Zimbabwe

Country Report

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I. Scope of the Document

1.1 This country report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The country report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The country report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the country report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. Geography

2.1 The official name of the state is the Republic of Zimbabwe. It is located in southern Africa and has an area of 390,757 sq km. It is land-locked and is bordered to the north-west by Zambia, to the east by Mozambique, to the south by South Africa and to the west by Botswana. **[1a]**

2.2 According to the 1997 census the population was put at 11,789,274. **[1a]**. Preliminary returns on the August 2002 census indicates that the population is 11.6 million, compared to the Government's previous estimate of 14.5 million. **[26a]**. The capital is Harare, with an estimated population of 1,868,000 in 2001. Other important towns are Bulawayo (population 621,742 in 1992), which is the capital of Matabeleland province, Chitungwiza, Mutare, Gweru and Kwekwe. **[1a]**

2.3 Zimbabwe has a diverse population. **[1a]**. The largest ethnic group is the Shona, who make up 77% of the population. The Shona originally were not a single tribe but a series of groups. It is only over the past 100 years that a single Shona identity has emerged. Colonial administrators categorisation of the Shona people have taken on a life of their own, with the emergence of several sub groups, the Zezeru, Karanga and the Manyika. The Ndebele make up 14% of the population. This raises to 18 percent when taking into account the affiliated Kalanga minority. The Ndebele are concentrated in Matabeleland province in western Zimbabwe **[16]**. The white population, most of whom are descendants of European, principally British, settlers from the colonial era, numbered some 223,000 people in the mid-1980s, although numbers had fallen to 75,000 by 2000. **[1d]**. There are some 12,000 people of Asian origin in Zimbabwe. **[48]**. Other minority groups include the Tonga, Sena, Hlewenge, Venda and Sotho. Official languages are English, Chishona and Sindebele. **[1a]**.

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3. Economy

3.1 An estimated 60 percent of the population of approximately 12 million survived on subsistence agriculture and approximately 75 percent relied directly or indirectly on agriculture for their livelihood. **[2e]**. The white minority owned much of the productive commercial farming sector, and land ownership continues to be a contentious political issue especially since the onset of the Governments fast-track acquisition programme. **[1d]**. According to the Commercial Farmers Union (CFU), 98 percent of all the commercial farm land has been designated for acquisition under the programme. **[11f]**. Mining, manufacturing and the service sector are also important. The political crisis, a drought, excessive government spending, manipulation of interest rates, money supply growth, and the Government-sanctioned land occupations has led to inflation, diminished agricultural harvests, reduced foreign investment and tourism, acute foreign exchange and fuel shortages, accelerating unemployment, and shrinking real incomes. The country's gross domestic product (GDP) dropped to an estimated $4.1 billion (Z$6,560 billion) in 2002 **[2e]**, a decline of 12.1 percent **[9ak]**. Unemployment surpassed 70 percent. **[3e]**. Zimbabwe has incurred large fiscal deficits, exacerbated by the country's military involvement in the civil war in the Democratic Republic of Congo. In February 2003 the inflation rate reached 220.9 percent. **[9al]**. By August 2003, the rate of inflation had rise to an all-time high of 426.6 percent, and is expected to rise to 500 percent by the end of October. **[37t]**. Also in February 2003 the Government devalued the Zimbabwean dollar for exporters, allowing them to convert half of their money at the official rate of US$1 to Z$55 and half at the new rate of US$1 to Z$800. **[10f]**. Following the 300 percent rise in fuel prices and the subsequent strike in April 2003, the minimum wages was increased to $23,070 to $47,696, depending on which sector of the economy the employee worked in. **[10aj – Minimum wages raised in response to hyper inflation 25 April]**. Fuel rose by another 500 percent in August 2003 after the government ended prices controls on fuel. **[3cz Zimbabwe ends fuel controls 28 August 2003]**. According to what the United States State Department refer to as "authoritative estimates", 70 percent of the population live below the poverty line. **[2e]**. A United Nations Development Report indicated that Zimbabweans are worse off now than they were in 1975. According to the UN report, the Human Development Index (HDI) fell from its all time high of 0.626 in 1985 to 0.614 in 1990 and 0.496 in 2001. The 1975 HDI was 0.544. **[11h]**. On 22 August, the government announced an emergency budget in which it almost doubled the country's expenditure. Much of this money will be spent on financing pay rises and will come from printing more money, leading one private economist to conclude that this will add to the inflationary pressures on the economy. **[3cy]**.

(For further information on geography and economy refer to Africa South of the Sahara - source **[1d]**)

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4. History

Independence, 1980

4.1 The Republic of Zimbabwe achieved formal independence from the United Kingdom on 18 April 1980. The country was established in 1923 as the British colony of Southern Rhodesia. In 1965, the white-dominated Rhodesia Front administration of Prime Minister Ian Smith made an illegal unilateral declaration of independence (UDI) for Rhodesia from the United Kingdom. **[1a]**

4.2 Following UDI, black nationalists organised the fight for majority rule. The principal nationalist groups were the Ndebele-dominated Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Shona-dominated Zimbabwe African National Union (ZANU), led initially by the Reverend Ndabaningi Sithole and later by Robert Mugabe. **[1a][2b]**

4.3 ZAPU and ZANU merged their military efforts in 1976 in the uneasy Patriotic Front alliance. In 1979, the UDI administration concluded an 'internal settlement' with some black nationalists, under which Bishop Abel Muzorewa became Rhodesia's first black Prime Minister. Later in 1979, all parties to the conflict participated in the Lancaster House Conference in London, which agreed an independence settlement. **[1a]**

4.4 In elections in February 1980, Robert Mugabe's ZANU-Patriotic Front (ZANU-PF) party won 57 of the 80 'common roll' seats. Joshua Nkomo's Patriotic Front (effectively ZAPU) party won 20 seats and Bishop Muzorewa's party took 3 seats. The Rhodesia Front won all 20 seats reserved for the white minority. Reverend Canaan Banana became Zimbabwe's first President, with ceremonial duties only, and Robert Mugabe became Prime Minister, leading a coalition government. **[1a]**

4.5 Robert Mugabe adopted a conciliatory stance initially, stressing reconciliation of all Zimbabweans. The Rhodesian forces and the ZANU and ZAPU guerrilla armies were integrated into a united force. However, Mugabe soon pressed the case for a one-party state but was opposed by ZAPU's Nkomo, whom Mugabe demoted in government in 1981 and dismissed in 1982. **[1a]**

(For a detailed history prior to independence in 1980 refer to Africa South of the Sahara - source **[1d]**)

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Matabeleland Insurgency 1983-87

4.6 The alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland in 1982 led to Nkomo's dismissal from government office. Dissidents from Nkomo's former guerrilla force, ZIPRA, perpetrated indiscriminate acts of violence. The Government responded by sending the North Korean-trained Fifth Brigade to Matabeleland in early 1983 to quell dissent **[1a]**, in a campaign known as the *Gukuruhundi*. **[2b]** The mainly Shona Fifth Brigade was accused of committing atrocities against civilians in its “pacification” campaign and it alienated support for the Government amongst Matabeleland's Ndebele population. It has been estimated that

at least 2,000 and as many as 10,000, civilians died during the Fifth Brigade's campaign between 1983 and 1986. **[1a]**

4.7 A unity agreement between ZANU-PF and ZAPU was reached in 1987. The merged party retained ZANU-PF's name and Nkomo became one of two vice-presidents and took a senior cabinet post. An amnesty in 1988 led to a rapid improvement in the security situation in Matabeleland. Constitutional changes in 1987 ended reserved seats for whites and created an executive Presidency, replacing the ceremonial post of President and incorporating the post of Prime Minister. Mugabe became Zimbabwe's first executive President at the end of 1987. **[1a][4b]**

4.8 In July 1999, at Vice-President Joshua Nkomo's funeral, President Mugabe expressed his regret for the actions of the Fifth Brigade in Matabeleland during the 1980s. At a memorial service for Nkomo in October 1999, Mugabe announced the willingness of the Government to compensate the families of the thousands of people killed during the insurgency. **[4b]**. Further promises of compensation projects were made in June 2002 by John Nkomo, the then Minister for Home Affairs, but this compensation has not been paid. **[20n]**.

4.9 A shortened version of a 1997 report on atrocities committed during the *Gukuruhundi* campaign in Matabeleland called Breaking the Silence was released in 1999 by two Non Governmental Organisations (NGOs), the Catholic Commission for Justice and Peace and the Legal Resources Foundation (LRF). The report characterised the Government's campaign as an effort to impose a one-party state by eliminating support for ZAPU. The Government has not responded formally to the report. In 2000 the LRF and Zimbabwe Lawyers for Human Rights subpoenaed the Government to release the findings of two commissions that investigated the Matabeleland massacres but the Attorney General claimed that the documents were missing. **[2b]**. (See also Sections 6.120 - 6.121 on the Ndebele).

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Elections 1995 & 1996

4.10 ZANU-PF won a fourth decisive election victory in 1995. Eight opposition parties boycotted the poll but the turnout of 57% was higher than expected. ZANU-PF took 82% of the vote, securing 118 out of 120 seats, 55 of them uncontested. Reverend Sithole's small ZANU-Ndonga party won two seats. Most observers reported the elections to have been free and fair although they criticised ZANU-PF's domination of the media and aspects of electoral procedures. ZANU-PF lost a seat to an independent in a by-election in November 1995. **[1a]**

4.11 Robert Mugabe was re-elected in presidential elections held in May 1996. Although he received nearly 93% of votes cast, turnout was only 32% of those eligible to vote. **[1a]**

Movement for Democratic Change [MDC]

4.12 The Movement for Democratic Change (MDC) was formed in September 1999 under the leadership of Morgan Tsvangirai, Secretary-General of the 700,000-strong Zimbabwe Congress of Trade Unions (ZCTU). **[5b][1a]**. The MDC aimed to be a broad based party, capable of overcoming the poor organisation and factionalism that other opposition parties had suffered from. **[1a]**

4.13 A former ZANU-PF party official, Tsvangirai led the ZCTU for 10 years and in that time distanced the union from ZANU-PF. The ZCTU emerged as a political force in 1997 when it led a general strike against tax increases. In 1989 Tsvangirai was imprisoned for six weeks on charges of spying for South Africa. In 1997 he was beaten and nearly thrown from his office window by people assumed to be Government thugs. **[1][5b]**. (See also Sections 5.11 - 5.12 and Annexes E and F on the MDC).

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Parliamentary Elections, June 2000

Background

4.14 A constitutional referendum was held in February 2000, called by President Mugabe in a bid to consolidate his powers by amending Zimbabwe's independence constitution to include, amongst other things, the right for the Government to confiscate mainly white-owned land without compensation. Despite tireless campaigning to ensure victory, the referendum result was a rejection of the Government's proposals, with 54.6% of the electorate voting against it. Despite losing the referendum, the Government pushed through a constitutional amendment in April 2000 to allow the seizure of mainly white-owned farms. The constitutional amendment states that white farmers dispossessed of their land would have to apply to the United Kingdom Government for compensation. **[1d]**

4.15 Elections for 120 of the 150 seats in Parliament were held in June 2000. Of the remaining 30 seats, 10 are held by traditional chiefs elected by the Council of Chiefs, over whom Mugabe exerts considerable influence, 12 are non-constituency MPs appointed by the President and 8 are provincial governors, also appointed by the President. This gave ZANU-PF an immediate 30-seat advantage over the opposition. **[2e]**.

4.16 Only ZANU-PF and the MDC fielded candidates in all 120 constituencies. A number of small parties and independents fielded candidates in various constituencies. The United Parties, led by Bishop Muzorewa, put forward 59 candidates, mainly in northern and eastern areas. A party calling itself ZAPU, after the late Joshua Nkomo's party that merged with ZANU-PF in 1987, fielded 23 candidates mainly in Matabeleland, advocating a federal state to counteract Shona dominance of the Ndebele. The Zimbabwe Union of Democrats (ZUD), led by Margaret Dongo, outgoing MP for Harare South, put forward 16 candidates in Harare and the east. Reverend Sithole's small ZANU-Ndonga party, which held two seats in the outgoing parliament, also contested seats. **[3c]**

Election Violence & Farm Occupations

4.17 The elections were preceded by a Government-sanctioned systematic campaign of violence towards supporters and potential supporters of the opposition. Many acts of violence were perpetrated by ZANU-PF militants and 'War Veterans', many of whom were too young to have participated in the war of independence and were suspected of having been paid to join in. **[1d]**. 34 deaths relating to political violence were reported during the run-up to the 2000 election, along with widespread intimidation and use of torture by ZANU-PF or its supporters. The majority of victims were MDC activists or supporters. **[1d]**. Roy Bennett, the MDC candidate in Chimanimani, whose pregnant wife was attacked, as a result of which she suffered a miscarriage, and Blessing Chebundo, MDC candidate in Kwekwe were among them. **[3d]**.

4.18 In a campaign supported by President Mugabe, War Veterans led by the late Chenjerai 'Hitler' Hunzvi launched a series of illegal occupations of 1,000 white-owned farms in February 2000. **[2b]**. These acts appeared to be retaliation for the Government's defeat in the constitutional referendum (see Paragraph 4.14). In April 2000, President Mugabe threatened war against the farmers and declared that they were "enemies of the state". **[1d]**. Five white farmers were murdered during the violent occupation of the farms and also attacked many black farm workers. The police did little to apprehend those responsible for the murders and violence and would not act against the squatters occupying farms, despite High Court rulings in favour of the farmers. **[1d][3f]**. In April 2000, farmer David Stevens, an MDC supporter, was murdered. Although police arrested a War Veteran in September 2000 and charged him with Stephens' murder the suspect was released on police bail. The Attorney General subsequently dropped charges against him despite his identification by a number of witnesses and his possession of the murder weapon. **[2b]**.

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Election Results

4.19 Amid allegations of irregularities, ZANU-PF won 62 of the 120 seats with just over 49% of the vote and the MDC won 57 seats with just under 48% of the vote. ZANU-Ndonga won one seat. The results highlighted regional divisions. The MDC won all 19 seats in Harare, all 8 in Bulawayo and took 13 of the 15 seats in Matabeleland. ZANU-PF took every seat in the farming province of Mashonaland Central. **[5f]**. Results by cities and province were:

Harare - 19 MDC
Bulawayo - 8 MDC
Manicaland - 7 MDC, 6 ZANU-PF, 1 ZANU-Ndonga
Mashonaland Central - 10 ZANU-PF
Mashonaland East - 11 ZANU-PF, 1 MDC
Mashonaland West - 10 ZANU-PF, 2 MDC
Masvingo - 12 ZANU-PF, 2 MDC
Matabeleland North - 7 MDC
Matabeleland South - 6 MDC, 2 ZANU-PF
Midlands - 11 ZANU-PF, 5 MDC
[5f].

(See Annex D for a full list of election results, listing all candidates and official votes for each constituency - hard copy only)

4.20 Seven Ministers from the outgoing Government lost their seats, including Emmerson Mnangagwa, who had been considered a possible successor to Mugabe. He lost his Kwekwe seat by a 2 to 1 margin to the MDC's Blessing Chebundo, who had to go into hiding during the election campaign. **[5g]**. One notable winner for ZANU-PF was Chenjerai Hunzvi, the controversial War Veterans' leader. **[3g]**

4.21 Notable wins for the MDC included those of Welshman Ncube, the party's Secretary-General who beat his ZANU-PF opponent in Bulawayo North East by 21,100 votes to 2,864. MDC leader Morgan Tsvangirai failed to win Buhera North, the seat he contested in ZANU-PF's rural heartland, by 2,534 votes. **[3g]**. However, the MDC successfully challenged the result in Buhera North and the result was nullified by the High Court in April 2001. A by-election is to be held to fill the seat. **[3h]**. Four whites won seats for the MDC, including David Coltart, the party's legal secretary and a prominent human rights lawyer, who secured his Bulawayo South seat with 86% of the vote, in a predominantly black-populated constituency. **[5h]**.

4.22 Small parties faired less well. Margaret Dongo of the ZUD lost her Harare South seat to the MDC. **[3g]**. Only one of the opposition MPs in the outgoing parliament, Wilson Khumbula, Vice-President of ZANU-Ndonga, retained his seat and is the only MP in the new Parliament who is not from ZANU-PF or the MDC. The United Parties, ZUD, ZAPU and both factions of the Liberty Party in Matabeleland failed to win any seats. **[7]**.

