If I could just clarify, MDC is the Movement for Democratic Change. That is the party that had been in the oppositions, now part of the unity government, it is led by Morgan Tsvangirai. And President Mugabe leads the ZANU-PF, which has been the ruling party for sometime. So you're telling us that local police officers have been – said just ignore these complaints, just don't do anything about it?

Ms. KHAN: Exactly. Police officers have been told to ignore it and the victims that we spoke to told us that when they went to complain to the police nothing was happening. So there's a fair amount of anger and frustration at the level of those who had suffered last year, that there's very little change.

MARTIN: Were you able to speak freely with whomever you chose? Apart from President Mugabe, who did not meet with you, were you able to freely move about? Did you feel you're able to speak freely with whoever you wanted to talk to?

Ms. KHAN: Well, we did move fairly freely. We had access to everyone that we wanted to see. However, people were afraid. People were afraid, and there were times when we had to cover our tracks, so to speak, so that the authorities would not find out who we were talking to. So clearly there's a lot of fear, a lot of intimidation going on. Also a feeling among people that because the security infrastructure is untouched that violence could recur ('Amnesty International Investigates Civility in Zimbabwe' 2009, *National Public Radio: Tell Me More*, 25 June – Attachment 1).

On 18 June 2009, Amnesty International published the following overall assessment of the situation in Zimbabwe:

Our findings are based on extensive research just prior to the mission as well as on the meetings and discussions we had during this mission.

## Our overall assessment

- Although the level of political violence is significantly less compared to last year, the human rights situation in Zimbabwe remains precarious, the socio-economic conditions desperate.
- Human rights defenders, journalists, teachers and lawyers continue to be intimidated, harassed, threatened, detained and charged, often for malicious prosecutions.
- Prosecutions are being pursued against 15 political activists and human rights defenders who were abducted last year while their complaints of torture during the disappearance has not been investigated.
- Seven MDC activists who “disappeared” in 2008 have not been found. When we raised their cases with the two Home Affairs Ministers, they assured us that the individuals are not in police custody but could not say what has happened to them.
- The right to peaceful protest continues to be severely restricted. ...
- Despite public commitments, four months into the inclusive government, no broadcast license has been issued to independent media. Instead, several journalists have been threatened, arrested and are being prosecuted for exposing police misconduct.
- Farm invasions persist, with violence affecting both farmers and farm workers. ...
- The desperate economic conditions have led to severe denial of economic and social rights of millions of Zimbabweans who are suffering from food shortages, serious health threats and a crisis in the education system.
- Four years on, most of the victims of Operation Murambatsvina are still without adequate housing and redress.
- The conditions in Zimbabwe’s prisons are deplorable...

...The culture of impunity is deeply entrenched at every level of the state. No major investigation or prosecution has been brought against those responsible for the state-sponsored political violence.

...This tolerance of impunity is dangerous because it is seen by the perpetrators, whether police, security officials or political party activists, as a license for continuing to threaten, attack and intimidate opponents.

... Elements in the police, army and other security officials have been key perpetrators of human violations in Zimbabwe. Reform of the security sector is urgently needed, yet we got no clear indication from the government as to whether, how and when such reform will happen.

This lack of clarity has led many human rights activists and ordinary Zimbabweans to fear that should violence erupt again the state security apparatus will fail to protect them and might even be used to against them (Amnesty International 2009, ‘Without justice there can be no real healing in Zimbabwe’, 18 June <http://www.amnesty.org/en/news-and-updates/news/without-justice-there-can-be-no-real-healing-in-zimbabwe-20090618> – Accessed 25 June 2009 – Attachment 2).

## Zimbabwe Peace Project

The [Zimbabwe Peace Project](#) (ZPP) was established in 2000 in Harare to document breaches of the peace in Zimbabwe. This NGO has researched and published a number of reports documenting politically motivated human rights and food-related violations in Zimbabwe. The reports provide general information on the situation in Zimbabwe as well as specific information on the treatment of MDC supporters and members. Extracts of the Introduction

from the January, February, March and April 2009 reports follow. For further details please refer directly to the reports.

#### January 2009:

While records of overt inter-party human rights violations have been declining since July 2008, this trend has to be viewed with some caution as this may be a mere case of muted violence, violence simply gone underground but with a potential to resurface at the slightest touch. Close scrutiny of incident sheets from both rural and urban constituencies point to a society that is still overcast with fear, a fear that is likely to worsen if reported cases of abduction, unlawful arrest and detention without trial continue.

Traits of residual violence are still spread [though thinly] across the ten provinces. A total of 1125 cases of politically motivated human rights violations were recorded. Violations records in Manicaland, Masvingo, Harare, Midlands and Mashonaland Central remain disturbingly on the high side.

The spirit of an inclusive government is yet to cascade from macro circles to grassroots structures of both the MDCs and ZANU PF. Incidents in which members of the public were reportedly assaulted for either being too enthusiastic or for being too pessimistic about Inclusive Government are still reported with a disturbing frequency. In essence, 2009 is still to recover from the violence hangover of 2008. Incidents in which members of the public are still assaulted or publicly humiliated for committing “offences” such as wearing own party regalia, listening to Studio 7, expressing own views in public on the socioeconomic meltdown or simply passing a comment on the potential capacities of the leadership of the MDCs and ZANU PF recurred in most parts of the ten provinces.

Equally disturbing are reported increases in incidents in which suspected members of the police, army, central intelligence, and war veterans were reportedly involved in acts of lawlessness. Since December 2008 both rural and urban areas have reportedly been silent witnesses to incidents in which the said members of the army converted the national campaign against unlicensed dealing in foreign currency into an own cash cow, allegedly invading and looting goods and foreign currency from shops, flea markets and vendors that were illegally selling goods in foreign currency. In some cases, invasions assumed political dimensions, reportedly targeting shops and businesses of those suspected to be members of the MDC. The Zimbabwe Peace Project deplores this looting frenzy and accordingly exhorts the powers that be to take corrective action for the good of citizen security.

Also unnerving to Zimbabwe Peace Project is the continued state onslaught on human rights defenders, with developments that all the political and human right activists abducted in December 2008 [including the Zimbabwe Peace Project Director, Jestina Mukoko and staffers Broderick Takawira and Pascal Gonzo] are still held at Chikurubi Maximum Prison accused of involvement in recruiting people to undergo military training to topple the government. Equally unnerving is the impunity with which the basic human rights of the said detainees are being trodden upon, the state reportedly denying these severely tortured victims access to bail and treatment.

Also disturbing are looming signs of upsurges in revengeful violence. Provincial incident reports point to unfolding scenarios in which yester-victims are reportedly taking the law into their own hands to settle what they see as unjustified delays in justice and compensation for the livestock and property looted, homesteads and houses torched, beatings, injuries and humiliations suffered, evictions from own farms and houses in the run up to the June 2008 Elections. In some communities known yester-perpetrators are reportedly shunned, ostracised, or chased away from village social gatherings [beer drinking places, funerals, church

services] while in extreme cases incidents of retaliatory abductions, looting, assaults and evictions have been reported with a frequency that does not augur well for future national stability.

...With respect to food discriminations, the Zimbabwe Peace Project observes with regret that cases of politically engineered food discriminations remain visibly pronounced in all the ten provinces, the party card requirement still dominant. Particularly disturbing are allegations of the involvement of high ranking members of the ZANU PF party, police, army, and war veterans in the diversion and looting of agricultural inputs and maize meal either sourced from state or food aid agencies. Most food aid agencies are reportedly under political pressure to give preference to war veterans and senior members of the party, developments that in most cases have left communities starving when food aid agencies resist the move and relocate to other areas. Cases of retaliatory food discriminations have also been reported especially where yester-victims would have sourced their own maize meal or agricultural inputs.