4.23 Although the voting process itself generally was peaceful, there were irregularities. Most international observers declared that the elections were not free and fair, because of the high level of violence during the election campaign, most of it committed by ZANU-PF supporters. **[2b][14c]**.

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Post-election Violence 2000

4.24 In October 2000 President Mugabe issued a decree granting a general amnesty for politically motivated crimes that occurred between 1 January and 31 July 2000. This effectively pardoned the majority of those responsible for the violence in the election campaign from prosecution. The amnesty did not cover the offences of murder, rape, sexual assault, robbery, theft and possession of arms, but did cover other serious offences such as common assault and assault with intent to cause grievous bodily harm. The amnesty permitted the immediate release of prisoners convicted of the latter two offences. This amnesty was used to clear government supporters of their crimes. For example, two War Veterans arrested in August 2000 for their part in the torture of MDC members in Bulawayo by ZANU-PF supporters had charges against them dropped in March 2000 as a result of the amnesty. **[2b]**.

4.25 In September 2000, a grenade exploded outside the MDC's headquarters in Harare. There were no injuries. **[3j]**. The MDC accused the Government of being

behind the attack. Following the attack, police raided the MDC's offices, seizing documents and computer discs. Four officials were arrested and released several hours later without charge. They included Nelson Chamisa, head of the MDC's youth wing, and Gandi Madzingwa, Morgan Tsvangirai's personal advisor. **[3k]**.

4.26 In December 2000, farmer Henry Elsworth was murdered, the sixth white farmer to die in 2000. Farming representatives described the act as a political assassination. Elsworth was an MP in Ian Smith's Rhodesia Front, who, in 1982, had broken with Smith and became an ally of Robert Mugabe, who appointed him to Parliament in 1987, where he served until 1990. **[5j]**

4.27 Politically-motivated violence, mostly perpetrated by Government supporters against the MDC and commercial farmers, continued throughout 2001 after the parliamentary elections and into 2002, in the run-up to the presidential election in March. **[2b]**. The Government sanctioned campaign of politically motivated violence, particularly in reference to actual, perceived and potential opposition supporters, intensified in 2002. **[2e]**.

By elections in 2000

Marondera West

4.28 A by-election was held in the Marondera West constituency in November 2000 following the death of the ZANU-PF MP. Although a ZANU-PF stronghold, with a majority of more than 6,000 over the MDC in June 2000, the by-election campaign was nevertheless marred by acts of violence by ZANU-PF supporters and War Veterans against the MDC. One person died when ZANU-PF supporters fired on an opposition rally. Further opposition rallies had to be abandoned after armed ZANU-PF supporters dispersed another meeting. ZANU-PF won the by-election. **[3l]**

Bikita West

4.29 Amos Munyaradzi Mutongi, MDC MP for Bikita West in Masvingo province, died in November 2000. **[7][3o]**. The MDC had won the seat in June 2000 by less than 300 votes. **[5p]**. The subsequent by-election in January 2001 was marred by violence, perpetrated by both Government and MDC supporters. A ZANU-PF party member was killed during clashes at a political rally. Two MDC MPs, Renson Gasela and Willias Madzimure, were injured in the clashes. A motor convoy of MDC officials was petrol-bombed during the by-election campaign. **[3n]**. The War Veterans' leader, and ZANU-PF MP, Chenjerai Hunzvi organised much of the intimidation in Bikita West. **[5p]**. Government supporters and War Veterans occupied many polling stations in the constituency. The ZANU-PF candidate, who took almost two thirds of the vote, won the by-election, 12,993 votes against 7,001 for the MDC. **[3o]**. Following the by-election, it was reported that ZANU-PF supporters and War Veterans embarked on a witch-hunt of MDC supporters in the constituency. War Veterans targeted teachers, who they claimed had campaigned for the MDC. Three schoolteachers were reportedly tortured by suspected war criminals. **[9e]**.

Legal Challenges to elections results in 2000

4.30 After the June 2000 elections the MDC announced that it would mount legal challenges against the results in 37 of the 62 seats won by ZANU-PF. The MDC complained of violence during the election campaign and irregularities during polling.

[3h]. In December 2000 President Mugabe decreed that no court hearings could be held to invalidate disputed election results, but in January 2001 the Supreme Court declared the President's decree unconstitutional. **[4d]**.

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Incidents in 2001

4.31 In February 2001, Job Sikhala, MDC MP for St Mary's, was assaulted by at least 50 soldiers who raided his home. His pregnant wife and others in the house were also beaten. Shortly afterwards, Nelson Chamisa, the MDC youth wing leader, was arrested and detained by police. **[5k]**. Gibson Sibanda MP, the MDC's Vice-President, was also summoned for questioning by the police. He was released but, along with Chamisa, who was held in custody, was charged with inciting violence. At the time, troops had been patrolling opposition strongholds in townships, in response to what the Government claimed was a campaign of violent insurrection being planned by the opposition. **[8a]**.

4.32 Later in February 2001, Peter Nyoni, MDC MP for Hwange East in Matabeleland, and three senior MDC officials were arrested on charges of inciting violence, relating to inflammatory remarks they were alleged to have made at an MDC rally. They appeared before a magistrate and were then released. **[9a]**

4.33 In March 2001, the police imposed a ban on MDC rallies in the Chitungwiza township near Harare. The MDC announced its intention to challenge the ban in the High Court. **[10a]**. There has been a major drive by Government supporters and security forces in Chitungwiza against MDC supporters. Nightly raids and beatings by police have been reported. Local MDC MP Job Sikhala claimed that the campaign was aimed at removing opposition ahead of presidential elections in 2002. **[5l]**

4.34 In March 2001, Gloria Olds became the seventh white farmer to be murdered. ZANU-PF supporters and War Veterans murdered her son, Martin Olds, in April 2000. **[2b]**. A man appeared in court in Bulawayo later in March 2001 charged with Mrs Olds' murder, the first time that anybody had faced court over any of the murders of white farmers. **[5m]**. Albert Ncube appeared in Bulawayo High Court charged with Mrs Olds' murder on 9 May 2002. **[37m]**.

4.35 In April 2001 ZANU-PF supporters, War Veterans and the Zimbabwe Federation of Trade Unions (ZFTU) began a new offensive by targeting businesses, both foreign and domestic. White owned businesses were also among those attacked. Several factories in Harare were invaded by chanting mobs of people claiming to be War Veterans, demanding the reinstatement of workers they claim were unfairly dismissed. Some cases dated back seven years. In Harare and Norton, approximately 550 workers lost their jobs after the factories in which they worked were forced to close in response to War Veterans interference. In May in Harare, War Veterans invaded the offices of an NGO that operates orphanages, also forcing the offices to close. **[2b]**. By the end of 2002, no action had been taken against the perpetrators. There were no reports that the practise of abducting managers of firms or urban NGO's continued in 2002. **[2e]**

4.36 In February 2001, MDC leader Morgan Tsvangirai was charged under the Law and Order Maintenance Act (LOMA) with inciting violence. The charges stemmed from a statement he made at a rally in September 2000 advising President Mugabe to resign or risk being removed by force. The Government claimed that Tsvangirai's statement amounted to inciting people to violently overthrow the Government. **[2b]**. The charges followed closely after Tsvangirai won his petition to the High Court challenging ZANU-PF's election victory in Buhera North, which he contested in the June 2000 elections. **[9c]**. Tsvangirai filed a petition with the Supreme Court, challenging the constitutionality of the LOMA. In November 2001, the Supreme Court struck down two sections of the LOMA in the case, effectively dismissing the charges against Tsvangirai. **[2b]**. Other MDC officials charged under the LOMA with making statements "likely to undermine the authority of the President" were Nelson Chamisa, the party's youth chairman, Hwange East MP Peter Nyoni and five provincial executive members from Victoria Falls. **[9c][9bo]**. Although he was released on bail and his trial was still pending at the end of 2002, Nyoni was arrested under POSA and appeared in court in February 2002 after campaigning. He was abducted, beaten and tortured for two days along with 2 other MDC MP's by ZANU-PF supporters. **[34e][2e]**.

4.37 In August 2001, a mob attacked whites at random in the town of Chinhoyi in the Mashonaland West province north-west of Harare. ZANU-PF supporters attacked whites, stabbing one man, and stoned cars. Police told whites to stay out of the town. The attacks followed the arrest of 22 white farmers who had come to the aid of a fellow farmer whose farm had been occupied by squatters. Police arrested the farmers and charged them with assaulting the squatters. **[5e]**. Rampaging mobs swept through the Chinhoyi area, looting farms and forcing white farmers and their families, numbering approximately 300 people, off their land. **[2b]**. The farmers criticised the police for failing to protect them and the *Daily News* reported that police were even assisting the invaders. Also in August 2001, a white farmer in Kwekwe died from head injuries inflicted in an attack by suspected War Veterans. **[4e]**.

4.38 The farmers detained in Chinhoyi were released on bail in August 2001 after two weeks in prison. All but one were barred from returning to their homes as the High Court Judge who granted them bail considered that their return to Chinhoyi would spark further arson attacks and looting. **[4f]**. Around 100 white families fled the Chinhoyi area for safety and 35,000 farm workers and their families were thrown out of their homes as the campaign of farm occupations spread from Chinhoyi to the Hwedza area of Mashonaland East. **[11d]**. The trial of the Chinhoyi farmers opened in Harare in April 2002. **[9j]**.

4.39 In November 2001, Cain Nkala, the Bulawayo War Veterans' chairman, was abducted in Bulawayo and was found dead a week later. **[2b]**. The authorities claimed that he was killed by the MDC while the MDC claimed he was killed by ZANU-PF because he had threatened to make public information on ZANU-PF atrocities, including the abduction and disappearance of David Coltart MP's election agent Patrick Nabanyama in the June 2000 parliamentary elections. **[10c]**. Nkala was one of ten men detained over Nabanyama's abduction but was released on bail a day before his disappearance. **[2b]**. Attending Nkala's funeral in Harare on 18 November 2001, President Mugabe claimed that the murder was part of an orchestrated 'terrorist plot' by internal and external enemies, funded by commercial farmers and international organisations, specifically the British Government. **[4k][4j]**.

4.40 In the funeral speech for Cain Nkala, the President named three MDC politicians, all white Zimbabweans, as 'terrorists'. The three were David Coltart MP, the MDC's Shadow Justice Minister, Mike Auret, the then MP for Harare Central, and Simon Spooner, Coltart's campaign manager. Coltart and Auret played a leading role in the 1980s in revealing details of the Government's armed *Gukuruhundi* campaign against dissidents in Matabeleland that claimed thousands of lives (see Sections 4.6 - 4.9). Spooner was arrested in connection with the abduction of Cain Nkala. Approximately 30 MDC members were arrested and detained in connection with Nkala's murder, including Fletcher Dulini Ncube MP, the MDC's Treasurer and Shadow Industry and Commerce Minister. **[4j]**. Dulini Ncube was held in the Khami Maximum Security Prison for more than one month and was reportedly denied regular access to his medication for diabetes and hypertension. He was released on bail in December 2001 after appealing to the Supreme Court. Ncube was re-arrested on 3 August 2002, apparently on the grounds that his bail conditions had lapsed. Despite recovering from surgery to remove his left eye and suffering from hypertension and diabetes, Ncube was placed in a prison cell without access to adequate medical medication. He was returned to hospital after one day, following a medical report from Ncube's doctor confirming his condition was life threatening. In hospital Ncube was placed in leg irons, contrary to Article 33 Standard Minimum Rules for the Treatment of Prisoners. **[14g][2b]**. The trial of six MDC members, including Fletcher Dulini Ncube MP, for the murder of War Veteran leader Cain Nkala was due to start on 11 November 2002 but the Attorney-General's Office was not ready, despite agreeing to the court date**. [4e]**. According to State media, the trial did start on 20 January 2003. **[42b]**. On 18 July 2003, the trial was suspended until 15 September 2003. **[9dp]**.

4.41 Nkala's death unleashed a wave of violence in Bulawayo by militant ZANU-PF supporters and incidents included the firebombing of the home of an MDC youth leader. Many MDC activists went into hiding. On 16 November 2001, ZANU-PF militants were bussed into Bulawayo and War Veterans arrived by train. 2,000 militants, protected by riot police, then marched through Bulawayo. The marchers ransacked the MDC offices and set fire to them. In a revenge attack later in the day, 1,000 MDC activists wrecked a private college owned by a ZANU-PF official. Further arrests of MDC activists, including Moses Mzila Ndlovu MP, followed and two *Daily News* journalists were held by police overnight after interviewing an intelligence officer who claimed Nkala's death was an 'inside job' (see also Section 6.22 – 6.51). **[4k]**

4.42 Some of the approximately 30 people arrested in November 2001 in connection with Nkala's death were detained for weeks and bail hearings for several of the detainees were repeatedly delayed. Two detainees were charged with murder and remained in custody at the end of 2001, six were released on bail after being charged with being accessories to murder and the remainder were released without charge. **[2b]**

4.43 In late November 2001, students clashed with riot police who used teargas to break up a protest in Harare over the killing of a fellow student by a soldier. A soldier who had accused him of being an MDC supporter threw student Lameck Chemvura to his death from a train. Before students could march to parliament to hand in a petition against army indiscipline, riot police sealed off the University of Zimbabwe campus and started to beat them. **[3p]**. On the same day police arrested 19 pro-democracy

activists of the National Constitutional Assembly (an umbrella NGO bringing together student groups, human rights organisations, churches, trades unions and political parties) who tried to stage a demonstration in Harare to protest against plans to amend electoral laws. **[4l]**. A day earlier, Government supporters and self-styled War Veterans, under police escort, had marched to parliament to condemn the MDC for "provoking violence". **[10d]**

4.44 In mid-December 2001, MDC leader Morgan Tsvangirai was detained on two occasions by police in Harare on charges of possessing radio-communication equipment without a licence. Tsvangirai said that the two-way radio, which he used to communicate with his security guards, belonged not to him but his party. **[3ag]**. No licence is required under Zimbabwean law. **[10e]**. In 2000 Tsvangirai was charged with allegedly inciting supporters to violently overthrow President Mugabe but the Supreme Court dismissed the charges in November 2001. **[3ap]**. However, Tsvangirai was due to stand trial on 11 November 2002 on charges of treason. **[9ah]**. The trial date was put back until 3 February 2003. (See section 4.167 – 4.169).

4.45 The radio incident came the same day that President Mugabe, launching his campaign for re-election at a ZANU-PF conference at Victoria Falls, described the MDC as a real terrorist threat and a puppet of white interests. **[10e]**. At the conference President Mugabe warned that he regarded the election campaign as "total war", referring to it as the "Third *Chimurenga*". **[36a]**. The term *Chimurenga* means uprising and refers to the liberation struggle of the 1970s against white minority rule - the "third *Chimurenga* " is the name Mugabe uses for the campaign to seize white-owned land. **[4m]**.

4.46 In December 2001, Trymore Midzi, MDC vice-chairman and youth organiser in Bindura, Mashonaland, was stabbed to death by ZANU-PF supporters and youths from the Government-run Border Gezi Youth Training Centre at Mount Darwin **[3aq]**. He was the fourth MDC official to be murdered in Mashonaland in less than a week. Titus Nheya, the defeated MDC candidate for Zvimba South in the June 2000 parliamentary elections (who lost to President Mugabe's sister Sabina), was stabbed to death in Karoi by suspected ZANU-PF militants. **[34b]**. A fourth murder, of Laban Chiweta, took place in Trojan Mine. The MDC alleged that ZANU-PF's political commissar, Elliot Manyika, trained Chiweta's killers. **[34b]**.

4.47 In December 2001, the MDC and the Zimbabwe Human Rights NGO Forum published lists of people murdered in the political violence that has affected Zimbabwe. The MDC listed 84 people killed since March 2000. Most of them were MDC members but the list includes commercial farmers and farm workers. The Zimbabwe Human Rights NGO Forum listed 48 people murdered between January and November 2001, most of them MDC members. **[12d][35a]**

Bulawayo Local elections, September 2001

4.48 Elections were held in Bulawayo on 8 and 9 September 2001 for the post of Executive Mayor and seven vacant council seats. In the mayoral vote, the MDC won 60,988 (82% of the vote) against 12,785 for ZANU-PF (17%) and 390 for the Liberty Party candidate. Voter turnout was 20.5%, which, although low, was four times the turnout in the 1999 Bulawayo local elections. **[3ak][33]**

4.49 In the vote for the vacant council seats the MDC won all seven seats with 79% of the total vote in the seven wards. Most of the remaining votes went to ZANU-PF with extremely negligible votes to other parties, including ZAPU and the Liberty Party. **[33]**

4.50 The Amani Trust, a Zimbabwean human rights NGO, published a report on the elections. The Trust concluded that the voting reflected the same pattern as that of the parliamentary elections in June 2000, essentially a two party race between ZANU-PF and the MDC, with the MDC having an overwhelming majority of support in urban areas. **[33]**

4.51 The Amani Trust noted that the Bulawayo local elections had been the least violent elections to date in 2001, compared to parliamentary by-elections in Bikita West, Bindura and Makoni West. Nevertheless, the Trust detailed a number of violent incidents that took place during the election campaign, most of them directed at the MDC. These included a gun attack on four senior MDC members at the party's Bulawayo offices on the second day of voting. None of the four, who included party Vice-President Gibson Sibanda MP and Secretary-General Welshman Ncube MP, were injured. Other incidents included the beating by riot police of MDC supporters guarding the party's offices. **[33]**

4.52 On 10 September 2001, by which time it was clear that the MDC had won all the seats contested in Bulawayo, a group of ZANU-PF youth supporters and War Veterans attacked people and passing cars at the Renkini Bus Station. The police did not intervene to stop the attacks, in which a War Veteran stabbed one man who he thought was an MDC supporter. **[33]**

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By elections in 2001

Bindura

4.53 ZANU-PF won the Bindura by-election in July 2001. Border Gezi, a close aide to President Mugabe, won Bindura in June 2000, however, Gezi died in a car accident in April 2001. ZANU-PF's Elliot Manyika polled 15,864 against 9,456 for the MDC's Eliot Pfebve. In June 2000 the voting had been 13,329 for Gezi against 11,257 for Pfebve. Violence and tension marred the by-election campaign and Pfebve was detained and questioned by police over charges by the authorities of illegal campaigning but released after several hours. Voter turnout, at 61%, was high despite the tension. **[3ai]**

Makoni West

4.54 A by-election was held in Makoni West in September 2001, caused by the death in a car accident in May 2001 of Defence Minister Moven Mohachi. Although ZANU-PF only narrowly beat the MDC in June 2000, in the by-election its margin of victory increased to 66%. However, in the Bulawayo mayoral elections held at the same time, the MDC won by a landslide with 80% of the votes cast, a similar margin to that achieved by the party in urban seats in the June 2000 parliamentary elections. (See also Sections 4.48 - 4.52 on Bulawayo local elections). **[3ak]**.

Chikomba

4.55 Chenjerai Hunzvi, MP for Chikomba and War Veterans' leader, died in June 2001. In the subsequent by-election in late September 2001, Chikomba was held by ZANU-PF, which increased its majority by 2,000 votes while the MDC lost 1,500, compared to the June 2000 result. Polling in the by-election was peaceful but human rights groups reported that murder and intimidation, including the death of the MDC's local organising secretary, marred the run-up to the vote. Analysts commented that the result confirmed Zimbabwe's rural-urban split with the MDC gaining most support in urban areas, such as in the Masvingo and Bulawayo mayoral elections, and ZANU-PF winning rural by-elections. **[3aj]**

Legal Challenges to Elections results in 2001

4.56 In March 2001, in the first of the legal challenges against the election results to be heard, the High Court dismissed the MDC's application to have the result in Zvishavane constituency nullified. The Judge, while acknowledging that violence had occurred in Zvishavane, found that there was no evidence that the winning ZANU-PF candidate had approved the actions of War Veterans and ZANU-PF supporters. The MDC will challenge the High Court's ruling on Zvishavane in the Supreme Court. **[3g]**

4.57 In April 2001, the High Court overturned the election result in Buhera North, where the ZANU-PF candidate was declared the winner with 12,850 votes over the MDC leader Morgan Tsvangirai with 10,316 votes. **[5i][7]**. On the same day the High Court also nullified the result in Hurungwe East, where the ZANU-PF candidate was declared the winner in June 2000 with a vote of 18,931 against the MDC's 4,532. **[11a][7]**. In both cases the Judge ruled that there was evidence of intimidation of opposition officials and supporters during the election. **[11a]**.

4.58 Following the High Court ruling nullifying the result in Buhera North, armed police raided the offices of MDC leader Morgan Tsvangirai in Harare and arrested four members of his security team and a member of the public. [11a]. The police stated that the men would be charged under the LOMA. A lawyer acting for the MDC was refused access to the detainees. **[9d].**

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Incidents in 2002

4.59 On 7 January 2002, hundreds of members of ZANU-PF youth militias sealed off the three towns of Bindura, Chinhoyi and Karoi in Mashonaland West. The youths moved from door to door in Bindura ordering people to produce ZANU-PF membership cards. Failure to do so led to beatings. Many of the youths wore green military uniforms marked *"Third Chimurenga"*. Similar events took place in Chinhoyi and Karoi where youths demanded that people who could not produce ZANU-PF membership cards bought them immediately. **[4m]**

4.60 On 14 January 2002, David Mpala, MDC MP for Lupane, Matabeleland was attacked in Lupane by ZANU-PF supporters who slit his abdomen with knives a few hours after abducting him from a shopping centre. A relative described his abductors as known War Veterans. **[38a]**. Mpala's wife said that her husband's attackers were wearing T-shirts bearing the face of the late Border Gezi. **[37a]**. The police confirmed the attempted murder of the MP but could not confirm whether anybody had been arrested in connection with the attack. **[38a]**.

4.61 The attack on David Mpala followed an axe attack by ZANU-PF supporters and War Veterans on seven MDC supporters in MDC offices in Murambinda, Manicaland on 12 January 2002. **[9g]**. Innocent Gonese, MDC MP for Mutare Central, said that instead of helping those attacked the police had apprehended 32 MDC supporters and detained them at a police station. **[38a]**. During the same weekend, MDC offices in Kwekwe, Midlands province, were set fire to by ZANU-PF supporters and police disrupted an MDC rally in Masasa, Buhera district, Manicaland, firing tear gas at 5,000 MDC supporters. Roy Bennett, MDC MP for Chimanimani, who was to address the rally, said that police told him that opposition rallies were now illegal. **[39]**.

4.62 In January 2002, commercial farmers in Karoi, Mashonaland reported that ZANU-PF militants were torturing their farm workers. They were forced to attend all-night ZANU-PF political indoctrination rallies known as "pungwes" and had barbed wire raked across their feet. Farmers said that their workers were too frightened to report the incidents to the police. **[5d]**

4.63 On 19 January 2002, twenty people were injured and thousands tear-gassed after police and ZANU-PF militants intervened to stop an MDC rally at a stadium in Bulawayo. Militants occupied the stadium and beat MDC supporters while police tear-gassed people waiting outside. The police claimed that they did not target MDC supporters but intervened to stop violence. **[8d]**

4.64 In January 2002, Bidi Munyaradzi, director of the human rights NGO ZimRights, said that there were signs that the Government was trying to honour commitments made at the Southern African Development Community (SADC) meeting in Malawi earlier in January 2002. However, he noted with concern that the Government had labelled NGO's and human rights organisations as opposition supporters. The pro-ZANU-PF and state funded 'The Herald' newspaper had claimed that the Amani Trust was funding covert operations against the Government and was linked to the MDC. **[10b]**

4.65 In the run-up to the presidential election in March 2002, there were many acts of violence, mainly perpetrated by Government supporters and War Veterans against MDC activists and supporters. In early February 2002, Abednico Bhebhe, MDC MP for Nkayi, Matabeleland South, was shot and seriously injured by unidentified attackers. **[3bb]**. The Zimbabwe Human Rights Forum recorded 16 political deaths, mostly of MDC supporters, in January 2002 and a further 16 deaths in March 2002, 11 of them killed in the aftermath of the presidential election, taking the number of deaths related to political violence to 48 by the end of March 2002. **[37e]**.

4.66 After the controversial victory of President Mugabe in the presidential election in March 2002, ZANU-PF supporters, youths and members of the police embarked upon a campaign of retribution against MDC officials and suspected supporters. Five MDC polling agents were reported to have been murdered after the election, three of them allegedly killed by soldiers. Other incidents of attacks on and torture of polling agents were reported. In April 2002, Amnesty International expressed concern at the mounting reports of rape and sexual torture perpetrated by ZANU-PF militias. **[37e]** Thousands of MDC supporters, including two MDC MPs, fled their constituencies in Manicaland province in a wave of violence that affected the area after the election. Shortly before

the election, Evelyn Masaiti, MP for Mutasa, was reportedly beaten by soldiers at a police station, where she had gone to investigate a case in which ten MDC polling agents had been arrested. **[9y]**

4.67 Dr Frances Lovemore, the Medical Director of Amani Trust, was arrested in August 2002 and accused of "publishing or communicating false statements prejudicial to the state". These referred to reports which the Amani Trust produced about the victims of Government torture. On 13 November 2002 the Zimbabwean Government produced a list of NGO (Non Governmental Organisation) which, they claim, threaten peace and stability in Zimbabwe. On the list was the Amani Trust, a respected Human Rights body which has criticised the Zimbabwean Governments actions on numerous occasions. The Government claimed that the Trust did not comply with the Private Voluntary Organisations Act 1997. Despite being in force since 1997, the Act was never fully enforced. **[14h]**.

4.68 The bodies of four MDC activists and one ZANU-PF activist were found in a dip tank in Nkayi, Matabeleland. Villagers questioned the other ZANU-PF youths about the whereabouts of the dead ZANU-PF activist. After being beaten, the youths admitted to killing the activist and told them that his body was in the dip tank. The villagers contacted the police who mounted a search operation which also uncovered the four MDC youths' bodies. The youths then confessed that War Veterans killed the four MDC members. Two War Veterans were arrested. **[3i]**.

Presidential Election, March 2002

Background

4.69 On 9 January 2002, President Mugabe set 9 and 10 March 2002 as the dates for the presidential election to be held. There were many acts of violence committed during the election campaign, mainly perpetrated by supporters of ZANU-PF and War Veterans. **[34a]**

4.70 In early January 2002, Agrippa Madlela, leader of the small ZAPU party, announced that he would not contest the presidential election so as to avoid splitting the opposition vote in Matabeleland and backed MDC leader Morgan Tsvangirai for the presidency. Madlela alleged that ZANU-PF was targeting him for 'elimination' ahead of the election. His decision split ZAPU into two factions. Paul Siwela, leader of a splinter group, announced his candidacy for the presidency, standing for ZAPU. **[9b][20e]** In addition to Mugabe, Tsvangirai and Siwela, Wilson Khumbula, the MP for Chipinge South, contested the presidential election for ZANU-Ndonga and Shakespeare Maya stood as the National Alliance for Good Governance candidate. **[3be]**

4.71 A statutory instrument published by the Government on 18 January 2002 forbade monitors, polling agents and election agents from travelling in vehicles transporting election ballot papers. Agents and monitors are required to use their own transport to follow vehicles carrying ballot papers. The statutory instrument permitted monitors and agents to inspect the vehicles carrying ballot papers at the polling station and at the counting centre. Political parties and civic groups accused the Registrar-General's office, which is in charge of conducting elections, of being partisan. The statutory instrument permits only the official Electoral Supervisory Commission to monitor

elections and NGOs that have monitored previous elections and foreign monitors were barred from overseeing elections. They can, however, provide election observers, but only on invitation from the Government. **[20f]**

4.72 Under the General Law Amendment Act (GLAA), not only was voter education forbidden, but also foreign and independent missions were forbidden to monitor elections. The MDC challenged the GLAA in the Supreme Court and in February 2002, it was repealed. **[1c]**.

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Election Result

4.73 The official result declared Mugabe the victor, with 54% of votes cast. The result gave Mugabe 1,685,212 votes against 1,258,401 votes for Morgan Tsvangirai. Three minor candidates received 6% of votes cast. Overall turnout was officially given as 3,130,913, representing 55.9% of the electorate. **[3az]**

4.74 Morgan Tsvangirai described the result as "daylight robbery" and claimed that the result was rigged, with irregularities in the count and over one million people being disenfranchised. Most foreign and local observers considered the vote to be deeply flawed, although an observer team from the Organisation of African Unity described the elections as transparent, credible, free and fair. South African observers blamed difficulties in the polling on administrative oversights. **[3az]**

4.75 A preliminary report by the MDC's elections directorate in late March 2002 alleged that over 400,000 votes cast in the election could not be accounted for. The alleged discrepancy emerged when the Electoral Supervisory Commission (ESC) and the Registrar-General published conflicting figures. The official result gave Mugabe 426,811 votes more than Morgan Tsvangirai, but the MDC alleged that 432,406 votes could not be accounted for. Examples quoted in the MDC report included Bubi-Mguza, where the ESC recorded twenty thousand more votes cast than the Registrar-General noted. **[9o]**

4.76 In early April 2002, the ‘International Herald Tribune’ reported that ZANU-PF had manipulated the election results from a command centre in Harare. The report claimed that ZANU-PF realised that Mugabe was in danger of losing the election by between 200,00 to 300,000 votes and were particularly surprised at how well Morgan Tsvangirai was polling in Mashonaland, which was expected to back Mugabe. Fearing defeat, officials in the ZANU-PF command centre, it is alleged, added tens of thousands of names to Mugabe's total before ballots were sent to the Registrar-General's office for final counting. The report noted that in the counting there was a sudden jump of approximately half a million in the number of votes recorded as having been cast. **[9p]**

4.77 The August 2002 census indicated that the population was 11.6 million, significantly lower that the Governments estimate of 14.5 million. **[26a]**. This means that the Governments claim that the 5.6 million voters registered on the Governments electoral register comprises 48.3 percent of the population. This, the independent Daily News reported, made the number of registered voters demographically impossible. **[9bp]**.

4.78 The full Commonwealth Observer Group report in late March 2002 on the presidential election concluded that the elections had not allowed for a free expression of the will of the electorate. The report noted that ZANU-PF supporters raped and killed MDC supporters while official security agents terrorised opposition followers. The observer team, led by former Nigerian President General Abdulsalami Abubakar, recommended the immediate repeal of all repressive laws passed by the Government in the run-up to the election, particularly the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA). The report castigated the police for refusing to attend reported cases of attacks against MDC supporters. **[9n]**

4.79 In April 2002, the MDC mounted a legal challenge to try to overturn the result of the presidential election, accusing Mugabe and ZANU-PF of massive fraud and demanding a fresh election. Mugabe denied the allegations of electoral fraud and insisted that there would be no new election until his renewed six-year term had expired. In the meantime, talks between the Government and the MDC continued under South African and Nigerian mediation. **[3ay]**

4.80 In late March 2002, after the conclusion of the presidential election, Morgan Tsvangirai was arrested on charges of plotting to assassinate Mugabe and charged with high treason. Harare Magistrates' Court granted him bail although he was ordered to surrender his passport and report twice a day to police. The MDC described Tsvangirai's arrest as harassment. Welshman Ncube, the MDC Secretary-General, and Renson Gasela MP, the Shadow Agriculture Minister, were also charged with treason. **[9k]**. Other forms of politically motivated intimidation were recorded. Between the Presidential election, and the end of April 2002, more than 50 people were reported to have been killed. In parallel, the rate of land seizures increased, bringing the total land scheduled for redistribution to 85 percent of the total commercial farmland. **[1b]**.