...A cursory review of human rights violations record since January 2008 shows:

- That monthly records have generally been increasing since January 2008.
- That there was a slight drop in the January 2009 record of 1125 from the December 2008 level of 1320.
- An overall cumulative increase in acts of violations from their January 2008 level of 593 to 23 692 by January 2009 (Zimbabwe Peace Project 2009, *Report on Politically-Motivated Human Rights and Food-Related Violations – January 2009*, NGO Network Alliance Project website, 31 January, pp.5-6 [http://www.kubatana.net/docs/hr/zpp\\_human\\_rights\\_food\\_violations\\_0901.pdf](http://www.kubatana.net/docs/hr/zpp_human_rights_food_violations_0901.pdf) – Accessed 26 June 2009 – Attachment 3).

February 2009:

Since the formation of the inclusive government, the nation became witness to a surge in high profile politically-motivated violations in which involvement of arms of government was reportedly visible, the defence chiefs quoted in some local press as having difficulties saluting the new Prime Minister Morgan Tsvangirai.

At grassroots level, a sort of wait-and-see attitude greeted the formation of the new government while fear of yester experiences restrained those who would have wanted to openly celebrate the unfolding developments. In most rural areas, yester perpetrators were reported to be openly dismissing the historic event as a mere “Harare event” that has no full force in rural politics while incidents in which those found celebrating the formation of the inclusive were reportedly assaulted, harassed or even threatened with evictions. In “far from the madding crowd” areas, the grass is still singing with potential resistance.

Since the formation of the inclusive government, grassroots politics has also visibly assumed a disturbing fixation with “panyanga politics” [Who between Robert Mugabe and Morgan Tsvangirai is now at the centre of power?], a retrogressive power-politics question that was reported to be generating tension and reviving yester violence instincts in several communities. Also worrying were reports of some unscrupulous senior politicians were allegedly fanning violence by raising ‘panyanga’ questions as well as using hate slogans at rallies instead of preaching the new message of political inclusivity.

...There were also reports of growing tension between perpetrators and victims of violence, yester perpetrators reportedly showing no remorse and even threatening to make a repeat of what they did to their victims in the past while victims were also readying themselves to reclaim and secure compensation for property and livestock lost in the countdown to the 27

June elections. In Harare, barely 72 hours after the swearing in of the MDC-T as Prime Minister, Mbare became witness to violent clashes between MDC and ZANU PF members as yester victims [mostly MDC members] who had reportedly been evicted allegedly by ZANU PF members from Nenyere, Shawasha, Matapi and Tagarika flats, moved in to reclaim their property and accommodation. Eleven [11] MDC-T members were arrested when police intervened to stop the mayhem, despite claims by victims that they had initially approached Mbare Police station for authorization. Across the ten provinces, relations between yester-perpetrators and yester-victims remained tense and volatile generally pointing to the need for restorative justice possibly along the [South African Truth and Reconciliation Commission.]

Also disturbing was that as cabinet ministers from ZANU PF and the two MDC factions were taking their oaths of office before President Robert Mugabe at State House on 13 February 2009, state security agents reportedly arrested and detained Roy Bennet [the MDC T Treasury-General, former Chimanimani legislator and designate deputy minister of Agriculture], accusing him of involvement in acts of terrorism, sabotage and banditry. Bennet, whose arrest came at a time when he was expected to be sworn in as deputy minister of agriculture in the inclusive government, had fled the country into self-imposed exile in South Africa and had only returned two weeks after the MDC T had resolved to join the government of national unity. Also worrying was the continued detention of human rights and MDC political activists.

Equally worrying were reported waves of high profile fresh farm invasions across the country allegedly led by police, army, top government [MPs, senators, DAs] and party officials...

...The infamous Public Order and Security Act [POSA] is still widely invoked by police to put down what they deem to be antigovernment protests.

...Food politics was so manifest that most food distribution points are generally cauldrons of tension between MDC and ZANU PF supporters, NGOs prone to labels of either being pro ZANU PF or MDC. Cases of interferences with distribution processes, selective food registrations, delisting of people from the food register on political grounds, bribing of government officers, as well as diversion and looting of maize meal, maize seeds and agricultural inputs continue to feature prominently in reports. Involvement of senior army officers, war veterans, councillors, and chairpersons remain on the high side. Since the formation of the inclusive government there have also been reports of revengeful discriminations, yester food discrimination victims reportedly subjecting ZANU PF supporters to what they went through in the past.

Operation Re-possession of land from unproductive farmers is reportedly used in a number of cases as a ruse by some unscrupulous government officers to target and re-possess plots from suspected and well-known MDC supporters. As farmers are reportedly being asked to produce ZANU PF membership cards and also obtain letters from former councillors or ZANU PF chairpersons before land is allocated, there is growing fear that some unproductive farmers may retain their land as long as they meet the above partisan requirements.

Since January 2008, a cumulative toll of 24 977 cases of politically motivated human rights abuses have been recorded with high records of harassments [13 165], assaults [5229], displacements [2576], MDPs [1048], looting [702] and Unlawful detentions [565]

Since January 2009, a total record of 2410 cases of politically motivated human rights abuse have been recorded 1125 in January and 1285 in February showing an upsurge by 160 cases. Although there were no reported cases of murder since 2009, cases of harassments, assaults, looting, displacement and unlawful detentions continue to maintain a stubborn presence (Zimbabwe Peace Project 2009, *Report on Politically-Motivated Human Rights and Food-Related Violations – February 2009*, NGO Network Alliance Project website, 23 April, pp.4-

March 2009:

The political front has also been witness to some positive developments, among the most relevant ones being the release [though on stringent bail conditions] of most of the 30 political prisoners and human rights activists, among which were Jestina Mukoko, the Director of the Zimbabwe Peace Project and the other ZPP staffer, Broderick Takawira. However the continued detention of the remaining three political prisoners, seven with their whereabouts unknown- remain a cause for deep concern as it is against the spirit of the power sharing agreement signed between ZANU PF and the two MDC factions.

...At grassroots levels it is generally political business as usual. Political mindsets of the past and polarizations are visibly manifest and most communities are still to open space for inter-party participation. Traditional leadership structures [headmen, village heads and chiefs], the local ZANU PF political leadership [councillors and district chairpersons], war veteran structures and even School Development Associations [SDAs] are reportedly still openly showing reluctance to incorporate MDC members, councilors and MPs into community development/political initiatives . It is even distressing to note that in areas where MDC councillors were elected as local leaders, parallel structures [“appointed councillors”] have been hastily formed in order to circumvent formal authority structures. Cases where kraal-heads suspected to be MDC have been stripped of their powers by chiefs have also been reported with a disturbing frequency.

Barely a month after the formation of the inclusive government, fixation in grassroots politics has reportedly shifted to preparations for the forthcoming elections, developments that are likely to see the inclusive agenda sacrificed at the altar of electoral politics. Little is being done at grassroots levels to earnestly explain what is entailed in both the Global Political Agreement and the inclusive Government. In fact, in most outreach speeches, the inclusive government agenda is cast /projected in exclusively transitory terms and thus mistakenly viewed as a process that is secondary to forthcoming elections.

Also worrisome is that despite ZPP early warning exhortations on the need to urgently address issues relating to victim access to remedy, these potentially social threatening issues are yet to be accorded priority attention, scenarios that may see communities regressing into theatres of revenge conflicts. Particularly disconcerting are reports that some perpetrators [allegedly basking under the protection of the partisan police] remain free, showing no remorse and even threatening to repeat their previous atrocities with brazen impunity. Feelings of dejection and rejection have set in among victims of violence, scenarios that may see some resorting to own means to get redress.

...Some state structures are seemingly yet to recast their mindsets and modus operandi in tandem with the unfolding all inclusive government dispensation. Reports from the ten provinces show that the police continue to selectively apply the Public Order and Security Act [POSA] to curtail the rights to peaceful assembly and association of any organization or individual suspected of being MDC. The law continues to be used to persecute human rights defenders and political activists and discourage them from exercising their rights to bail, freedom of association and expression. The riot police unit of the ZRP continue to use excessive force to break up peaceful demonstrations by human rights defenders and government critics.