4.81 ZANU-PF and MDC representatives attended South African and Nigerian brokered talks in early April 2002. The MDC insisted that it was talking with ZANU-PF on the basis that ZANU-PF was a political party and not the government. The MDC pressed for a re-run of the presidential election. Presidents Mbeki of South Africa and Obasanjo of Nigeria had already met Mugabe and Morgan Tsvangirai separately, proposing a government of national unity, an idea rejected by the MDC. The inter-party talks continued in April 2002 but the leader of the MDC delegation to the talks, Professor Welshman Ncube, the party's Secretary-General, stated that he did not believe the talks would yield anything because ZANU-PF had stolen the election and would not surrender its "stolen victory". **[9q][9r]**

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Rural Elections, September 2002

4.82 Rural district council elections were held across Zimbabwe on 28 and 29 September 2002. In early September 2002 the MDC reported that 36 of its candidates in Midlands province had withdrawn from the elections in fear of their lives after threats of violence from ZANU-PF supporters. The MDC stated that the worst affected areas were Shurugwi, Chirumhanzu, Mberengwa West and Zvishavane. The MDC also stated that its remaining candidates found it difficult to campaign openly as rallies were often disrupted by ZANU-PF youth supporters and the police would not intervene against them. **[9aa]**

4.83 Also in early September 2002, Professor Welshman Ncube, the MDC's Secretary-General, accused ZANU-PF of increasing the level of its militia in rural areas to intimidate the MDC and deter it from campaigning for the rural elections. The MDC reported that in Matabeleland North the MDC MP for Tsholotsho, Mtoliki Sibanda, had been forced to leave the area by War Veterans and militia. It was also reported from Matabeleland North that 10 MDC candidates for the rural district elections had withdrawn from the elections following threats from War Veterans and the militia. **[37g]** In Mashonaland West, it was reported that in Chegutu the MDC MP for Mhondoro, Hilda Mafudze, was detained by 200 ZANU-PF supporters who laid siege to the rural district council offices. An MDC official was reportedly assaulted and eight of the party's 11 candidates were chased away. **[9ab]**

4.84 Other problems, such as late delivery of ballot papers also marred the process in some areas. Ultimately, the MDC only fielded 646 candidates for 1,397 rural districts and 27 urban wards that were to be contested. This is because other candidates were prevented from contesting their wards due to acts of violence against its members. This meant that ZANU-PF won 700 seats uncontested. **[9ac]**.

4.85 The Electoral Supervisory Commission (ESC) received reports of violence in the run up to the elections. Whilst some cases were corroborated by the police others were not. **[20g]**. On 27 September 2002, the US State Department condemned the climate of fear and intimidation that surrounded the run up to the poll. They also made the observation that unfair registration criteria were placed on opposition candidates. **[2c]**.

4.86 The MDC protested against the arrest of two of its Members of Parliament. Roy Bennett MP for Chimanimani, his bodyguard and a South African accompanying them, were arrested after taking pictures of a polling booth. Bennett was also charged under Section 8 of the Land Acquisition Act, for allegedly failing to vacate his farm. All three were reportedly beaten. **[14e]**. Tichaona Munyanyi MP was arrested on 1 October 2002 in connection with the alleged murder of a ruling party supporter. **[10k]**

Party	Wards
ZANU-PF	1,303
MDC	46
Independents	7
ZANU-Ndonga	0

[29b].

4.87 After the elections, the MDC claimed that a campaign of violence and retribution had been launched by ZANU-PF supporters against the number of its victorious candidates. Although ZANU-PF disputed this claim, and the police state that they have received no reports of this nature, the MDC claim that a number of their candidates have had to flee their homes. **[37i]**

4.88 In October 2002, the Human Rights Forum put the figure of politically motivated killings since 2000 at 151. 58 of these deaths had occurred in 2002. Prior to the March Presidential elections the death toll stood at 132, with the remaining 19 people dying in

post election violence. In an open letter to the South African President, Thabo Mbeki, Amnesty International quote the Zimbabwe Human Rights Forum's figure of 1,050 cases of torture that have been reported in the first 10 months of 2002. **[11e][14h]**. Between January and November 2002 the MDC estimated that 1,060 activists had been tortured, 227 abducted and beaten, 58 were murdered, 111 unlawfully detained and 170 tortured and released without charge. **[3m]**. According to the Amani Trust, an estimated 70,000 MDC supporters were internally displaced from their homes during 2002. This compares to 10,000 in 2000. Some Internally Displaced People moved into urban areas, to live with family members, but some, particularly those in the rural regions without reliable access to food. **[2e]**. Further evidence of violence and intimidation was apparent during the local council elections of 28-29 September 2002 and the Hurungwe West by-election. **[20g][33]**.

4.89 On 18 December 2002 reports emerged that a British-South African plan to arrange a meeting between Tsvangirai and Mugabe to discuss the political future of Zimbabwe. The plan appeared to involve the resignation of Mugabe, who would initially be replaced by Emerson Mnangagwa, the current Speaker of Parliament. Tsvangirai refused to participate, stating that it may legitimise an illegitimate regime. **[3y]**. It appears that Mnangagwa has the support of the leader of Zimbabwe's armed forces, General Vitalis Zvinavashe. Tsvangirai said any deal would have to involve fresh, free elections but that he may consider amnesty for Mugabe. **[3aa]**. However, Mugabe denied the existence of such a plan, saying it would be foolhardy and counter-revolutionary for him to step down so soon after winning the Presidential election. **[3as]**.

By-elections in 2002

Hurungwe West

4.90 Following the death of the ZANU-PF MP, Marko Madiro, a by-election was held for the seat of Hurungwe West in Mashonaland, on 29 September 2002. Two candidates contested the seat, Phone Madiro for ZANU-PF, the brother of the former MP, and Justin Dandawa on behalf of the MDC. Out of the 54,206 registered voters, 19,064 cast their ballot. Madiro won, with 15,882 votes compared to Dandawa's 2,665. Dandawa stated that he intended to challenge the result in court, citing intimidation and violence in the run up to the election. **[42a]**. Eight days prior to the election a member of the MDC named Nikoniari Chabvamudeve, was reportedly axed to death by suspected ZANU-PF supporters. Additionally, Dandawa was forced to flee his rural home. **[20g]**

Insiza

4.91 In August 2002, the Movement for Democratic Change (MDC) MP, George Joe Ndlouv died. A by-election was held in the constituency of Insiza in Matebeleland South. It was held over the weekend of the 26-27 October 2002. Andrew Langa ran for the Zimbabwe African National Union – Patriotic Front (ZANU-PF) and Siyabonga Malandu Ncube stood for the MDC. **[9bm]**. Prior to the election, allegations of intimidation and misappropriation of food relief were reported. The MDC allege that maize was being distributed by ZANU-PF officials at two polling stations and that campaigning was going on within 100 metres of the polling station, in contravention of electoral regulations. Government officials denied the allegations, referring the

issue to the Electoral Supervisory Commission (ESC) who in turn said that its people on the ground were counting ballots and were difficult to contact. **[10s]**. The World Food Programme (WFP) had suspended the delivery of food aid in two wards in Insiza earlier in the month after ZANU-PF officials intimidated its implementing partner, stole three tonnes of food aid and distributed it as part of its by-election campaign. **[10m]**. WFP resumed their programme in Insiza in December 2002. **[54a]**. The MDC claim that their candidate was prevented from entering the constituency and that in the week before the election, he survived an assassination attempt. **[10s][9bm]**. According to the party, the MDC offices and vehicles were extensively damaged in Bulawayo during an attack by 100 stone throwing youths wearing ZANU-PF uniforms. **[3bz]**.Turn out for this election was 42 percent, with 17,521 of the 45,000 registered voters casting their ballots. ZANU-PF won the seat with 12,115 votes to the MDC's 5,102. **[9bm]**.

Kuwadzana

4.92 On 22 October 2002 MDC MP for Kuwadzana, Learnmore Jongwe, was found dead in his cell at Harare's Chikurubi Prison. **[5bf]**. In the run up to the March 2003 by-election, the opposition MDC claim that 10,000 voter's names have been added to the electoral role since the March 2002 Presidential election. The anomaly was discovered after the MDC carried out a physical check into the differences between the voters' roll from the March 2002 election and the new roll issued by the Registrar-General. The MDC has stated that many of the "new voters" are not known at the addresses they allegedly live at because some are residents from neighbouring areas, whilst others have long since been dead. The Registrar-General has been accused of manipulating the list in favour of the ruling ZANU-PF party. **[37p]**. On 29-30 March 2003 the by-election to fill the seat was held. Amid reports of violence and electoral malpractice **[10t][37p]** the MDC managed to retain their seat, with their candidate Nelson Chamisa winning 12,548 votes to ZANU-PF's David Mutasa's 5,022. **[10u]**.

Highfield

4.93 Munyaradzi Gwisai, the MDC MP for Highfield constituency in Harare, was found guilty of six charges of misconduct under the MDC's constitution, and expelled from the organisation. Making the announcement on 23 November 2002, the MDC also said that it would approach the Speaker of the House to inform him that the Highfield seat is now vacant. **[9bn]**. The by-election for the seat took place on 29-30 March 2003, the same weekend as the Kuwudzana by-election. Again, in an atmosphere of intimidation the MDC's Pearson Mungofa emerged the victor garnering 8,759 votes against 4,844 for ZANU-PF's Joseph Chinotimba. **[10u]**.

Legal challenges to elections results in 2002

4.94 In January 2002, the High Court overturned the result for the Seke constituency, which was won by the MDC in June 2000, when the MDC candidate Tumbare Mutasa received 10,821 votes against 9,236 votes for his ZANU-PF rival. Seke was the only seat won by the MDC in Mashonaland East province in June 2000. **[7][37d]**

Incidents of 2003

4.95 On 13 January the MDC Mayor of Harare, Elias Mudzuri, was released from prison, along with 21 others, without charge. Mudzuri and the others were arrested

the previous day during a meeting. The police said that Mudzuri did not have approval to hold the meeting and charged the attendee's under POSA. Mudzuri said the meeting was about council business, the court seemingly agreeing with him by dismissing the charges, saying that they did not disclose an offence. **[10o]**.

4.96 On 16 January General Vitalis Zvinavashe admitted that there was a crisis in Zimbabwe that should not be ignored. He recommended the establishment of a task force to remedy the situation. Zvinavashe denied that he was part of a plan to replace Mugabe. **[3at]**.

4.97 In the week before Mudzuri's arrest, the Government announced non elected governors would be appointed to Harare and Bulawayo. Analysts perceive this as an attempt by the Government to undermine the power of the Mayors of these cities, both of whom are MDC members. An official from Transparency International stated that the mayors will become nothing more than secretariats to the governors. **[10p]**.

4.98 Job Sikhala, the MDC MP for St Mary's constituency was arrested on 13 January 2003, along with four others. He was initially charged with burning a bus, but this was later changed to Section 5 of POSA, attempting to overthrow the Government. **[9am]**. This was the 17th time he had been arrested. **[3m]**. Sikhala was taken by the police to an unknown location and tortured. He was beaten, had electricity applied to his toes and genitals and was urinated on by the police officers conducting the torture. Sikhala also states that he was forced to drink a liquid that his captors said was urine but he suspected was poison. **[9an]**. The trial magistrate ordered a medical examination of Job Sikhala. It concluded that he did have burns to his genitals and bruises about his body. **[50]**. Independent medical examinations reached the same conclusion as did a government hospital. **[9ao]**. The Government has since admitted that he was tortured and promised to bring those responsible to book. **[3m]**. The charges against Sikhala were thrown out on 5 February 2003. **[9ap]**.

4.99 Gabriel Shumba, a human rights lawyer, was also arrested with Sikhala and had his charges changed from burning a bus, to plotting to oust the Government. **[37b]**. He also claims to have been tortured by the police, having electricity applied to an artificial tooth, legs and genitals. **[50]**. Again, this treatment was confirmed by independent and government medical examinations. After being acquitted, Shumba claims he received threats against his life and subsequently fled the country. **[37b]**.

4.100 Following Sikhala's release, Amnesty International condemned the latest crackdown on opposition supporters. Citing the treatment of Sikhala, as well as the arrest of Pauline Mpariwa, the MDC MP, the arrest of Mudzuri and the threats to the Amani Trust, AI said that this cycle of violence would lead to a bleak future for the country. **[14i]**.

4.101 Sikhala and the four others arrested with him announced their intention to sue the police for a combined total of Z$35 million. Charles Selemani, the lawyer acting for the four, submitted the papers to the police on 18 February 2003. **[9aq]**.

4.102 One ZANU-PF supporter died and seven were injured following a petrol bomb attack on a party meeting in Kuwadzana on 21 January 2003. The Police blamed the

MDC and arrested 16 people all allegedly from the opposition. **[10q]**.

4.103 According to Paul Themba Nyathi 30 people were detained at the end of January, after the police imposed an unofficial curfew in Kuwadzana. Nyathi the MDC's spokesman, claimed that people who don't make it home, often because of transport problems caused by fuels shortages, are beaten and tortured by ZANU-PF militia, the police and the Central Intelligence Organisation (CIO). **[9ar]**.

4.104 In the first week of February 2003, Tendai Biti MDC MP was arrested in Harare for holding a public meeting. Some constituents were also arrested. Biti was charged under the POSA legislation and held for two nights. Also in early February, another MDC MP, Gabriel Chaibva, was held for five hours along with MDC advisor Ian Makoni in Hwange. **[49]**.

4.105 On 13 February 2003 police raided a church, where a meeting of reform groups was being held. In addition to four human rights activists, a bishop and a USAID (United States Agency for International Development) official were arrested. The US official was released soon after her identity was established. The police were informed of the meeting, although officers claim that it was not approved. **[8f]**. Bishop Trevor Manhanga was held for one day. **[3au]**. The head of the Zimbabwean chapter of the anti-corruption NGO Transparency International, John Makumbe, was also one of those detained by the police at the meeting. He was handcuffed and then assaulted by the police. **[51]**

4.106 On 14 February 72 demonstrators were arrested in Harare and Bulawayo during the St Valentine's Day march for peace and love. The demonstrators handed out red roses as a symbol of their appeal to end State violence. MDC MP's Trudy Stevenson and Evelyn Masaiti were among those arrested. **[49]**.

4.107 There were reports that three ZANU-PF youth militia camps that were established in shopping centres of Kuwadzana, were dismantled prior to the start of the Cricket World Cup. Nelson Chamisa stated that this was not an act of good faith, but a ruse meant to hide the activities of the militia from the world's media. **[9as]**.

4.108 72 MDC supporters were arrested on their way back from a rally on 2 March 2003. The MDC President, Morgan Tsvangirai addressed the gathering. The 72 were taken to a number of police stations where they were beaten by police, before they were released. Amnesty International cited this as one of a number of examples of human rights abuses in a plea to the Commonwealth for them to take a strong line with Zimbabwe. **[10r]**.

4.109 On 3 March 2003 it was reported that 26 members of the MDC were arrested outside State House, Mugabe's official presidential residency in Harare. The police claim that the activists were provoking the guards and were arrested for behaviour likely to cause a breach of the peace. The MDC activists claim that they were tortured for four hours in State House before being taken to a police station. The MDC state that five were seriously injured and required hospital treatment. **[3bp]**.

4.110 21 people were arrested for holding what the state owned newspaper The Herald called an illegal meeting in Harare over the weekend of 8-9 March 2003. This

incident was an example of the increase in tensions in prior to the 2 by election in the city, due to be held later in the month for the Highfield and Kuwudzana constituencies. **[3bq]**.

4.111 On 13 March 2003 the independent Daily News of Zimbabwe reported that Tafadzwa Musekiwa, the MDC MP for Zengeza, had resigned from his seat. The newspaper claimed that Musekiwa had fled to the UK and had been granted asylum. Musekiwa claimed that the reason for his decision was that his security could not be guaranteed in Zimbabwe. He added that, his resignation was in line with the constitutional requirement that an MP should not be absent from Parliament for 21 consecutive sittings. The 20 March 2003 marked the 21st sitting that Musekiwa missed. However, the MDC spokesman, Paul Themba Nyathi, denied that Musekiwa had resigned. **[9at]**.

4.112 ZANU-PF offices in Chinhoyi were damaged in a petrol bomb attack on 21 March 2003. The party blamed the MDC for the attack, but Paul Themba Nyathi denied this, stating it was an insider from ZANU-PF. Soldiers were dispatched to Chinhoyi and were allegedly assaulting anyone suspected in the attack. Philip Chiyangwa, the chairman of ZANU-PF in Mashonaland West also claimed that the MDC bombed a bridge in Kadoma. **[9au]**.

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Mass Action 18-19 March 2003

4.113 On 18 & 19 March, the MDC organised its first mass action since the controversial Presidential elections in March 2002. This mass action took the form of a nation-wide strike. Although the police claimed that this strike was illegal and a failure **[3bq]** the MDC said it was an overwhelming success. **[3br]**. Independent media claimed that the major cities in Zimbabwe were brought to a standstill. Harare, Bulawayo, Chitungwiza, Kadoma and Masvingo were all effected. People stayed at home leaving supermarkets, businesses, factories and banks closed. However, in the cities of Mutare, Gweru, Kwekwe and Zvishavane the strike was ineffective, although on the second day many businesses in Mutare, Gweru and Kwekwe did close. **[9av][9aw]**. The police did force some businesses in Mutare to re-open and the Mutare North MP, the MDC's shadow defence minister Giles Mutsekwa, was arrested on unspecified charges. **[9aw]**.

4.114 The police said they were looking for the ring leaders of the strike **[3br]** and arrested 63 people on the first day and 130 more on the second. **[37n]**. This latter figure included MDC MP's Silas Mangono (Masvingo Central) and Austin Mupandawana (Kadoma Central). In one incidence of violence on 18 March, a group of soldiers and state agents assaulted three workers from Roy Bennet MP's farm. As a result one of the men, Steven Tonera, died. He, along with the other two men, was accused of being an MDC supporter and of burning a bus. **[14j]**.

4.115 Following the success of the strike, the MDC issued a list of 15 demands to the Government. The demands included the release of political prisoners, an end to violence from state agencies, the depoliticisation of the War Veterans, the security forces and of food aid and repeal of repressive laws. The MDC gave the

Government until 31 March to meet these demands, or face further mass action. **[9ax]**. Following the expiry of the deadline, the MDC said that they would decide carefully what their next step would be. Paul Themba Nyathi said that he did not want to draw the people out into an ambush. **[3bs]**.

4.116 On 21 March, Mugabe responded to the strike by claiming that the West, including the UK, the USA, Holland and Germany were financing violence and terrorism in Zimbabwe. Mugabe also asked the security forces to respond promptly and vigorously to the strike. **[3bt]**. He stated that those who perpetrate this violence and terrorism "must be severely punished under our laws" and that "those who play with fire will not only be burned, but consumed". **[3bu]**. In the same speech he compared himself to Hitler, claiming that he was the Hitler of the past, is still a Hitler and can be Hitler ten fold. **[9ay]**.

4.117 With the worlds attention diverted by the war in Iraq, Mugabe exploited the situation to crackdown on his critics. **[36b]**. Amnesty International claimed on 24 March that approximately 500 people had been detained in what it described as a "new and dangerous phase of repression". A doctor in a Harare hospital stated that more than 250 people had been treated after being beaten by security forces. Many had broken fingers and toes, some had broken legs. A Zimbabwean human rights activist believed that the attacks were focused against the MDC local leadership. **[3bu]**. There were accounts of soldiers raiding suspected MDC supporters' homes, assaulting them and their families. **[9az]**. On one occasion, soldiers raided the home of an MDC secretary in Harare. The soldier's used their rifles as objects to rape her with, whilst forcing her to make noises as though she were having sex. They then made her drink her child's urine and made her urinate on herself. **[3bv]**. By the first week in April, the number of arrests had risen to 600. **[3bw]**.

4.118 The US Department of State issued a strongly worded condemnation of Mugabe and the tactics employed by the security forces in the wake of the strike. In what it described as unprecedented violence, the State Department said that the attacks were directly attributable to Mugabe's speech of 21 March. **[2f]**.

4.119 30 armed police officers and soldiers raided Gilbert Shoko's home on 22 March 2003. Mr Shoko is the MDC MP for Budiriro. The men assaulted Shoko, and stole Z$120,000. The men were demanding to know what the MDC planned to do next, after the 2 day stay-away. **[9ba]**. Another MDC MP, Evelyn Masaiti, fled her home on 20 March after receiving visits from strangers. **[9bb]**. Masaiti is not the only MDC MP who has fled her home since the strike. Paurina Mpariwa MP for Mufakose also fled after the mass action. Mpariwa said that her home had been ransacked by men who were looking for her and her husband, the MDC MP for Glen View Paul Madzore. **[9bc]**. Both Mpariwa and Madzore were also arrested on separate occasions in January 2003. **[9bd]**.

4.120 Blessing Chebundo MDC MP for Kwekwe and six other MDC supporters were arrested on 28 March, allegedly for possessing dangerous weapons. However, they were released the following day after the police failed to find any such weapons. **[9be]**.

4.121 On 28 March, the Crisis in Zimbabwe Coalition (CZC) issued a report on the

violence of 20 – 24 March, the period immediately following the stay-away. The report found that this was the first time that most of the perpetrators appeared to belong to the military. They wore army uniforms and drove military vehicles. Others wore police uniforms and some victims were taken to police stations for interrogation, later to be handed over to ZANU-PF youth militia for further beatings. The CZC described the violence as more organised than has been seen in the past, and said that the torture and interrogation were systematic, an act of brutal repression against dissent. 250 people required hospital treatment in the short space of time this figure is even higher than over an election. More than thirty of the wounded were admitted for further care for injuries more severe than previously seen. All of those examined by medical personnel had injuries consistent with weapons used in past cases of torture. The report also describes the types of tactics and weapons used in the attacks. These include gun butts, chains, whips, electric shocks, and soldiers urinating in their victims mouths. **[52a]**.

4.122 On 31 March 2003 Gibson Sibanda, the MDC vice-president, was arrested and charged under Section 5 of POSA. Sibanda's lawyer, Josphat Tshuma, claimed that Sibanda was accused of organising the stay-away of 18 & 19 March. **[9be]**. Sibanda was eventually freed on bail of Z$1 million after eight days in custody. He was barred from leaving Zimbabwe, meaning that all of the top three leaders of the MDC cannot travel abroad. Minutes after Sibanda's release, Paul Themba Nyathi, the MDC spokesman who had attended Sibanda's bail hearing, was arrested. **[3bw]**. Nyathi was released after four days detention. The High Court ordered his release after the police failed to bring charges against him. When asked why the authorities had not brought Nyathi to court earlier, the State representative said he was not sure why. **[9bf]**.

4.123 Two more MDC MP's, David Mpala and Jealous Sansole were arrested on 9 April, bringing the total number of MDC MP's arrested since the stay-away to six. **[3bx]**. Both were released on 12 April. Sansole was bailed for Z$50,000 after the police changed the charge against him three times. Mpala and Sansole's brother, Mhaza, were released after the police could not find a charge against them. **[9bg]**. The MDC have subsequently announced their intention to sue a number of Bulawayo police officers over Mpala's arrest. **[9bh]**.

4.124 In the early hours of 24 March, soldiers raided the Royal Crown night club in Chitungwiza and forced those present to have unprotected sex with each other. Opposition MP for Seke, Ben Tumbare-Mutasa, highlighted the point that given the high prevalence of HIV/AIDS in Zimbabwe there is a high risk that some of those forced to have sex would have contracted the virus. **[9bi]**.

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ZCTU strike 23-25 April 2003

4.125 Following the government's decision to raise the price of petrol by approximately 200 percent in mid April 2003, the Zimbabwe Congress of Trade Unions (ZCTU) announced a three day national strike, from 23 - 25 April. **[3de] [9cs]**. The price of fuel had already increased by 95 percent in previous weeks. **[10aj]**. Although the ZCTU stated that this was not a political action, but an attempt

to protect it's members from massive rises in commuter costs, the police arrested eight Union leaders on the first day of the strike. **[10ah][10bb]**. Among these was Elias Mlotshwa, ZCTU's second vice-president. **[9ct]**.

4.126 On the second day of the strike, soldiers reportedly forced all the shops in Masvingo to open. 16 more ZCTU activists were also arrested during the operation. A further eight ZCTU activists were arrested on the first day of the strike in Gweru **[9ct]**.

4.127 The strike was hailed as a success by the ZCTU, who claimed that 90 percent of its members stayed away from work, resulting in most businesses being shut down. **[3cp]**.

4.128 Following the strike, the security forces arrested numerous more people. Soldiers reportedly assaulted people In Chitungwiza, Seke, Harare and Mutare. **[9fa]**.

4.129 Another response to the strike was that some workers who participated in the strike were fired from their positions. According to ZCTU, 2,800 postal workers were dismissed from their jobs, including the ZCTU president, Lovemore Matombe. **[10aj]**.

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Mass Action 2-6 June

4.130 In late May 2003 the MDC announced its intention to launch a "final push" against the government. The party announced a week long stayaway, calling for people to forego work in order to attend demonstrations against the government. **[3ct]**.

4.131 The Government warned that Tsvangirai might be arrested should the stayaway and marches occur. Also the High Court made a ruling banning the protests. The police, who sought the Court Order, claimed that the protests would undermine law and order and challenge the country's democracy. **[3cu]**. 34 others, including supporters and members of the MDC were arrested on the weekend prior to the start of the mass action. Among these 34 was Peter Karimakwenda an MDC councillor for Dzivaresekwa Two. Paurina Mpariwa, the MDC MP for Mafakose, claimed that this was an attempt by the authorities to discourage people from participating in the upcoming mass action. **[9cy]**.

4.132 Morgan Tsvangirai claimed that the High Court order was not binding. Despite this he was arrested on 2 June, the first day of the action. **[3cu]**. Incidents of unrest were reported on 2 June with police clearing the main streets of Harare using tear gas and beating people with batons and whips. It was also reported that cars belonging to white people were attacked. **[36c]**.

4.133 In their report "Rights under Siege", Amnesty International (AI) attacked several pieces of legislation, which it states the government use to silence dissent, perpetrate human rights violations and place basic human rights, under siege. AI highlighted the Public Order and Security Act, the Access to Information and

Protection of Privacy Act and the Private Voluntary Organisations Act as examples of recently enacted legislation which breach the human rights of those in Zimbabwe. AI also urged the Zimbabwean government to bring legislation in line with the principles laid down in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, both of which Zimbabwe is a signatory to. **[14l]**.

4.134 The Crisis in Zimbabwe Coalition, in their report 'Defiance vs Repression; Critical Reflections on the Final Push', reported that members of parliament, a mayor, councillors, pro-democracy activists, students and unfortunate passers by were all arrested in the week long protest. The report continued stating that the security forces used dogs, teargas, armoured vehicles, water cannons, helicopters and live ammunition to disperse peaceful demonstrations in Harare and Bulawayo. **[52b]**.

4.135 The same report states how police reportedly intimidated passers by, by forcing them to do press-ups or ordering them to carry their bicycles above their heads. A similar police presence was reported in Bulawayo, Mutare, Gweru and other major towns. **[52b]**.

4.136 In addition to the police presence, thousands of youths loyal to ZANU-PF gathered at the Harare ZANU-PF headquarters. On Friday 6 June many were deployed across the city at points where pro-democracy activists might have gathered. Police, Army and groups whom the Crisis in Zimbabwe Coalition call para-militaries moved through high density suburbs, particularly in Harare and Bulawayo, intimidating individuals and locating MDC organisers homes. The Army also gave uniforms to ZANU-PF youths, who assaulted suspected MDC sympathisers. **[52b]**.

4.137 On Wednesday 4 June, the police raided the home of Councillor Mazaranhanga and assaulted him. **[9cz]**. Mazaranhanga was taken along with his nephew, Tichaona Kaguru, to Mabvuku where they were severely beaten and then abandoned in the bush. Tichaona Kaguru died of his injuries later that day at Chikurubi Clinic. **[14k][52b]**. The police dispersed mourners at Kaguru's wake on Friday 6 June and assaulted his mother. **[52b]**. A second person died during the 5 day protests. **[14k]**.

4.138 According to a report by the Zimbabwe Association of Doctors for Human Rights, medical reports were obtained for more than 150 people during the week with injuries resulting from state organised violence. Testimonies taken from many of the victims indicate that uniformed military personnel forcibly entered their homes in the early hours of the morning and subjected them to beatings using blunt objects for up to an hour. The victims were accused of organising the mass action. Following the beating the victims were forced to hand over valuables and foodstuffs to the military personnel. Approximately 40 people were examined in casualty departments on 4 June alone. **[61]**.

4.139 Also on 4 June the security forces entered uninvited into the Avenues Clinic, the largest private hospital in Harare. **[61]**. The officers told people to lie down. They then searched the hospital threatening and harassing patients. They left after reportedly abducting seven opposition supporters. **[14k]**.

4.140 Reports state that between 400 and 814 people were arrested during the 5 day protest. **[14k][9da]**. Neither the government nor the MDC came out of the protests on top. The MDC failed to mobilise the population into massive demonstrations, largely due to the government's determined efforts to prevent this. However, the government couldn't prevent the MDC lead stayaways from work. **[3cv]**. In Bulawayo, those arrested included Milton Gwetu the MP for Mpopoma and the city's Mayor, Japhet Ncube. The MDC MP Silas Mangono was arrested in Masvingo and Tendai Biti MP, Pearson Mungofa MP, Tichaona Munyanyi MP and Job Sikhala MP were arrested in Harare and Chitungwiza. Furthermore, after being arrested on the first day of the mass action, Morgan Tsvangirai was rearrested on Friday 6 June and charged with treason, relating to alleged statements made in May during the build up to mass action. **[52b]**.

4.141 In the aftermath of the mass action the violence continued. More than 60 armed ZANU-PF youths, wearing t-shirts with "No to mass action" written on them, descended on the suburb of Dzivaresekwa on the night of 7/ 8 June. The youths looted property from homes including mobile phones televisions and stoves. Several houses were also destroyed. Residents who were suspected of supporting the MDC were also attacked, with more than 20 people suffering injuries. **[9de]**. Residents of Harare's high density Mbare suburb state that they have been visited by members of the vigilante group Chipangano, who demand $20 from each household. It is thought the money goes to supporting youths bussed into Harare who are being used to halt any MDC demonstrations. Job Sikhala, the MDC MP for St Mary's, said that similar acts of theft have been perpetrated against 87 MDC supporters, by the police. The party supporters claim to have lost items from their homes during raids by the police. **[9df]**.

4.142 The Zimbabwe Human Rights Forum, in its monthly report for June, highlighted allegations that high ranking ZANU-PF members where involved in the organising of the violence and torture used to curtail freedom of expression. The report stated that five victims had made allegations that Elliot Manyika, the Minster for Youth Development, Gender and Employment Creation, was involved in the torture of residents in the Glen View and Marondera suburbs of Harare. **[38c]**

4.143 Arrests also continued with Welshman Ncube, the MDC Secretary General, being charged with treason on 9 June. On the same day, Tsvangirai who had been charged with the same offence on 6 June, was further remanded in custody. The crime of treason carries the death penalty in Zimbabwe. **[9dg]**. Tsvangirai was freed on bail two weeks later, and later remanded out of custody until 6 October. **[3cw][9dm]**.

4.144 Five MDC politicians from Matebeleland North who were arrested with 46 other MDC activists on allegations of trying to overthrow the government through the mass action were charged with treason in June. The five were remanded out of custody on bail, until October. **[20o]**.

4.145 The following day, 10 June, 7 MDC councillors from Bulawayo were arrested after handing themselves over to the police. Following questioning, the 7 were released without charge, but were told not to participate in any future mass action

planned by the MDC. **[9dh]**.

4.146 On 27 June 2003, the MDC reported that police officers from the Law and Order Section searched their Harvest House Headquarters in Harare. The police said they were looking for subversive and other illegal material. **[12f]**.

4.147 On 16 July 2003, the police charged Gift Chimanikire under Section 16(2b) of POSA. The police claim that Chimanikire authorised the publication of advertisements in newspapers that denigrated Mugabe. However, Chimanikire claimed that he was not responsible for the MDC information department, which ran the advertisements. **[9dn]**.

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Mayoral and Urban Council elections 30-31 August 2003

4.148 On 30-31 August elections for town councils and two parliamentary seats took place. At stake were seven mayoral seats, 234 council seats and 2 parliamentary seats. **[3cs]**. In the run up to the elections the MDC accused the ruling ZANU-PF government of intimidation tactics. **[9do][9dt]**.

4.149 At it's annual conference in June 2003 at Victoria Falls, the Urban Councils' Association of Zimbabwe (UCAZ) recommended that the elections be postponed as they had no money to administer them. However, it was believe d that this may be a delaying tactic by the councillors, many of them belonging to ZANU-PF, to hold on to their seats. ZANU-PF have lost a lot of support in urban areas to the MDC. **[9dj]**.

4.150 On 14 May, the police raided the office's of the MDC mayoral candidate for Mutare. **[9cw]**. On 18 July, the MDC stated that it feared for the safety of its candidates for the council elections in Rusape. The MDC claim that suspected ZANU-PF youths threatened some of its candidates with death. **[9do]**.