In white-owned commercial farms, alleged police and army-led farm invasions, unlawful detentions of white commercial farmers, issuance of 24-hour eviction deadlines to farm owners, looting of farm property, displacements of farm workers and general disruption of farming activities continue with the fury and lawlessness reminiscent of the jamba era, police maintaining their hands-off trademark, the ZANU PF leadership generally in denial mode while plaintive calls to end these invasions mostly by the two MDC leadership have been reduced to solo cries of John the Baptist in the wilderness. Just in the month of March, farms such as New March and Umfuli Banks farms [in Chegutu East] as well as Chidza and Nesbitt farms [in Masvingo], among others, have been invaded.

Political tolerance score remain disturbingly low and fragile in most communities, reports generally pointing to cross country incidents in which members of the public were still harassed, assaulted or threatened with evictions for petty ‘offences’ such as different views on politics and the economy, wearing own regalia, listening to studio 7, attending own political party meetings, among others. Following the death of Susan Tsvangirai, reports from across the ten provinces pointed to incidents in which members of the public were harassed, assaulted or even threatened with evictions from their communities allegedly because they had either attended the funeral of Susan Tsvangirai or merely expressed grief in public over her death. In Buhera West [Manicland], inter-party violence between ZANU PF and MDC T supporters flared up immediately after the burial of Susan Tsvangirai leaving in its wake a trail of destruction in which around ten homes, and livestock reportedly belonging to known MDC supporters were razed to the ground.

Against this background we note with deep concern that despite the formation of the inclusive government, human rights violations continue to surge with March recording 1552 from the February recording of 1285. As shown in the Acts Analysis Graph below, by end of March 2009, a cumulative toll of 26 529 had been recorded showing substantial cumulative increases from the January 2008 level of 585 (Zimbabwe Peace Project 2009, *Report on Politically-Motivated Human Rights and Food-Related Violations – March 2009*, NGO Network Alliance Project website, 3 June, pp.5-6 [http://www.kubatana.net/docs/hr/zpp\\_hr\\_food\\_violations\\_mar\\_090603.pdf](http://www.kubatana.net/docs/hr/zpp_hr_food_violations_mar_090603.pdf) – Accessed 26 June 2009 – Attachment 5).

April 2009:

This feet-dragging and apparent lack of common vision at macro level is reportedly taking its negative toll on micro politics. Two months after the formation of the inclusive government, community activities in all the ten provinces remain operating along strictly structured party lines, some ZANU PF leadership, senior army officers, and war veterans reportedly openly dismissing the inclusive government and giving instructions to their grassroots political structures not to work with MDC structures. At a meeting held at a field day held at Hanawa Business Centre in the Zvishavane Runde constituency of the Midlands on 5 April, the local MP is reported to have claimed that the field day was mainly a ZANU PF event and then went on to castigate MDC branding its leader [who is now PM] as a “sell-out” and a “puppet who called for sanctions”, lacing his speech with “Pasi na Tsvangirai” slogans, slogans which, as reported were also echoed by a Colonel who was guest of honour on that day.

In most communities, the issue of forthcoming elections has been converted into a political weapon to intimidate and instil fear into rural villagers by reminding them of what may be in store for them come elections if they dare continue attending meetings held by MDC councillors and MPs or even participate in projects that are financed by political suspect donors. These developments coupled with increased appearance of army details in ongoing ZANU PF party restructuring in the rural areas coupled with increased reports of people



snooping on ordinary discussions in rural communities, the fear of retribution is reportedly fast regaining ground.

This anti-inter-party thinking was even manifest at this year's independence celebrations across the country. While there was an explicit ban on party regalia, party slogans and hate speech, experiences from the ten provinces were a far cry from this as deep seated divisions and tensions dogged celebrations with ZANU PF members accused of monopolizing the national events and relegating other political stake-holders to mere spectators. Proceedings and independence speeches were generally lop-sided while party supporters were in some areas so divided that they ended up holding the event and even cooking food separately. In a number of areas, party slogans were reportedly chanted while some party structures appeared in own party regalia. At the National Heroes Acre in Harare, although the leadership of the MDC factions attended the event, ZANU PF monopolized the event from the beginning to end with reference to other political as mere footnotes.

Threats of revenge violence remain pronounced in many parts of the province. In Matema village of Nyanga District, a war veteran who was reportedly notorious during the 27 June elections was reportedly forced to flee from his village after several night visits from suspected MDC activists and the accompanied destruction of his property and belongings. In the same area, a case of revenge arson was also reported in the Gambe village of Nyanga District where a war veteran from ward 24 had his fields of about five hectares set on fire in circumstances that smacked of revenge violence. In the Nyamanda village of Makoni North, an ex-Junta was reportedly pulled out of Inhambitambi bottle store and frog marched to Nyanyadzi River [1km away] where he was reportedly soaked in water in what his perpetrators christened as "MDC baptism". The victim is reported to have since fled from the area.

Demands for redress to livestock and property forcibly taken during the run up to the 27 June elections continue to feature in most reports although state policy on the matter remain elusive while assistance from the local leadership on this emotive issue of remedy was reportedly, not forthcoming either-developments that continue to fuel tension within communities especially amid reports that perpetrators in most areas hardly show any trace of remorse over the atrocities they committed. While it is refreshing to note that the inclusive government's organ on national healing and reconciliation is in the process of rolling out to communities, debates are reportedly raging on about the best route to take with views reportedly against the idea of simply forgiving and forgetting, proposing processes that are accompanied with restorative justice in which perpetrators publicly lay bare to the nation the nature of their atrocities and leave it to the public to forgive them. Implied here is that victims must not be forced to forgive, as forgetting does not imply forgiving. Also closely related to this is the need to urgently address remedy/compensation issues with police and traditional leaders enforcing compensation processes.

Farm invasions continue unabated across the country with most incidents pointing to involvement of powerful government officials, top police and army chefs and influential intelligence operatives professing that they never benefited from the land reform which started in 2000.

...Human rights violations continue to increase cumulatively although April witnessed a slight drop to 1490 from the March toll of 1552. While in January 2008 there were only 585 cases of violations recorded by April 2009 the record had cumulatively increased to 28 029 (Zimbabwe Peace Project 2009, *Report on Politically-Motivated Human Rights and Food-Related Violations – April 2009*, NGO Network Alliance Project website, 5 June, pp.5-6 [http://www.kubatana.net/docs/hr/zpp\\_human\\_rights\\_food\\_violations\\_090605.pdf](http://www.kubatana.net/docs/hr/zpp_human_rights_food_violations_090605.pdf) – Accessed 26 June 2009 – Attachment 6).

## Rule of Law

A November 2008 report by Human Rights Watch (HRW) provides useful information on the erosion of the rule of law in Zimbabwe. For information on police, prosecutors, magistrates and the MDC in Zimbabwe please refer directly to the report which has been included as Attachment 7:

Over the last decade, Zimbabwe's ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), has progressively and systematically compromised the independence and impartiality of Zimbabwe's judiciary and public prosecutors, and instilled one-sided partisanship into the police. Since 2000 it has purged the judiciary, packed the courts with ZANU-PF supporters and handed out "gifts" of land and goods to ensure the judges' loyalty. It has provided instructions to prosecutors to keep opposition members in jail for as long as possible. It has transformed Zimbabwe's police force into an openly partisan and unaccountable arm of ZANU-PF (Human Rights Watch 2008, "*Our Hands Are Tied*" – *Erosion of the Rule of Law in Zimbabwe*, November, p.1 – Attachment 7).