4.151 Later in July, the MDC reported that it could not register its candidates in the Chegutu council elections because ZANU-PF youths had blocked all the roads to the Chegutu Town House, where candidates have to submit their papers to. 10 ZANU-PF councillors won seats automatically, as there was no one to stand against them in upcoming elections. The MDC stated that one of its candidates, Albert Ndlouv, suffered a broken neck after being attacked by ZANU-PF youths. A similar course of events lead to ZANU-PF's Martin Dinha being declared Mayor of Bindura, after the MDC's candidate, Fred Chimbiri, failed to reach the nomination court as all roads leading to it were blocked by ZANU-PF youths. A further two candidates from the town of Karoi were rushed to hospital after being severely assaulted by suspected ZANU-PF youths. **[9dq]**.

4.152 The Zimbabwe Election Support Network issued a statement on 31 July in which it expressed it's concern over the fact that not all wards and mayoral seats would be contested in the upcoming elections. ZESN noted that in Chegutu, Rusape and Bindura no other candidates stood for election, apart from those of the ruling party, ZANU-PF. Under the Urban Councils Act, if only one candidate has registered for the election by the end of the nomination day, that candidate is automatically elected. However, ZESN believed that this discounted the problems some

candidates faced in registering, including threats, violence and intimidation. **[53b]**.

4.153 In early August, 11 MDC party members petitioned the High Court to order the Registrar General, Tobaiwa Mudende, to consider their nominations for the council elections in Chegutu. **[9ds]**. On 4 August the MDC accused ZANU-PF of clandestinely registering voters to boost its chances of winning the council elections. Welshman Ncube said that the MDC will challenge the illegal registration in court. **[9dt]**.

4.154 The MDC claimed that they had uncovered further evidence of improperly registered voters in the Harare Central constituency. They claimed that nearly 20,000 had been improperly registered, whilst another 1,700 had been taken off it. Among those whose names have been removed included Susan Tsvangirai, wife of the MDC leader Morgan Tsvangirai, Mike Auret, the former MDC MP whose resignation precipitated the by-election in Harare Central and Harare city councillors. Remus Makuwaza, the MDC director of elections, claim that it's supporters have been taken off the register and replaced by ghost voters in order to increase the oppositions chances of winning the election. Makuwaza continued stating that approximately 4,000 people had been improperly registered in Mutare, 3,000 in Gwanda, nearly 7,000 in Makonde and 6,000 in Gweru. **[9dw]**. The MDC also state that on eve of the elections, the Registrar-General had still not provided copies of the voters roll to MDC and independent candidates for the mayoral and council election in Mutare, Kariba, Kadoma and Victoria Falls. **[9ea]**.

4.155 On 26 August, the MDC alleged that six of its polling agents had been abducted by ruling party supporters in Kwekwe. The six were held for several hours but were released after intervention from the police. Several other candidates for the council elections in the Midlands province were visited by State Security agents. **[9dy]**.

4.156 During the polling there were reports of violence and intimidation. In Norton, militants armed with stones iron bars and catapults blocked off the approaches to polling stations. Other militants beat tribal drums outside the polling stations themselves. **[38d]**

4.157 The end result was seen as a victory for the MDC **[37k]**, but both sides claimed to have gained from the polls. **[3cs]**. The MDC won 6 out of the 7 Mayoral contests, Gwanda, Gweru, Redcliff, Victoria Falls, Mutare and Kariba. **[10ba]**. In Kariba the MDC's John Rolland Houghton became the country's first executive white mayor. **[9eb]**. The MDC also claimed 135 wards in the town councils, against ZANU-PF's total of 88. **[10ba]**.

4.158 Following the election results, ZANU-PF wrote to the Registrar General's Office threatening to take legal action to nullify the council election result in Masvingo because of alleged voter irregularity. ZANU-PF claim that some MDC supporters voted twice as they registered under different names. The Masvingo Provincial Registrar denied that the voters' roll was flawed, saying both the MDC and ZANU-PF inspected the roll prior to the vote and were satisfied with it. However, the MDC are also contesting the result of Ward Seven of Masvingo, where its candidate Berias Marlie lost to Naison Tsere by 12 votes. **[9ed]**.

4.159 For the first time since the controversial re-election of Robert Mugabe, the MDC attended the State opening of Parliament in July this year. The MDC claim it was an attempt to diffuse tension and facilitate dialogue with the ruling ZANU-PF that they decided to attend the opening. **[3cx]**.

4.160 On 24 July, 35 women, five of whom had babies with them, were arrested in Bulawayo. A further two were assaulted, one of whom was in her late 70's. It was thought that police only initially wanted to arrest Jenni Williams, an official from Women Of Zimbabwe Arise (WOZA), but several other women voluntarily gave themselves up in an act of solidarity. The women were protesting against the Public Order and Security Act. Bearing placards, the group of 300 women marched from Lobengula Street Mall to the Magistrates Court at the Tredgold Building, where they handed over a petition to the senior prosecutor claiming that POSA infringes their constitutional freedoms. The demonstration, held under the banner of the Concerned Citizens Of Zimbabwe, involved representatives of various groups including the church, the MDC, WOZA and the National Constitutional Assembly. **[9dr]**.

4.161 On 25 August the MDC held primary elections for the positions of deputy Mayor of Harare and executive committee members in a primary election held that week. As a result Elijah Manjeya was elected as deputy Mayor and five out of six council committee chairpersons were also voted out of office. Manjeya replaces Sekesayi Makwavarara who has come under fire for backing directives by ZANU-PF's Minister for Local Government Ignatius Chombo against suspended Mayor of Harare Elias Mudzuri. **[9dx]**. In a similar occurrence, following the council elections Alexio Musundire, the MDC Provincial Chairman for Chitungwiza was expelled from the party. The Daily News reported that he was found guilty of violating the party's rules and regulations. The newspaper quoted one unnamed source as saying Musundire undermined the MDC's structures and was creating factionalism. This comes a month after the MDC suspended its chairman for the Midlands North province. **[9eg]**.

4.162 On 9 August, the MDC MP for Kadoma Central, Austin Mupandawana, died in hospital. It was reported that Mupandawana had not recovered his health since being detained in March 2003, over what the policed termed "mysterious explosions". Mupandawana was tortured during his incarceration, and received no medical treatment. He was charged and bailed after one month. **[67]**.

4.163 In early September, 9 MDC activists were arrested in Sakubva on allegations of public violence. When the newly elected MDC councillor for Ward 2 of Sakubva went to visit the 9, he too was arrested. The police claim that the 10 stoned a house belonging to the former councillor, Cecilia Gambe, injuring her and causing approximately Z$600,000 dollars worth of damage. **[9ec]**.

4.164 On the same day the Daily News reported that Nehemia Charamba, from Chipinge, is suing Sergeant Nasho of the police for forcing him to drink Nasho's urine in order to secure his release from detention. Charamba claims that he was detained and tortured after going to the police station to report the theft of six loaves of bread by police officers. However the police then found an MDC card about Charamba's person and allegedly started beating him up. **[9ef]**.

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Mayor of Harare

4.165 On 29 April 2003, Elias Mudzuri was again the subject of government action. Following his arrests earlier in the year, Mudzuri was suspended as Mayor of Harare by the Local Government Minister Ignatuius Chombo. Chombo accused Mudzuri of arbitrarily dismissing city council workers and failing to guarantee adequate water supplies. Mudzuri dismissed the allegations as untrue and said that he did not recognise the suspension. Sekesayi Makwavarara, also of the MDC and Mudzuri's deputy, assumed the role of acting Mayor. **[3cq][9cu]**. Mudzuri challenged the commission tasked to investigate his alleged misconduct to bring him before an open court rather than the private enquiry that they are pursuing. Jameson Kurasha, the leader of the commission maintained that the hearings will proceed in private. **[9cv]**.

4.166 Mudzuri claimed that the charges against him were politically motivated. He believes that this is because his investigation into corruption was getting to the core of the problem. It was then that Mudzuri claims Chombo insisted all financial matters had to be passed through his office. **[4t]**. Mudzuri was arrested twice in 24 hours, once on 7 July and again a day later, for reporting to work at Town House. He was released without charge on each occasion but warned by police not to return to work. Mudzuri stated that he will continue to report for work until the High Court rule on Chombo's application to bar Mudzuri from functioning as Mayor, in line with the Local Government minister's suspension. **[9dl]**.

Tsvangirai's trial

4.167 The leader of the MDC, Morgan Tsvangirai was due to stand trial on 11 November 2002 charged with plotting the assassination of Robert Mugabe. **[46b]**. Two other prominent MDC members, Party Secretary Welshman Ncube and Shadow Minister for Agriculture, Renson Gasela, were also due to appear in court on the same charges. **[9bj]**. The trial was postponed at the request of the defence team on the grounds that the state had not provided them with all of the evidence against the accused. **[46b]**.

4.168 When the trial recommenced on 3 February 2003, the police barred public entry to the court, claiming that the court room was already full. **[3by]**. Journalists and foreign diplomats were forbidden entry, the exceptions being for state media journalists and the United States' Ambassador respectively. Two journalists, Pedzisai Ruhanaya of the independent *Daily News* and Ish Mafundikwa, a free lance journalist, were arrested under the POSA legislation. Judge President Justice Paddington Garwe granted an application by the defence council to allow the public, including journalists in. **[9bk]**.

4.169 On 27 March 2003 Justice Garwe adjourned the trial until 12 May 2003. **[9bl]** Following the resumption of the trial the High Court acquitted Welshman Ncube and Renson Gasela on the charges of treason, but Judge President Garwe ruled that the trial against Tsvangirai should proceed. The trial is expected to resume in September 2003. **[9fb]**. According to State media, the trial of Tsvangirai was postponed until 27 October 2003. **[42d]**.

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By elections in 2003

Makonde

4.170 Following the death of Swithun Mombeshora of ZANU-PF, the Makonde seat became vacant. Tensions rose in the ZANU-PF primary poll, the vote to decide who would represent the party in the by election. Among those vying to represent ZANU-PF at the by-election were Leo Mugabe, Robert Mugabe's nephew, and Kindness Paradza. Tensions rose in the ZANU-PF primary poll when supporters of Leo Mugabe assaulted Virginia Katyamaedza, the campaign manager for Kindness Paradza. Ms Paradza went on to win the Primary. One senior ZANU-PF official is reported as saying that the poll was one of the most fraudulent he had ever seen. **[11g]**. In the actual by-elections itself, Paradza polled 11,223 seats against 1,769 for the MDC's Japhet Kwemba, meaning that ZANU-PF retained the seat. **[37k]**.

Harare Central

4.171 Due to ill health, Mike Auret MP for the MDC, resigned his seat of Harare Central. The MDC claimed that ZANU-PF were adding ghost voters to the electoral register, whilst removing others it suspected of supporting the MDC. Among those allegedly removed by ZANU-PF was Mike Auret, Susan Tsvangirai, wife of MDC President, Morgan Tsvangirai and a number of MDC councillors. **[9dw]**. In what has been seen as increasing voter apathy, the turnout for the by-election was significantly down on the June 2000 figure of 17,942. The MDC's Murisi Zwizwai won the seat with 2,707 votes to 1,034 for ZANU-PF's William Nhara. Mathias Guchutu Matambanadzo of the Multi-racial Open Party Christian Democrats polled 15 votes and Rumbidzai Hwicho of the National Alliance for Good Governance polled 10 votes. **[37k]**. The turn out was 11 percent. **[3cs]**.

Legal Challenges to election results in 2003

4.172 On 16 January 2003 the Daily News reported that the High Court had nullified the election of two ZANU-PF MP's, Eleck Mkandla in the Gokwe North constituency, and for Jaison Machaya in Gokwe South. The two were elected in the June 2000 Parliamentary elections. The court found that widespread violence in the constituencies in the run up to the elections made them unfair. This brings the total number of parliamentary seats that ZANU-PF have been removed from since the June 2000 parliamentary elections to seven. **[37o]**

4.173 Other constituencies which have had their results nullified are Mutoko South and Chiredzi North. These seats were nullified after the High Court deemed that no one could cast their vote freely. **[53a]**

4.174 On 27 August 2003 the High Court absolved Joel Biggie, the ZANU-PF MP for Murehwa South constituency, from a petition filed by Ward Nezi. Nezi contested the seat in the June 2000 parliamentary elections, but lost to Biggie. After three postponements Nezi failed to submit any basis for a fourth and provided no instruction to withdraw his petition. As a result, the presiding judge, Nicholas Ndou dismissed the petition. **[9dz]**.

4.175 Once the court rules that a constituency's results are nullified, the seat falls vacant. The Parliamentary Speaker should then notify the President of the vacancy who has 14 days to proclaim the order for a by-election. If the MP does not vacate his seat, the High Court will inform the Speaker, who in turn informs the President, who again has 14 days to issue the order for a by-election. Whilst this procedure was hastily implemented after Learnmore Jongwe's Death, the then MDC MP for Kuwadzana, it was not for the 6 seats nullified by the High Court which are occupied by a ZANU-PF MP. **[53a]**.

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5. STATE STRUCTURES

The Constitution

5.1 Executive power is vested in the President, who is Head of State and Commander-in-Chief of the Defence Forces. The President appoints two Vice-Presidents and a Cabinet. The President holds office for six-year terms. Following a violent election campaign, Robert Mugabe was re-assumed for a further six-year term in March 2002. The opposition MDC and many international observers condemned the election as widely flawed. **[1][3az]**

5.2 Legislative power is vested in the unicameral Parliament, consisting of the House of Assembly. There are 150 Members of Parliament, 120 of whom are directly elected by universal adult suffrage, the President nominates 12, 10 are traditional Chiefs and 8 are Provincial Governors. The life of the House of Assembly is ordinarily six years. Elections for the House of Assembly were last held in June 2000 (see Sections 4.14 - 4.23 for further information on the 2000 parliamentary elections). **[1a]**.

5.3 The Constitution provides for an independent judiciary but the Government undermined the independence of the judiciary by manipulating the composition of the courts and repeatedly refusing to abide by judicial decisions. There is a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court. Magistrates, who are civil servants rather than members of the judiciary, hear the majority of cases. (See also Sections 5.22 - 5.37 on the judiciary) **[2e]**

5.4 The Constitution provides for the right to a fair trial but the judiciary had difficulty enforcing this right due to political pressures. Defendants have the right to a lawyer of their choice, although over 90% of defendants in magistrates' courts had no legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was done rarely and granted rarely.
In capital cases the Government will provide a lawyer to represent any defendants unable to afford one. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understand their rights.

5.5 Military courts deal with disciplinary and court-martial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right of appeal

to the Supreme Court. Trials in both the military and police courts generally meet internationally accepted standards for fair trials. **[2e]**

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Political System

5.6 Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) party have dominated the political life of Zimbabwe since independence in 1980. Although the Constitution allows for a multi-party system, opposition parties have been subjected to significant intimidation by the ruling ZANU-PF Government and security forces, particularly during the parliamentary elections of June 2000 and the presidential election in March 2002. **[2b][3az]**

ZANU-PF

5.7 Robert Mugabe's ZANU-PF has been the governing party since independence, and for much of its time in office has presided over a *de facto* one-party state. **[32]**. The party holds 61 of the 120 directly elected seats in Parliament. ZANU-PF won 62 seats in the June 2000 elections. **[1a]**. Although dominated by the Shona majority, there are also Ndebele and white party members, and there are Ndebele ministers although the last remaining white minister in the Cabinet was replaced in August 2002, due to ill health. **[41]**

5.8 A number of the internal ZANU-PF factions are identified with Shona sub-groups, with Mugabe's own Zezeru being particularly favoured. For many years the main alternative has appeared to lie among the Karanga from Masvingo province, which include Eddison Zvobgo and Vice-President Muzenda. **[32]**

ZANU-PF cards

5.9 In January 2002, youth militia mounted roadblocks on all major roads in and out of Bindura. The militia forced those resident in the town and those passing through to purchase ZANU-PF cards. This practise was reported throughout the country. As a result, hundreds of thousands of Zimbabweans bought ZANU-PF cards as a means to avoid trouble, irrespective of whether they supported the party or not. Subsequent to this exercise, ZANU-PF announced they had raised $500 million through card sales. **[65]**.

Cabinet Reshuffle, August 2002

5.10 In August 2002 Mugabe reshuffled his Cabinet. He stated that his new "war cabinet" would tackle the country's economic problems and counter opposition from the international community to his land reform programme. Simba Makoni, the former finance minister and considered a moderate, was dropped from the Cabinet in the reshuffle. **[3bc][10g]** Dr Timothy Stamps, Minister of Health and Child Welfare and the only white in the Cabinet, was also dropped, on health grounds. Two new Ministries were created; Energy and Power Development and Small and Medium Enterprises Development. **[41]**. (See Annex G for a full list of the new Cabinet) **[10g]**

Movement for Democratic Change [MDC]

5.11 In its manifesto for the June 2000 elections, and reiterated in a policy press release in February 2001, the MDC outlined its key policies. The party identified five main priority policy areas:
- restoring economic stability
- "people-driven" land reform, overseen by a non-partisan Land Commission
- accountable and transparent government, and fighting corruption
- a "People's Constitution", that would limit Presidential power
- health issues **[12a][12b]**

5.12 The MDC announced a 16-member Shadow Cabinet in November 2000. The Shadow Ministers include Welshman Ncube, the party's Secretary-General, for Home Affairs and David Coltart, the party's legal affairs spokesman, for Justice. **[12c]**. A reshuffle of the shadow cabinet was held in September 2002. **[37s]**. (See also Sections 4.12 - 4.13 on the establishment of the MDC and Annexes E and F for details of MDC MPs, leadership and Shadow Cabinet and policies, symbols and slogans)

ZANU-Ndonga

5.13 The late Reverend Ndabaningi Sithole, who led ZANU before Robert Mugabe, set up ZANU-Ndonga. The party held two seats in Parliament prior to the elections in June 2000. The party won a single seat in June 2000; Tarugarira Wilson Khumbula, ZANU-Ndonga MP for Chipinge South in Manicaland province, is the only MP in the current Parliament who does not belong to either ZANU-PF or the MDC. **[1][7]**

Liberty Party/Liberty Party Of Zimbabwe

5.14 The Liberty Party of Zimbabwe (LPZ), and a breakaway faction styling itself simply the Liberty Party (LP), is a minor party that contested a handful of seats in Matabeleland in the June 2000 elections. The leader of the LPZ is Canaan Zinothi Moyo. The LPZ contested 13 seats (including one seat, Umzingwane, where two candidates stood as LPZ) and the LP 8. **[7][13a]**

5.15 The highest vote achieved by the LPZ in any seat in June 2000 was in the Bubi-Mguza constituency in Matabeleland North, where the LPZ candidate received 889 votes. However, the small ZAPU party received 1,272 votes and the seat was won by the MDC with nearly 13,000 votes. The only party receiving fewer votes than the LPZ in Bubi-Mguza was the breakaway LP, which polled 223 votes. The LPZ polled a total of 2,997 votes in the 13 seats that it contested, and the LP polled 791 votes in total in the eight seats that it contested. **[7]**

5.16 LPZ leader Canaan Z Moyo contested the Pelandaba constituency in Bulawayo and he received 54 votes. The seat was won by the MDC with over 16,000 votes. The ZAPU candidate received 270 votes in Pelandaba and the UP candidate received 57 votes. The candidate of the breakaway LP was the only candidate to receive fewer votes than Moyo, with 35 votes. **[7][13a]**

5.17 A Liberty Party candidate in the election for executive Mayor of Bulawayo in September 2001 polled just 390 votes, compared to nearly 61,000 for the MDC

candidate and nearly 13,000 for ZANU-PF. Liberty Party candidates for seven vacant council seats in Bulawayo, also contested in September 2001, received very few votes. **[33]**

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Other minor parties:

Zimbabwe Union of Democrats [ZUD]

5.18 The ZUD leader, Margaret Dongo, was the MP for Harare South prior to the June 2000 elections. She failed to come to an agreement with the MDC for the June 2000 elections and the seat was won convincingly by the MDC, with Dongo coming third with only 951 votes, behind the ZANU-PF candidate. ZUD contested a few other seats but failed to win any. **[3c][7]**

ZAPU [ZAPU 2000]

5.19 ZAPU, or ZAPU 2000, was formed as a resurgent group of the former ZAPU party of the late Joshua Nkomo in 1999. The party advocates a federal system for Zimbabwe, with considerable powers devolved to Matabeleland. The party was unable to agree an electoral alliance for the June 2000 elections with the MDC, as the latter does not support a federal structure. ZAPU candidates stood in most constituencies in Matabeleland and Bulawayo in June 2000 but failed to win any seats. **[3c]**

5.20 In early January 2002, ZAPU leader Agrippa Madlela announced that he would not contest the March 2002 presidential election so as to avoid splitting the opposition vote in Matabeleland and backed MDC leader Morgan Tsvangirai for the presidency. Madlela alleged that ZANU-PF was targeting him for 'elimination' ahead of the election. His decision split ZAPU into two factions. Paul Siwela, leader of a splinter group, announced his candidature for the presidency, standing for ZAPU. **[9b][20e]**

United Parties [UP]

5.21 The United Parties (UP) grouping was established by Bishop Muzorewa, leader of the UANC, in 1994 after UANC's merger with the Zimbabwe Unity Movement (ZUM). UP boycotted the 1995 general elections. **[1a]**. In the Presidential elections in 1996, Bishop Muzorewa was denied permission to withdraw his candidacy prior to the ballot and received 4.7% of the vote. **[1c]** UP failed to win any of the 59 seats it contested in the June 2000 elections. **[3c][7]**

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Judiciary

5.22 The judiciary is generally independent but the Government often refuses to abide by court decisions and frequently questions the authority of judges and threatens their removal. For example, the Defence Ministry ignored three separate High Court rulings ordering the release of two detained journalists in 1999. When four judges asked President Mugabe to reaffirm his commitment to the rule of law he called upon them to resign. The journalists were later released. **[2a][14a]**. The Government manipulates the

composition of Courts and does not respect unfavourable court rulings against its land resettlement programme. **[2b]**

5.23 In June 2000 the Government described white judges as a "foreign cancer". At the time, the Chief Justice, Anthony Gubbay, and four of the 19 High Court judges were white. Angry at the judiciary's independence and its insistence on upholding the rule of law in defiance of Government-backed violence during the campaign for the June 2000 elections, ZANU-PF questioned the judges' loyalty. **[5q]**

5.24 In February 2001 the Government ordered Chief Justice Gubbay to retire, several months ahead of his agreed retirement date. The Justice Minister had told Gubbay to leave his post amid threats of violence against judges by ZANU-PF supporters. Many of Zimbabwe's lawyers, who are mostly black, backed the judges, who they saw as merely doing their job of upholding the law and the constitution. **[3q]**

5.25 After resisting Government pressure to leave his post, Chief Justice Gubbay succumbed in early March 2001 and agreed to take early retirement. Although Gubbay extracted promises from the Government that it would respect the independence of the judiciary, few lawyers have any faith in these pledges, coming as they do from an administration that has routinely ignored inconvenient court rulings. At the time, Gubbay's departure left one white and one Asian judge, Judges Nicholas McNally and Ahmed Ebrahim respectively, among the eight Supreme Court members. **[5r]**

5.26 A week after the announcement of Chief Justice Gubbay's early retirement, Godfrey Chidyausiku, a former ZANU-PF deputy minister and attorney general, was appointed as acting Chief Justice, and head of the Supreme Court. The Supreme Court is the final arbiter of the constitution and the only restraint on the sweeping powers of the President. Some lawyers hoped that Judges McNally and Ebrahim would be able to withstand Government pressure on them to resign, thus maintaining a semblance of independence for the judiciary. **[3r][5r]**. However, Justice NcNally retired at the mandatory age of 70 in December 2001 and Justice Ebrahim resigned in March 2002. Justice Ebrahim’s resignation came just days after he blocked amendments to the electoral legislation, which was said to favour Mugabe and his ruling party. **[3bg][9ae]**.

5.27 A panel of judges and lawyers, drawn from a number of different countries, from the International Bar Association (IBA) visited Zimbabwe in April 2001 on a fact-finding mission. Their report concluded that democracy and the rule of law were in grave peril in Zimbabwe. The IBA commented that the Government had intimidated judges and lawyers, and observed that the killings of and assaults on landowners may not have happened if the Government had implemented court rulings ordering squatters on white-owned farmland to end their illegal occupations. The IBA's report stated that Government efforts to pressure former Chief Justice Gubbay to resign were a serious breach of the judiciary's independence. **[3s][5s]**

5.28 On 18 July 2002 Justice Minister, Patrick Chinamasa, was found guilty of contempt of court and sentenced to 3 months in jail and fined $Z50,000. Information Minister, Jonathan Moyo, condemned the presiding judge in the case, Justice Fergus Blackie, who retired on the same day of the ruling. **[3bh]**. Chinamasa had his sentence overturned at appeal. However, on 13 September 2002, the now retired judge was arrested and charged with “obstructing justice and corruption”. The charges refers to a

fraud case in which Justice Blackie presided over earlier in the year. The white woman who was on trial had her charges overturned by Justice Blackie, who, the government claim, did not consult the black judge who sat with him on the case. **[3bi][3bj]**. All charges against Fergus Blackie were withdrawn on 1 July 2003. **[9ek]**.

5.29 Chinamasa still faces the original charges. Jacob Manzunzu, the Registrar of the High Court forwarded Chinamasa's file to Justice Garwe in order to appoint a new judge to handle the case, now that Justice Blackie has retired. **[37q]**.

5.30 Justice Moses Chinhengo called on the police to stop harassing and torturing suspects and to only detain them when there is sufficient evidence to do so. Speaking during the opening of the legal year in February 2003, Justice Chinhengo's comments came soon after the detention and torture of MDC MP Job Sikhala. **[9br]**.

5.31 On 17 February 2003, police arrested Justice Benjamin Paradza in his chambers at the High Court. The State alleges that Paradza interfered with the course of justice by asking another judge, Justice Cheda, about a passport of a French national which was being held as part of bail conditions. Paradza's arrest has attracted criticism. Sternford Moyo, the President of the Law society believes that this is an abuse of power on behalf of the State. Moyo said that the charges could have been dealt with by a board of enquiry, under the terms of the Constitution. It is the first time in Zimbabwe's history that a sitting judge has been arrested. In January 2003, a month before his arrest, Judge Paradza ordered the police to bring Elias Mudzuri, the MDC Mayor of Harare, to court or release him. Mudzuri was subsequently released, a move criticised by the police' spokesman Wayne Bvudjizena. **[9bs]**.

5.32 The UN Special Rapporteur on the independence of judges and lawyers, Dato Param Cumaraswarmy, described the manner of the arrest as tantamount to intimidation of the gravest kind, leaving a chilling effect on the independence of the Judiciary. **[57]**. Comparing the arrest to that of Justice Blackie in the previous year, Cumaraswarmy believed that this incident will bring judge against judge, those seen as independents against those seen as compliants. He continued saying that this is the latest in a series of attacks on the judiciary over the past two years which has left the Rule of Law in Zimbabwe, in tatters. **[10x]**. The police deny the charges are politically motivated. Paradza was released the following day on bail of Z$30,000 and was told to surrender his passport. **[3cd]**.

5.33 On 10 April 2003, the Zimbabwe Lawyers for Human Rights (ZLHR) called for an investigation into reports of assaults and harassment of lawyers, judges, magistrates and prosecutors, and the prosecution of those responsible. ZLHR believed the upsurge in these types of offences made it increasingly difficult for judicial officers to do their jobs. Amongst the incidence given, ZLHR cited the example of Gabriel Shumba, a human rights lawyer who was arrested and tortured with Job Sikhala in January 2003. Shumba subsequently fled the country. **[9bt]**.

5.34 The ZLHR reinforced their concerns about harassment of lawyers at a symposium in Johannesburg in late August 2003. The ZHHR cited intimidation by police officers, police not informing lawyers of the whereabouts of their clients, and police officers professing ignorance of arrests are all problems. Nokuthula Moyo, chairman of the ZLHR said that the courts themselves could also hinder the filing of

applications for relief. Sometimes the court registrar could not be located. Once a lawyer obtains the necessary papers it has been known for state agents to ignore court orders, and some police officers evade lawyers to avoid being served with court orders in the first place. **[63]**.

5.35 The World Economic Forum, a Swiss based organisation, investigated corruption and rule of law in 21 African countries. The results of their research were published in June 2003. Zimbabwe was judged to have the least independent judiciary out of the 21, and came in at 16th place over all. **[62]**.

5.36 In mid May 2003, the African NGO, 'Human Rights Forum', raised their concerns about the attacks on the judiciary on Zimbabwe. They highlighted credible reports of attacks on the judiciary and the due process of law, including assaults, intimidation, harassment, obstruction and torture of lawyers, public prosecutors, magistrates and judges. The Forum also urged the government to repeal the Access to Information and Privacy Act which is widely perceived to undermine fundamental freedoms. **[9ej]**.

5.37 In June 2003, 10 magistrates resigned from their posts over low pay. The Zimbabwe Lawyers for Human Rights (ZLHR) expressed concern about how low staffing levels and low morale had led to disturbing delays in remanding accused persons, and in the delivery of judgements in general. ZLHR also noted delays in the passing of judgements deemed to be political. **[10as]**.

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Military

5.38 The Constitution does not mention conscription and leaves it to Parliament to fix the conditions of service in the armed forces. According to a government statement in 1997, Zimbabwe does not have compulsory military service. The 1979 National Service Act provides for the introduction of conscription, if considered necessary. **[21]**

5.39 After independence in 1980 the former Rhodesian armed forces and the nationalist guerrilla forces, ZANLA and ZIPRA, were integrated into a new national defence force. Total numbers in the forces were reduced from 50,000 in 1993 to 39,000 in 1999; 35,000 in the army and 4,000 in the air force. The strength of the army is being reduced and it is planned to merge the air force into the army. **[1a][21]**

5.40 Zimbabwe intervened in the civil war in the Democratic Republic of Congo (DRC) in 1998 when President Mugabe sent 11,000 troops, almost a third of the Zimbabwean army, to defend the late President Laurent Kabila's Government against rebels backed by Uganda and Rwanda. Although Angola and Namibia joined the alliance protecting Kabila's regime, Zimbabwe had more troops in the DRC than any other country. The Zimbabwean Government and businessmen have numerous commercial interests in DRC. **[1a][5w]**.

5.41 Observers blame military involvement in the DRC's civil war for wrecking the Zimbabwean economy and causing a desperate shortage of fuel and hard currency.

This serious drain on Zimbabwe's resources contributed to making the war deeply unpopular. **[5w]**

5.42 All sides began disengaging from the DRC civil war in March 2001 in accordance with a peace deal signed in Lusaka in 1999, giving President Mugabe a face-saving formula for a withdrawal of Zimbabwean forces. 200 front-line Zimbabwean troops left their positions in DRC in April 2001 with another 2,000 expected to follow in coming weeks. It is expected that some Zimbabwean forces will remain in the DRC, to protect President Joseph Kabila's regime and Zimbabwean commercial interests; Zimbabwean businessman and senior army officers run diamond mines in the DRC. **[5w][32]**

5.43 In August 2002, a military spokesman announced that all Zimbabwean troops in the DRC would be returned to Zimbabwe as soon as could be managed. The spokesman stated that approximately 3,000 troops remained in the DRC, although independent estimates put the number as between 9,000 and 12,000. **[10h]** In September 2002, the UN Mission in the DRC confirmed that Zimbabwean troops had begun their withdrawal from the country. The UN Mission stated that 2,400 Zimbabwean troops remain in the DRC. **[10i]**. By the end of October 2002, Zimbabwe had withdrawn all of its troops from the DRC **[58]**, but had left much equipment behind. **[26b]**.