An article dated 4 June 2009 in *The Economist* reports that the rule of law and human rights in Zimbabwe "are still being violated with impunity." *The Economist* continues:

The new government has been in office for nearly four months, yet most of the conditions laid down by foreign governments for resuming aid to bankrupt Zimbabwe remain unmet. The rule of law and human rights are still being violated with impunity. The security services, secret police and media remain in Zanu-PF's grip. Political campaigners, lawyers and journalists are still being arrested on trumped-up charges. Farms still owned by whites are being invaded at an even greater pace. And the despotic 85-year-old president still calls the shots in what is supposed to be a partnership of equals ('The struggle goes on' 2009, *The Economist*, 4 June [http://www.economist.com/displayStory.cfm?story\\_id=13788284](http://www.economist.com/displayStory.cfm?story_id=13788284) – Accessed 26 June 2009 – Attachment 8).

## MDC: Arrests & Prosecutions (May & June 2009)

HRW reports that on 5 May 2009, a magistrate in Harare formally charged 15 human rights activists and MDC party members with "various acts of banditry and trying to recruit people for training in banditry, sabotage and insurgency, and revoked their bail." The 15 were part of a group of activists who were "arbitrarily arrested by state security forces" between October and December 2008. The 15 had only been "granted restricted bail in February and March 2009 pending indictment and trial." The activists alleged that they had been tortured while in police detention. The names of the 15 activists are as follows, Jestina Mukoko, Chris Dhlamini, Anderson Shadreck Manyere, Ghandi Mudzingwa, Concillia Chinanzvavana, Emmanuel Chinanzvavana, Violet Mupfuranhehwe, Collen Mutemagawu, Mapfumo Garutsa, Chinoto Mukwezaremba Zulu, Zacharia Nkomo, Audrey Zimbudzana, Regis Mujeyi, Broderick Takawira, and Fidelis Chiramba. HRW "believes that these prosecutions are a politically motivated attempt by ZANU-PF to pressure the MDC into making concessions that will further weaken its power within the government." Amnesty International reports that the 15 were released on bail on 6 May 2009 (Human Rights Watch 2009, 'Zimbabwe: Drop Politically Motivated Charges Against Activists', 6 May <http://www.hrw.org/en/news/2009/05/06/zimbabwe-drop-politically-motivated-charges-against-activists> – Accessed 25 June 2009 – Attachment 9; and Amnesty International 2009, 'Zimbabwean human rights and political activists released', 6 May <http://www.amnesty.org/en/news-and-updates/good-news/zimbabwean-human-rights-and-political-activists-released-20090506> – Accessed 25 June 2009 – Attachment 10).

Amnesty International reports that three others were not granted bail. According to Amnesty International, “Kisimusi Chris Dhlamini, Shadreck Andriison Manyere and Gandhi Mudzingwa were not granted bail, apparently because their case was more complicated as they were allegedly found in possession of explosives.” Amnesty International reports that the remaining three were granted bail while in hospital on 13 May 2009 with “two of them being treated for injuries sustained as a result of torture by state security agents” (Amnesty International 2009, ‘Zimbabwean human rights and political activists released’, 6 May <http://www.amnesty.org/en/news-and-updates/good-news/zimbabwean-human-rights-and-political-activists-released-20090506> – Accessed 25 June 2009 – Attachment 10; and Amnesty International 2009, ‘Remaining political prisoners freed in Zimbabwe’, 14 May <http://www.amnesty.org/en/news-and-updates/good-news/remaining-political-prisoners-freed-zimbabwe-20090514> – Accessed 25 June 2009 – Attachment 11).

*SW Radio Africa* reports that on 10 June 2009, the High Court again postponed a ruling on MDC activists, Concillia Chinanzvavana, Fidelis Chiramba, Violet Mupfuranhewe and Collen Mutemagawu. The activists are the first group of individuals, “abducted from their homes” between October and December 2008, to stand trial. *Zimbabwe Independent* reports that the “High Court will make a ruling on June 22 on an application by four MDC-T activists facing banditry charges for referral of their case to the Supreme Court to determine whether or not their constitutional rights were violated when they were allegedly abducted, tortured and kept incommunicado by the police and state spies.” *The Herald* reports that their case was referred to the Supreme Court for determination of constitutional issues on 22 June 2009. *SW Radio Africa* reports that the activists’ lawyer, Alec Muchadehama is himself coming under “renewed harassment.” According to Zimbabwe Lawyers for Human Rights, “the Attorney-General and his officers are blatantly trying to intimidate, harass and prevent him from executing his duties, by putting him on trial in the middle of all the other ongoing trials” (Sibanda, Tichaona 2009, ‘Zimbabwe: Ruling on MDC Activists Postponed Again’, *SW Radio Africa*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 June 2009 – Attachment 12; Chimakure, Constantine 2009, ‘Zimbabwe: MDC Activists Apply for Supreme Court Hearing’, *Zimbabwe Independent*, 11 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 13; and Zimbabwe: Case for Supreme Court’ 2009, *The Herald*, 23 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 14).

Human rights campaigner, Jestina Mukoko was one of the 15 activists referred to above. *ZimOnline* reports that Mukoko appealed to the Supreme Court “for a permanent stay of prosecution on the charge of plotting to topple Mugabe...A full five-member bench of the Supreme Court postponed a ruling. When Chief Justice Godfrey Chidyausiku asked whether Mukoko’s detention from 3 to 22 December was unlawful, Prosecutor Fatima Maxwell answered yes. Prosecutor Fatima Maxwell “also conceded that state agents might have subjected Mukoko to inhumane and degrading treatment during her detention.” The article provides the following information on the importance of the outcome of this ruling:

If the Supreme Court grants Mukoko’s application for permanent stay of prosecution, this would pave way for other rights defenders and MDC activists to seek the same relief from the country’s highest court.

But refusal by the court to grant the application means Mukoko goes on trial in a case in which if convicted she faces the death penalty, a development that could scuttle the fragile unity government between Mugabe and Tsvangirai (Sibanda, Nokuthula 2009, ‘State admits

activist's detention was illegal', *ZimOnline*, 26 June <http://www.zimonline.co.za/Article.aspx?ArticleId=4779> – Accessed 26 June 2009 – Attachment 15).

An article dated 11 May 2009 by *SW Radio Africa* reports that Mathias Mlambo, MDC MP for Chipinge East was found guilty of obstructing the course of justice and inciting violence at a funeral and sentenced to ten months in prison with hard labour. MDC MP Pishai Muchauraya “believes this was nothing more than a political judgment and has no legal merit.” The article continues:

The MDC MP and spokesperson for Manicaland province, Pishai Muchauraya, said trouble started for the MP when he attended a funeral for an MDC activist in Chipinge on 10th April. It is alleged a ZANU PF activist came to provoke the mourners and was moved away by force. MP Mlambo said he was at the burial site of the deceased while the commotion was taking place elsewhere at the funeral. The gathering was later disrupted by the police who stormed the funeral in search of an unidentified ‘suspect’, which resulted in Mlambo being arrested for obstructing justice. Police said he must have known what was happening and was just being difficult.

Muchauraya believes this was nothing more than a political judgment and has no legal merit. He remarked on how quickly the courts ‘fast tracked’ the matter and gave judgment instantly, “when we have some cases that took place in June last year which have never been investigated and have never been brought before the courts of law – but it’s because they will be ZANU PF cases.”

An MP loses their parliamentary seat if slapped with a custodial sentence of more than six months. However Mlambo remains an MP for now, until his appeal has been heard. Muchauraya said lawyers were on Monday applying for bail, pending appeal. He said if bail is refused they will take the matter up to the higher courts and also appeal against both sentence and conviction (Gonda, Violet 2009, ‘Zimbabwe: MDC MP Jailed for 10 Months, With Hard Labour’, *SW Radio Africa*, 11 May allAfrica.com website <http://allafrica.com/> – Accessed 25 June 2009 – Attachment 16).

*SW Radio Africa* reports that on 22 May 2009, Mlambo was released on bail of \$US200 pending an appeal to the High Court (Gonda, Violet 2009, ‘Zimbabwe: Jailed MDC MP Mathias Mlambo Released’, *SW Radio Africa*, 22 May, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 17).

*SW Radio Africa* reports that on 15 May 2009, a second attempt to hold elections for the Zimbabwe Youth Council ended in violence between ZANU-PF and MDC youths in Bulawayo and resulted in the arrest of 15 MDC youths:

A second attempt to hold elections for the Zimbabwe Youth Council, ended in violence between ZANU PF and MDC youths at the Mhlahlandlela government complex in Bulawayo this past Friday. The previous Friday, similar but controlled tensions, forced a postponement of the government sponsored council, after ZANU PF youths climbed on top of tables while shouting obscenities at the MDC youths. They alleged their rivals far outnumbered them and had an unfair advantage in terms of the allocation of posts. A decision was then made to move the dates forward by a week.

Our correspondent Lionel Saungweme reports that police were called in to quell the disturbances after the second attempt at holding the elections erupted into open warfare. He said the ZANU PF youths provoked the disturbances, but ended up on the receiving end.

Nonetheless it was about 15 MDC youths who police arrested and no one from ZANU PF was picked up. Deputy Youth Development Minister Thamsanqa Mahlangu, who is from the MDC, accused the ZANU PF youths of trying to frustrate their members and 'grab all the positions' in the council.

Not much has been known about the Zimbabwe Youth Council until recently, when the coalition government was formed. Saungweme told us despite claims the council was there to promote training programmes for youths to be economically empowered, the history of the body shows it was just a cover for brainwashing youths into supporting Mugabe's regime. It is also alleged the Youth Ministry used the council funds allocated to it to sponsor violent campaigns against the opposition, using ZANU PF militia youths (Guma, Lance 2009, '15 MDC youths arrested after clashes with ZANU PF', *SW Radio Africa Podcast*, 18 May [http://www.2bctnd.net/swra\\_wp/?p=2874](http://www.2bctnd.net/swra_wp/?p=2874) – Accessed 25 June 2009 – Attachment 18).

*The Herald* reports that MDC-T Secretary for Defence, Dr Tichaona Augustos Mudzingwa was acquitted of causing disaffection among the defence force on 15 May 2009:

Dr Mudzingwa had been accused of driving to the Zimbabwe National Army Headquarters at KGV Barracks and telling soldiers that MDC-T leader Mr Morgan Tsvangirai had won last year's presidential election well before the Zimbabwe Electoral Commission officially announced the outcome.

The March 29 poll did not produce an outright winner thereby constitutionally necessitating a run-off between President Mugabe and Mr Tsvangirai, who is now Prime Minister.

Dr Mudzingwa reportedly went to KGV in the company of Highfield East legislator Mr Pearson Mungofa (MDC-T), who has since been acquitted of the same charges.

In a judgment on Dr Mudzingwa's application for discharge at the end of the State's case, magistrate Ms Chioniso Mutongi said the State had failed to prove its case.

Ms Mutongi said Dr Mudzingwa only responded to Captain Owen Mudziviri's question on why MDC-T supporters were celebrating in the streets and that he had not spoken on the results of his own volition.

She said Dr Mudzingwa had only based his answer on MDC-T's own unofficial computations of results that were posted outside polling stations ('Zimbabwe: MDC-T Secretary for Defence Mudzingwa Acquitted' 2009, *The Herald*, 16 May, allAfrica.com website <http://allafrica.com/> – Accessed 25 June 2009 – Attachment 19).

*SW Radio Africa* reports that MDC-T Kwekwe MP, Blessing Chebundo was arrested on charges of raping a 13 year old girl on 19 May 2009. The article notes that it has "been reported that the incident happened in January, but has only been re-ignited after Chebundo questioned the two Home Affairs Ministers in parliament over the arrest of two Zimbabwe independent journalists." The article continues:

Party spokesman Nelson Chamisa confirmed Chebundo was still in police custody Thursday afternoon. He described the incident as unfortunate, vowing they would carry out their own investigation. Chamisa said it was important for them not to 'jump the gun' and to inspect the veracity of the case. Similar problems have erupted in the past with cases being concocted against their members he said.



In the run-up to the election of a speaker of parliament last year, MDC MP Eliah Jembere was arrested on similar charges of rape. The charges were eventually thrown out by a judge, but not before the MP's reputation had been tarnished. On the same day, Mutare West MP Shua Mudiwa was arrested on his way to parliament for allegedly kidnapping a 13 year old girl.

On Thursday MDC officials remained tight-lipped on the matter, saying it was premature for them to speculate on what was happening. What is clear however is that several other MP's from the party are under siege on various trumped up charges (Guma, Lance 2009, 'Zimbabwe: Kwekwe MDC MP Arrested on Rape Charges', *SW Radio Africa*, 21 May, allAfrica.com website <http://allafrica.com/> – Accessed 25 June 2009 – Attachment 20).

*SW Radio Africa* reports that Parliamentary Affairs Minister and Buhera West MP, Eric Matinenga was acquitted of inciting public violence on 26 May 2009. Matinenga was arrested during the run-up to the 2008 elections, "at the Buhera Police Station where he was investigating the arrest of a group of MDC activists." The article also reports that on 22 May 2009, 11 MDC members who were arrested in March for public violence were acquitted, although six MDC activists were sentenced to 36 months in prison:

Zimbabwe Lawyers for Human Rights (ZLHR) said Magistrate Mwayera ruled 'that the State had failed to prove its case against the Buhera West legislator.'

The MP was arrested during the run up to last year's elections. He was arrested at Buhera Police Station where he was investigating the arrest of a group of MDC activists. ZLHR said: "He had also intended to serve a court order he had obtained against the Zimbabwe Defence Forces for their immediate removal from his constituency over alleged harassment, torture and political persecution of perceived MDC supporters in the constituency in violation of the military's constitutional mandate and functions."

Meanwhile last Friday, a Murambinda Magistrate freed 11 MDC members who were arrested in March this year on allegations of public violence. They had been accused of burning ZANU PF properties around the time of the Prime Minister's wife's funeral.

The lawyers rights group said they were acquitted after all state witnesses exonerated them from the alleged crime. However six other MDC activists were sentenced to 36 months in jail. A total of 18 months were suspended on condition that the activists pay compensation to the complainants.

ZLHR said it felt "vindicated in its belief that Matinenga's acquittal shows that his arrest, unlawful and prolonged detention and drawn-out trial were tools of persecution rather than prosecution and illegitimate attempts to prevent a legal practitioner from carrying out his professional duties with the full protection of the state and the law" (Gonda, Violet 2009, 'Zimbabwe: Minister Matinenga Acquitted But Six MDC Activists Convicted', *SW Radio Africa*, 26 May, allAfrica.com website <http://allafrica.com/> – Accessed 25 June 2009 – Attachment 21).

A press release by the MDC reports that on 2 June 2009, three MDC activists were "forcefully taken from their homes by three State security agents...and ordered to testify as State witnesses when the trial of other MDC activists kicks off on" 8 June 2009. On 4 June 2009, the three were released but told to come to court the following week. MDC lawyers have prepared a High Court application to stop Musona, Tarumba and Tembo being used by the State as witnesses (Movement for Democratic Change (Harare) 2009, 'Zimbabwe: MDC Activists Abducted – Again', allAfrica.com website, 4 June <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 22).

An article dated 11 June 2009 in *The Financial Gazette* reports that three weeks ago members of the Central Intelligence Organisation (CIO) allegedly assaulted MDC activists “who were on their way back from a memorial service of eight slain colleagues murdered during the presidential run-off in June” 2008:

Two legislators, one from ZANU-PF and the other from MDC-T confirmed the incident, but gave conflicting accounts of what transpired.

MDC-T Mazowe Central MP Shepherd Mushonga, a practicing lawyer with a Harare law firm Mushonga & Associates as well as ZANU-PF Mazowe North legislator Cairo Mhandu, a retired army major and war veteran, said the confrontation has since been reported to the police.

While Mushonga, who identified the person who discharged the firearm as Chamunorwa Shuto, blamed the State agents for causing the skirmishes, Mhandu said Kanengoni’s guards were provoked.

Prior to the confrontation, Mushonga, one of the organisers of the memorial service for Alex Chiriseri, Tapiwa Meda, Funyisai Doyo, Joseph Ma-dzuramhende and others, said they had been subjected to immense pressure by the police to abandon the event (Manyukwe, Clemence 2009, ‘Zimbabwe: CIO, MDC Activists in Fierce Fight’, *Financial Gazette*, 11 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 23).

An article dated 15 June 2009 by *SW Radio Africa* reports that a “long abandoned case” against Honey and Blanckenberg, Finance Minister Tendai Biti’s law firm was resuscitated last week. The firm was accused, three years ago, of “externalising” over \$US1 million in payments from overseas clients. The article continues:

In a sign that the feud between Biti and Reserve Bank Governor Gideon Gono is far from over, the weekly Zimbabwe Standard newspaper reports that the case has now been raised from the grave. Lazarus Dhlakama, an inspector in the Financial Intelligence Unit of the RBZ made the complaint against Biti’s law firm to the police.

The MDC has been fighting tooth and nail to have Gono removed from the Central Bank accusing him of destroying its integrity through quasi-fiscal activities. The governor himself admitted to raiding private foreign currency accounts claiming this was to keep the government afloat.

In the political battle that ensued Gono fought back by leaking to the media an acrimonious letter he wrote to Prime Minister Morgan Tsvangirai. In that letter he accused Biti of harassing him and pursuing a personal vendetta because the RBZ was investigating the ‘externalisation’ allegations.

Meanwhile, Biti’s law firm last week filed an application with the Supreme Court before a trial date could be set. They argued that the search warrants used to raid their offices were not only invalid, but the documents seized were protected under attorney-client privilege. The firm says it cannot defend itself from the charges without breaching this privilege.

Honey and Blanckenberg have also denied the charges saying they only received about US\$3000 per month in consultancy fees from a firm registered outside the country. This amount was ‘remitted and banked in Zimbabwe in full compliance with exchange control laws,’ it said (Guma, Lance 2009, ‘Zimbabwe: Feud Between Gono and Biti Spills Into



Court', *SW Radio Africa*, 15 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 24).

*SW Radio Africa* reports that MDC Director General Shonhe was arrested on allegations of perjury on 16 June 2009. On 18 June 2009, Shonhe was granted bail but remains in police custody:

The Director General had been granted bail of US\$500 with stringent reporting conditions. But rights lawyer Charles Kwaramba said, as has become the norm in Zimbabwe, the State prosecutor invoked Section 121 of the Criminal Procedure and Evidence Act, which suspends a bail order for seven days. The State does not have to give a reason for invoking this Section.

However, the accused person's lawyer Alec Muchadehama immediately challenged the constitutionality of this Section, saying the Attorney General's office is abusing a court process to punish individuals. Muchadehama said this Section has no place in a democracy and he wants the matter taken to the Supreme Court.

...Magistrate Jackie Munyonga is expected to make a ruling on the application by the MDC lawyers on Friday.

The MDC CEO is accused of 'lying under oath,' when he swore to an affidavit that three members of his party had been re-abducted early this month.

Zimbabwe Lawyers for Human Rights said the three, Terry Musona, Lloyd Tarumba and Fanny Tembo, who the State has listed as State witnesses in the pending trial of several MDC members and civic activists abducted in 2008, were reported missing from their homes in Banket in early June. They were later located and Shonhe withdrew his application from the High Court.

Muchadehama said the Director General had filed the application in the High Court to simply protect the 'disadvantaged persons of his party,' who had already been abducted, held incommunicado and tortured for several months in 2008. However, State Prosecutor Allen Masiya opposed bail, even though one of the 'state witnesses' confirmed Shonhe's testimony. Kwaramba told *SW Radio Africa*: "One of those members confirmed before the Judge President that 'yes, we are being forced to testify in court. We are actually victims of abduction'. How then do you say Shonhe has lied under oath? As far as we are concerned it's just continued harassment" (Gonda, Violet 2009, 'Zimbabwe: MDC Director General Granted Bail, but Remains in Police Custody', *SW Radio Africa*, 18 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 25).

*SW Radio Africa* reports that on 23 June 2009, Shonhe was granted leave to challenge in the Supreme Court his incarceration under Section 121(3) of the *Criminal Procedure and Evidence Act*, "which he says is repeatedly abused by State prosecutors who use it to block bail granted to accused persons." *SW Radio Africa* reports that Shonhe was released on bail on 26 June 2009 although the Supreme Court challenge will continue nonetheless (Gonda, Violet 2009, 'Zimbabwe: MDC DG Case Referred to Supreme Court', *SW Radio Africa*, 23 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 26; and Gonda, Violet 2009, 'Zimbabwe: MDC Director-General Freed on Bail', *SW Radio Africa*, 26 June, allAfrica.com website [http://allafrica.com](http://allafrica.com/) – Accessed 26 June 2009 – Attachment 27).

An article dated 23 June 2009 in *ZimOnline* reports that the MDC will meet to discuss a number of “critical issues” including the continuing “crackdown on MDC members”. The article continues:

In a statement to the media, the MDC said its national executive committee would discuss a continuing “crackdown on MDC members characterised by the unwarranted detention of the party’s director-general, Tondepi Shonhe,” who it said was being held on trumped up charges.

“The crackdown (against MDC) has not spared civic society activists, journalists and lawyers,” the party said.

Tsvangirai’s party said it would also discuss what it alleges are attempts to reduce its representation in Parliament by framing some of its legislators and sending them to jail.

The party’s Member of Parliament for Mutare West constituency Shua Mudiwa was last Saturday convicted of by a court of kidnapping and send to jail. Several other legislators and activists from Tsvangirai’s party face a variety of charges that the party says are all trumped (Mpfu, Patricia 2009, ‘MDC to discuss crackdown on members’, *ZimOnline*, 23 June <http://www.zimonline.co.za/Article.aspx?ArticleId=4767> – Accessed 26 June 2009 – Attachment 28).

An article dated 24 June 2009 in *The Herald* reports that MDC Deputy Secretary-General, Tapiwa Mashakada said a number of MDC MPs had been arrested on “trumped up” charges:

He [Tapiwa Mashakada] said a number of the party’s MPs had in the last few days been arrested on charges he described as “trumped up.”

These include Mutare West MP Shuah Mudiwa who was convicted last Friday of kidnapping a teenage girl last year.

Mutasa Central MP Trevor Saruwaka has been charged with rape.

Chipinge East MP Mathias Mlambo has been convicted of obstructing the course of justice, while his counterpart in Chipinge South constituency, Meki Makuyana awaits judgment.

Chimanimani West MP Lynette Karenyi has been convicted of fraud after a Mutare magistrate found her guilty of forging nomination papers in the run-up to the March 29 general elections while Bennet is facing allegations of illegal possession of a firearm.

Zanu-PF has previously said the arrests were purely criminal matters that should be dealt with by the courts, as no one was above the law (‘Southern Africa: MDC-T to Refer More Issues to SADC’ 2009, *The Herald*, 24 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 29).

An article dated 26 June 2009 in *The Zimbabwe Times* reports that Shuwa Mudiwa, MDC Legislator for Mutare West was convicted on a 2007 kidnapping charge. Mudiwa’s lawyer, Douglas Mwonzora will file a High Court application challenging the conviction on the grounds that the matter is politically motivated. The article reports that arrests of MDC activists and officials have not stopped with the formation of the inclusive government:

“Our grounds are that there is evidence that the matter is clearly political as the complainant is connected to a Zanu-PF candidate he defeated in the elections, Chris Mushowe.”

...“This is clearly a political conviction,” he said, “It has nothing to do with the law and all but confirms what the MDC has been saying that Zanu-PF is determined to decimate its parliamentary majority.”

Arrests on MDC activists and officials have not stopped even with the formation of the all inclusive government.

Since the March 29, 2008 elections, the MDC has witnessed the arrest of numerous of its officials.

MDC secretary general Tendai Biti was last year arrested on treason charges while MDC treasurer, Roy Bennett also faces terrorism charges.

Buhera West legislator Eric Matinenga and Chipinge East MP Mathias Mlambo were also arrested for allegedly inciting political violence while Highfields East MP Pearson Mungofa and Tichaona Mudzingwa, MDC secretary for defence were both arrested for causing disaffection among members of the uniformed forces.

Similarly, Epworth legislator Eliah Jembere was arrested and later cleared on charges of rape, while Blessing Chebundo MP for Kwekwe Central has just been granted bail on rape charges. Kwekwe Mayor Shadreck Tobaiwa and Tapera Sengweni, both MDC officials were last month also bundled into the Chebundo case, allegedly for attempting to defeat the course of justice.

Chimanimani West legislator Lynette Karenzi was early this year convicted for forging the signatures of four nominees to her candidature.

Lately Toendepi Shonhe, MDC director general was arrested and faces perjury charges. Thousands more MDC functionaries have been arrested on different allegations which the MDC continues to describe as trumped up (‘MDC MP convicted for kidnapping’ 2009, *The Zimbabwe Times*, 21 June <http://www.thezimbabwetimes.com/?p=18484> – Accessed 26 June 2009 – Attachment 30).

## **MDC: Other**

An article dated 3 June 2009 by *SW Radio Africa* reports that over 200 senior army officers, deployed across all 10 of Zimbabwe’s provinces “to help secure the violent re-election” of Mugabe in the 2008 presidential election run-off, are still deployed in the villages:

Over 200 senior army officers, deployed countrywide to help secure the violent re-election of Robert Mugabe in last year’s one-man presidential run-off, are still deployed in the villages.

The MDC, who 3 months ago entered into the coalition government with ZANU PF, raised their concern in a statement issued after their 9th annual conference over the weekend.

Scattered across all 10 of the country’s provinces, the deployed commanders presided over a brutal campaign of retribution, targeting all those suspected of voting for the MDC in the first round of elections in March last year. Over 130 people were killed, thousands tortured and tens of thousands displaced from their homes. The operation was sanctioned by the notorious Joint Operations Command and spearheaded by army general Constantine Chiwenga, with funding from the Reserve Bank, under Gideon Gono.

It is the maintenance of this structure of violence and intimidation in the villages which is worrying the MDC. For example each senior army officer commanded a team of soldiers comprising so-called war veterans and ZANU PF militants in the area.

...Some of these commanders, like Major General Engelbert Rugeje deployed in the Masvingo Province, forced people to attend ZANU PF rallies. 'We are soldiers. We do not ask for things; we force things. On Friday (June 27) we are going to make sure that you go and vote, not for any person of your choice, but for President Mugabe. I am not asking you to do so but we will force you to go and vote. As soldiers we enjoy war,' he infamously said.

Newsreel spoke to co-Home Affairs Minister Giles Mutsekwa, and he confirmed they had intelligence reports that the army units are still living within the civilian communities. He said they wanted the army out of those areas and back into the barracks. Mutsekwa said they will be approaching the Joint Monitoring and Implementation Committee to tackle the issue. Another route would be to urgently convene the newly constituted National Security Council, that is meant to replace JOC, but which Mugabe is yet to approve.

With a coalition government in place it is worrying that these army officers are still deployed in the provinces. Meanwhile SW Radio Africa listeners living in Bindura and Mt Darwin have written in to complain about ongoing violence in their areas. Youth Minister Savior Kasukuwere is accused of sponsoring most of this violence, which involves the raping of girls and looting of property. Kasukuwere's thugs include people like Dickson Mafios, Martin Dinha and someone known only as Mujambajecha (Guma, Lance 2009, 'Zimbabwe: Army Units Deployed in Rural Areas Last Year, Are Still There', *SW Radio Africa*, 3 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 31).

An article dated 9 June 2009 in *BBC News* reports that Sekai Holland, MDC member and Minister for National Healing, Reconciliation and Integration has warned that Zimbabwe could be heading for a new wave of violence, with the worst of it to coincide with the next elections:

Sekai Holland, a member of the former opposition MDC, told the BBC opponents of the power-sharing government were drawing up assassination lists.

She said she believed the worst violence was being planned to coincide with elections due in 18 months.

Her comments echo earlier claims by PM Morgan Tsvangirai of ongoing political intimidation and abuses in Zimbabwe.

Ms Holland, Zimbabwe's Minister for National Healing, Reconciliation and Integration, told the BBC that she and other members of the Movement for Democratic Change (MDC), including fellow ministers, were receiving threatening phone calls every day.

They had been told that hardline members of President Robert Mugabe's Zanu-PF party are adding their names to a lengthening assassination list.

"We are told that they do have a list of people that they will kill," she said.

...Ms Holland also claimed that 39,000 militiamen "working inside the civil service and outside" were being paid a wage of \$100 (£62) a month to beat up MDC supporters, in the event of an election.

...This, she said, meant that violence in the next elections could be even worse than in 2008, when some 200 people were killed and thousands injured ('Zimbabwe "facing fresh violence"' 2009, *BBC News*, 9 June <http://news.bbc.co.uk/2/hi/africa/8090641.stm> – Accessed 25 June 2009 – Attachment 32).

An article dated 18 June 2009 by *SW Radio Africa* reports that Prime Minister Tsvangirai's office has launched a weekly newsletter to update people on the "progress and problems" of the government. The article reports that the "MDC has continued to receive negative coverage from the state media." The article continues:

The Prime Minister's office said the newsletter was an opportunity for people to air their views and opinions about the new inclusive government. The development however highlights the inability of the state owned media to embrace ZANU PF's partners in the coalition government, and to report objectively on their efforts.

...Newsreel spoke to Crisis in Zimbabwe Coalition director McDonald Lewanika who noted that it was a bit strange for the Prime Minister to have to use a newsletter to counter media that was owned by the state. He however said the plus side of the move was that it showed Tsvangirai was pursuing a policy of being transparent in his work, something Lewanika felt was commendable. Asked why the state media continued to paint a negative image of the MDC, he said it was all about the next election and ZANU PF was not willing to build up Tsvangirai's reputation (Guma, Lance 2009, 'Zimbabwe: Tsvangirai Launches Newsletter to Counter State Propaganda', *SW Radio Africa*, 18 June, [allafrica.com](http://allafrica.com) website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 33).

## **Inclusive Government**

An April 2009 report by International Crisis Group provides useful information on how the inclusive government was formed and subsequent strategies of the three main political parties. The report warns that there is a "real risk of a coup, initiated by military leaders whose influence is beginning to wane and whose patronage system is being eroded" (International Crisis Group 2009, *Zimbabwe: Engaging the Inclusive Government*, 20 April – Attachment 34).

An article dated 4 June 2009 in *The Economist* reports that Mugabe and ZANU-PF hardliners have been "taking every opportunity to thwart and humiliate Mr Tsvangirai and his MDC ministers." *The Economist* provides the following information on problems within the inclusive government:

From the outset, Mr Mugabe and his party hardliners have been bent on scuppering a deal imposed on them by the Southern African Development Community (SADC), a 15-country regional group, taking every opportunity to thwart and humiliate Mr Tsvangirai and his MDC ministers. They are especially determined to block a key part of the deal: the drafting of a new constitution, the first since independence in 1980, designed to impose clear checks on executive power and to lead to proper elections within two years.

Under the power-sharing arrangement, the MDC—which, let it not be forgotten, actually won the elections in March last year—was supposed to get 13 of the agreed 31 Cabinet posts and Zanu-PF 15, with the remaining three going to an MDC splinter led by Arthur Mutambara. But on the day the new ministers were to be sworn in, Mr Mugabe, who had already seized the beefiest ministries, grabbed a whole bunch more, increasing the number of cabinet posts to 41 in violation of the agreement signed by all three parties in September. Mr Tsvangirai was powerless to stop him; SADC, the pact's guarantor, was silent.

Mr Mugabe still treats the agreement and his prime minister with contempt. Mr Tsvangirai recently announced that journalists were now free to report on Zimbabwe without government approval, yet he was promptly contradicted by the information minister, a Zanu-PF man, who said that journalists without proper accreditation could face up to two years in jail. After months of negotiations, Mr Tsvangirai at last secured the release of human-rights activists and MDC sympathisers who had been detained, and many tortured, on treason charges. But a few weeks later they were rearrested.

Under their power-sharing pact, Messrs Tsvangirai and Mugabe are meant “to consult and agree” on all senior government appointments. Until now, Mr Mugabe has simply ignored that part of the deal. But on May 21st Mr Tsvangirai proudly announced that agreement had been reached on the appointment of permanent secretaries (the top civil servants) in every ministry. The appointment of the first MDC provincial governors and ambassadors had also been agreed to. They were to be sworn in “at the soonest possible opportunity”, along with Roy Bennett, a dispossessed white farmer, whom Mr Mugabe has hitherto steadfastly refused to accept on the ground that he was facing charges of “treason”. Just as it looked as if Mr Tsvangirai might have scored his first win in a behind-the-scenes power struggle with Mr Mugabe, it turned out that all the current permanent secretaries had been reappointed, whereas no deadline had been set for swearing in the MDC’s new governors and ambassadors or Mr Bennett; now out on bail after more than a month in jail, he says he is not expecting to take up his post any time soon.

Another contentious issue is Mr Mugabe’s appointment of Johannes Tomana as attorney-general and his reappointment of Gideon Gono as governor of the central bank to another five-year term. It was Mr Gono who presided over the collapse of Zimbabwe’s once-flourishing economy while plundering the bank’s resources to finance Mr Mugabe and his Zanu-PF friends. Though lesser known, Mr Tomana, who has been responsible for all arrests and prosecutions, may well be the more dangerous of the two.

The more Mr Mugabe has been pressed to get rid of those two men, the deeper he has dug in his heels. For the first time since the unity government was set up, Mr Tsvangirai has asked SADC to intervene. He hopes that Jacob Zuma, South Africa’s new president who currently chairs SADC, will squeeze Mr Mugabe a lot harder than did Thabo Mbeki, his predecessor. Messrs Tsvangirai and Zuma are said to be friendly, whereas the Zimbabwean never got on with Mr Mbeki, whom he suspected of siding with Mr Mugabe.

Another source of friction in the new government is the control of the security forces. In accordance with the power-sharing deal, a new National Security Council, including Mr Tsvangirai, has been set up. It was supposed to replace the notorious Joint Operations Command (JOC), which embraced all the security and intelligence chiefs and was chaired by Emmerson Mnangagwa, the ruthless defence minister. But the JOC has never been disbanded and the new security council has yet to meet. As on other matters, Mr Tsvangirai seems powerless to act.

It is a dangerous situation. Mr Mnangagwa, who oversaw the massacres of alleged “dissidents” in Matabeleland in the early 1980s, is one of the most powerful people in the land, with high hopes of taking over from Mr Mugabe one day. He reportedly heads a shady group known as the Social Revolutionary Council, involving security chiefs and other ZANU-PF toughs bent on saving their skins as well as their lavish perks of office, who are plotting the downfall of the unity government, almost certainly with Mr Mugabe’s approval and possible direction. The old man, whose mind seems as sharp as ever, shows no sign of being willing to retire.



Rumours are now circulating that he may call a snap general election in March, before the new constitution, with its planned limits on presidential power and strict rules for the conduct of elections, can be approved. Zanu-PF leaders have reportedly been telling their supporters to prepare for such a poll, which would be sure to plunge the country back into a state of violence and anarchy. This would upset the South Africans, who are due to host the football World Cup a few months later. So MDC leaders are hoping Mr Zuma will persuade his hitherto spineless SADC colleagues to stop such a move—if they can ('The struggle goes on' 2009, *The Economist*, 4 June [http://www.economist.com/displayStory.cfm?story\\_id=13788284](http://www.economist.com/displayStory.cfm?story_id=13788284) – Accessed 26 June 2009 – Attachment 8).

An article dated 24 June 2009 in *The Herald* reports that the MDC-T said it will refer more issues to the Southern African Development Community (SADC) for mediation:

The party held an extraordinary national executive council meeting in Harare where it made the resolutions to draw to the attention of SADC more issues, in addition to the appointments of Reserve Bank Governor Dr Gideon Gono and Attorney-General Mr Johannes Tomana.

...Addressing journalists after the meeting, party deputy secretary-general, Mr Tapiwa Mashakada said the additional issues they included for SADC's attention were alleged public media bias, arrests of the party's Members of Parliament and officials, the swearing-in of Roy Bennet as deputy Agriculture Minister and the issue of provincial governors.

...Mr Mashakada said they expected SADC to convene a meeting to consider these issues.

"We have referred the issue of Gono and Tomana to SADC. We are now going to refer additional issues," he said.

...Party spokesman Mr Nelson Chamisa said referring the issues to the Joint Monitoring and Implementation Committee was futile because it was not effective.

JOMIC is an arm set up by the three political parties to ensure that the GPA is complied with.

"We don't know whether JOMIC is still alive. Sending these issues to JOMIC is like flogging a dead horse. It has not lived to expectations," said Mr Chamisa ('Southern Africa: MDC-T to Refer More Issues to SADC' 2009, *The Herald*, 24 June, allAfrica.com website <http://allafrica.com/> – Accessed 26 June 2009 – Attachment 29).

An article dated 29 June 2009 in *Voice of America News* reports that the MDC-T boycotted a weekly cabinet meeting after President Mugabe changed the day so he could chair it instead of Tsvangirai:

Zimbabwe's power-sharing government moved closer to outright crisis on Monday as the Movement for Democratic Change formation of Prime Minister Morgan Tsvangirai boycotted a weekly cabinet meeting which President Robert Mugabe ordered moved up from Tuesday so he could chair it before heading off to an African Union summit in Libya.

...The MDC said that moving up the cabinet meeting amounted to a declaration of no confidence in Mr. Tsvangirai. It said he should have been called upon to chair the meeting Tuesday in Mr. Mugabe's absence, though adding that many other issues contributed to the decision.



Protesting what she called a “persistent and corrosive culture of unilateralism” on the part of Mr. Mugabe’s ZANU-PF party, Deputy Prime Minister Thokozani Khupe of the Tsvangirai MDC deplored the failure resolve long-outstanding issues and “persistent abuse of the rule of law” in the arrest and prosecution of MDC lawmakers and activists by ZANU-PF officials.

In her two-page statement, Khupe said the MDC remained “fundamentally committed” to the Global Political Agreement – the September 2008 power-sharing pact – but added that it was her party’s “constitutional right to consider disengagement” from the government.

...Political analyst John Makumbe, a University of Zimbabwe professor, said the MDC statement was long overdue and showed the government is more fragile than many believed (Nkomo, Ntungamili & Nyaira, Sandra 2009, ‘Zimbabwe Unity Government Faces Crisis As MDC Boycotts Cabinet Meeting’, *Voice of America News*, 29

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