5.44 It was reported that in 2001 many members of the Ndebele minority were prohibited from joining the military. **[2b]**

5.45 In January 2002, in the run-up to the presidential election in March 2002, the commander of Zimbabwe's defence forces, General Vitalis Zvinavashe, along with other military and Intelligence officers of senior rank, stated that the military would only obey a political leader who had participated in the 1970s guerrilla war for independence. Zvinavashe's statement was seen as significant as MDC leader Morgan Tsvangirai did not participate in the liberation movement. His statement contradicted earlier statements by the army's public relations directorate rejecting charges that the army was partisan and vowing to serve any elected leader. **[3av][34a][37c]**

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Internal Security

5.46 Senior Government and ZANU-PF members tightly control the security forces. Members of the security forces have committed numerous, serious human rights abuses, including reports of extrajudicial killings, torture, rapes and beatings. **[2b]**

5.47 The Zimbabwe Republic Police (ZRP) force is responsible for maintaining law and order. The ZRP is officially under the control of the Ministry of Home Affairs but in practice is controlled by the President's Office. **[2b]**. Once noted for its professionalism, ZRP are being increasingly seen as a partisan tool that fulfils the political will of the ZANU-PF government. **[9dd]**. There are reports from former officers of how they were ordered to target suspected MDC supporters. This would include planting evidence on suspects and the use of violence. Police officers were also ordered to ignore crimes committed against MDC supporters. **[34g]**. Additionally, low salaries for police officers

coupled with the economic problems that Zimbabwe is experiencing has contributed, to a large extent, to rising levels of corruption. **[10ay]**.

5.48 The Central Intelligence Organisation (CIO), under the Minister of State for National Security in the President's Office, is responsible for internal and external security, but officially, it does not have powers of arrest. **[2b]**

5.49 Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in police courts have the right of appeal to the Supreme Court. Trials in police courts generally meet internationally accepted standards for fair trials. **[2b]**

5.50 Increasingly, there are reports concerning the deployment of the Zimbabwe National Army (ZNA) as a means of the state to undermine the MDC. **[52a][52b]**. Following the mass action of March 2003, in which the army was used to target people suspected of supporting the MDC, the army was used in the repression of the mass action of June 2003. **[52b]**. Mugabe himself praised the role of the armed forces for their part in suppressing the anti-government protests. **[6b]**.

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Legal Rights/Detention

5.51 The Constitution prohibits arbitrary arrest and detention but some laws effectively weaken this prohibition and security forces arbitrarily arrest and detain people repeatedly. Warrants of arrest issued by courts are required except in cases of serious crime. There is a growing problem, especially in rural areas, in which victims or witnesses of crimes who report to the police are themselves charged with the crimes that they are reporting. **[2e]**

5.52 A preliminary hearing before a magistrate is required within 48 hours of an arrest, or 96 hours over a weekend, but this law is often disregarded if a person does not have legal representation. The Criminal Procedures and Evidence Act reduced the powers of bail for magistrates, unless permission of the Attorney General or his agents was granted. However, the Attorney General's office did allow magistrates general authority to bail suspects, limiting the negative impact of this Act. Detainees are generally not allowed prompt or regular access to their lawyers. Family members are generally denied access to detainees unless accompanied by a lawyer. Detainees, especially those from rural areas, routinely are held incommunicado. Prolonged pre-trial detention remains a problem, with detainees spending an average of six months in detention before their trials because of a shortage of magistrates and court interpreters. In several cases police denied knowledge of where an individual was being held, further prolonging the bail process. **[2e]**.

5.53 The right to appeal exists in all legal cases. Trials are open to the public except in certain security cases. Defendants enjoy a presumption of innocence, the right to present witnesses and the right to question witnesses for the prosecution. Defendants and their legal representatives generally have access to government-held evidence relevant to their cases. **[2b]**

5.54 The legal system generally does not discriminate against women or minorities, although some High Court judges have imposed lenient sentences in some cases of rape and sexual abuse of children and local women's and legal organisations have challenged such decisions. **[2b]**

5.55 On 21 July 2002 Learnmore Jongwe, the MDC spokesperson and Secretary for Information and Publicity was arrested and charged with the murder of his wife, Rutendo. The incident appears to have been motivated by personal reasons does not appear to have any political connotations. **[9ad]**. On 22 October 2002, Mr Jongwe was found dead in his cell at Chikurubi Prison. **[3bf]**. The police autopsy revealed Jongwe died of chloroquine poisoning, a drug used to treat malaria. An independent pathologist, hired by the MDC to carry out a separate autopsy, concurred with the original reports findings. How such a large quantity of chloroquine got into Jongwe is not known. **[20j]**.

Death Penalty

5.56 Zimbabwe retains the death penalty and there have been approximately 90 executions since 1980. **[9h]**. Following an appeal by Pope John Paul II, during a visit to Zimbabwe in 1988, for the abolition of the death penalty no executions were carried out between 1988 and 1995. **[14d]**. In October 2000 three men, convicted of five murders, were executed. **[9h][14d]**. In May 2002 three men were hanged. They had been convicted on separate murder charges and one of the men was also convicted of rape. **[40]**. There are 26 prisoners on "death row" at Chikurubi Maximum Security Prison. Since 1993, the NGO Zimbabwe Association of Crime Prevention and Rehabilitation (ZACRO) has campaigned for the abolition of the death penalty. **[9h]**. There is an automatic right of appeal in cases where the death penalty is imposed. **[2b]**.

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Prisons and Prison Conditions

5.57 Prisons in Zimbabwe are administered by the Zimbabwe Prison Service, under the command of the Commissioner of Prisons, who is appointed by the President. A Prison Service Commission of not less than two and a maximum of seven members is appointed by the President. One member of the Commission must have held the rank of Superintendent or a more senior rank in the Prison Service for a period of at least five years. **[31]**

5.58 The Government permits international human rights monitors to visit Zimbabwean prisons, although in practice Government regulations and procedures make such visits very difficult to arrange. Permission to make a visit is required from the Commissioner of Prisons and the Minister of Justice, which sometimes takes a month or longer to obtain or may not be granted at all. The government allows international human rights organisations to visit prisons, but government procedures make it difficult to do so. A local NGO that deals with prison issues was granted access on a number of occasions during 2002. **[2e]**

5.59 Prison conditions remained harsh and life threatening. There are 42 prisons in Zimbabwe, with a capacity of 16,000 prisoners. At the end of 2002, they held more than 25,000. The increasing overcrowding, shortages of clothing and poor sanitary

conditions persist. The prison authorities have acknowledged that exposure to HIV/AIDS was a major cause of large numbers of deaths in prisons. **[2e]**. The Zimbabwe Association for Crime Prevention and Rehabilitation of Offenders (ZARCO) urged the government to expand the open prison system, thought only to be in operation at Connemara Prison in Gweru. ZARCO also believe that incidences of sodomy and thus the spread of HIV/AIDS in prisons could be reduced if conjugal rights of prisoners were recognised. **[9cx]**. Overcrowding was thought to be the cause of the deaths of two prisons in Rusape Prison, Manicaland in early October 2002. Reports claim that 325 prisoners were being detained in the facility, which has a capacity of 100. Further reports claim at least 30 prisoners were immediately transferred to Mutare Prison and a Rusape Magistrate released a further 20 prisoners held for petty crimes. **[9ag]**

5.60 To alleviate prison overcrowding the Government established a successful community-sentencing programme in 2001. A human rights training programme for prison officials has also been established, in co-operation with the Legal Resource Foundation. Officials who mistreat prisoners are punished routinely. **[2e]**.

5.61 Female prisoners are held in separate cellblocks from male prisoners. There was an increase in the number of women imprisoned in 2002, many for crimes of prostitution, fraud, petty theft and abandonment of children. Many women prisoners have to raise their children in prison if they have nobody outside to care for them. **[2e]**.

5.62 Although juveniles are generally held separate from the adult prison population, some juveniles, particularly those between the ages of 16-18, were held with adults prisoners for brief periods of time. **[2e]**.

5.63 Justice Paradza, the High Court judge arrested on 17 February 2003, described the conditions in his cell at Borrowdale Police Station as appalling and in contravention of Section 8.15 of the Constitution. Paradza said that the toilets didn't flush and smelt unbearable. The blankets were full of lice and there was no protection against mosquitoes. Paradza made his comments in his application to the Supreme Court to challenge the constitutionality of his arrest and remand. **[9bu]**.

5.64 Due to severely stretched budgets and a high prison population, food supply is becoming a problem in Zimbabwean jails. One former remand prisoner said that inmates often only received one meal a day. One senior prison official stated that their budgets allow for $10,000 for food, per prisoner, per month. But with the rising cost of food, this is hardly enough. The official continued, saying that inmates received porridge in the morning and after that it was sadza and boiled vegetables. **[9ey]**.

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Medical Services

General

5.65 The improved health status achieved by Zimbabwe in the immediate years following independence has begun to deteriorate. Strong government and donar financial support for the health sector in the 1980s led to rapid improvements in health,

fertility and nutrition. Emphasis was placed on prevention, primary health care, family planning and child survival interventions. However, by the 1990s health indicators, although high relative to other sub-Saharan African countries, had stagnated or declined. Much of this deterioration can be attributed to HIV/AIDS. Also, economic difficulties resulted in a reduction in real terms in health spending and the pay of health workers in the 1990s. **[22]**

5.66 While HIV/AIDS has had a major negative impact on health indicators, some indices, such as those associated with women's preventative practices, are still impressive. Since 1988, the percentage of women giving birth in a medical facility and the percentage of children fully immunised has remained consistent at 69 % and 68% respectively. Antenatal care coverage has remained constant at over 90%. **[22]**

5.67 Heavy increases in the cost of some life-saving drugs were reported in early 2001. The increases were blamed on the falling value of the Zimbabwean dollar and general inflation in local costs. The price increases, coupled with recent increases in hospital fees, have further pushed the price of health care beyond the reach of many Zimbabweans. **[23]**. (See Sections 6.225 - 6.233 for further information on HIV/AIDS).

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People with disabilities

5.68 President Mugabe appointed a disability activist to Parliament in 1995 to represent the needs of people with disabilities. The law specifically prohibits discrimination against people with disabilities in employment, admission to public places or provision of services. However, in practice, the lack of resources for training and education severely hampers the ability of people with disabilities to compete for scarce jobs. **[2b]**

5.69 People with disabilities face particularly harsh customary discrimination. According to traditional belief, people with disabilities are considered bewitched. Children with disabilities are often hidden from sight when visitors arrive. NGOs continue to lobby for albinos to be defined as ”disabled” under the law. **[2b]**

5.70 The Sexual Offences Act, which came into law in August 2001, expanded the definition of sexual offences to include an immoral or indecent act with a person with mental difficulties. **[2b]**

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Educational System

5.71 Zimbabwe has made significant progress in providing education for children. Although there is no compulsory education and schooling is not free, overall primary school attendance has increased by more than 4,000% since independence in 1980 and more than 93% of children reach Grade 5 level. Increased fees in urban schools and rural secondary schools, which have risen sharply because of inflation, have though led to a decline in enrolment. Though many families cannot afford to send their children to school. Inflation has exacerbated this problem. The State does have a fund

for needy children, but this is underfunded, and further undermined through corruption. **[2e]**

5.72 In most areas, fewer girls than boys attend secondary schools. If a family is unable to pay school fees it is most often girls who have to leave school. The literacy rate for women and girls over the age of 15 is 80% whereas the male rate is approximately 90%. Budget cuts and a lack of HIV/AIDS prevention undermined the government's capability to address the needs of children. **[2e]**

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6. Human Rights

6.A. Human Rights Issues

Overview

6.1 The Government's human rights record remains very poor. Security forces committed several extrajudicial killings, and in numerous other cases, army and police units participated or provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities. The Zimbabwe Human Rights NGO Forum, an umbrella group of 9 prominent domestic human rights organisations, reported that 58 persons were confirmed killed as a result of political violence during 2002, mostly perpetrated by supporters of the ruling party. ZANU-PF supporters committed almost all of the killings during the year. The majority of those killed in political violence were MDC activists or supporters. A number of farm workers reportedly were killed in political violence; however, exact figures were not known. **[2e]**. The death of Vice-President Joshua Nkomo in 1999 re-opened the public debate about atrocities committed by security forces in Matabeleland in the 1980s. **[14a]**.

6.2 Although the judiciary is generally independent, since 2001 it is coming under increasing pressure from the executive. **[2e]**. The Government often refuses to abide by court decisions and frequently questions the authority of judges and threatens their removal. Press freedom is restricted and journalists are intimidated. Academic freedom is restricted. The Government has exacerbated resentment of the white minority. **[2b]**

Human Rights Organisations in Zimbabwe

6.3 Although the Government permits local civic and human rights groups to operate, it monitors their activities closely. The Government usually was unresponsive to the concerns of NGOs and rarely consulted with them during 2002. National human rights groups include the Amani Trust, the Catholic Commission for Justice and Peace, the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights, the Zimbabwe Women Lawyers Association, the National Constitutional Assembly, the Musasa Project, the Zimbabwe Union of Journalists and ZimRights. The Zimbabwe Human Rights NGO Forum has taken the lead in co-ordinating reports on human rights violations and abuses in the period prior to and following the 2000 parliamentary elections. **[2e]**

6.4 International human rights groups such as Amnesty International, Transparency International and the International Committee of the Red Cross operate in Zimbabwe. The Government generally does not prevent international human rights groups from visiting the country, but in September 2001 two people from the International Foundation for Election Systems, an NGO, who were visiting Zimbabwe to prepare for the monitoring of the 2002 presidential election, were asked to leave the country. Also in September 2001, a European Union team of election experts were denied permission to visit Zimbabwe. **[2b]**

6.5 On September 13, the Government signalled its intention to step up its oversight of NGOs, many of which they accused of supporting opposition political activity. It published a notice saying it would begin enforcing the 1995 Private Voluntary Organizations (PVO) Act requiring all PVOs to apply for registration with the Ministry of Social Welfare. Most PVOs had ignored the 1995 Act and expressed concern that enforcement of it would give the Government excessive control over their activities. Government ordered all non-registered PVOs to cease operations until they registered, a process that generally takes approximately 8 months. **[2e]**.

6.6 At the end of 2002, the Amani Trust (AT) closed it's offices. It scaled down its services, dealing only with critical cases. However, the organisation has resolved to operate fully, although its main offices in central Harare will remain closed. In response to bomb threats, AT said it would operate out of an undisclosed location. **[37q]**.

6.7 At the State opening of Parliament in July 2003, Robert Mugabe announced a Non-Governmental Organisations Bill. Civil rights groups fear that this is an attempt by the government to curtail their activities. In 2002, many NGO's avoided registering under the Private Voluntary Organisations Act by stating that they were trusts. The proposed bill will widen the definition of NGO's to include trusts. **[10am]**.

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Freedom of Speech & The Media

General

6.8 The Constitution provides for freedom of expression but the Government restricts this right in practice. Police and ZANU-PF supporters harassed, intimidated, and beat journalists. Security forces arbitrarily detained journalists and refused to investigate or punish security force members who tortured journalists and opposition members. Journalists practised self-censorship. The Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) placed increasing restraints on the freedom of the media. Books and films are subject to review by the Zimbabwe Board of Censors. The Board has banned at least ten films in recent years. **[2e]**. In September 2000 the Supreme Court ruled the Government's monopoly on broadcasting to be unconstitutional. **[2b]**.

6.9 The Government restricts the freedom of speech of its political opponents and those making public comments critical of Robert Mugabe. Coming into effect on 22 January 2002, the Public Order and Security Act (POSA) was to replace the LOMA.

Clause 15 of POSA, intended to replace section 50 of LOMA, makes it an offence to publish or communicate false statements prejudicial to the state. According to the US Department of State, legal experts have criticised this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. Clause 16 of POSA also makes it an offence to make statements that will engender feelings of hostility towards the President. In addition, anti-defamation laws criminalise libel of both public and private persons. **[2e]**.

6.10 Following Mugabe's controversial Presidential election victory, the Access to Information and Protection of Privacy Act (AIPPA) was introduced. This was largely perceived as an attempt by ZANU-PF to curb the activities of the media. Domestic journalists have to register annually with the state. This registration with the Media and Information Commission (MIC) must be renewed annually for individual journalists and biannually for media organisations. Members of the MIC are picked by the Information Minister, Jonathan Moyo. **[30b]**.

6.11 In January 2003, the chairman of the Associated newspapers of Zimbabwe (ANZ), launched a Supreme Court challenge against the constitutionality of AIPPA, particularly the compulsory registration of and accreditation of journalists and media organisations believing this infringes on the rights of association and expression. **[9bv]**.

6.12 On 6 May 2003, the Supreme Court struck down Section 80 of the AIPPA as unconstitutional. The ruling comes after two journalists, Lloyd Mudiwa and Geoff Nyorota challenged the constitutionality of the legislation under which they were arrested. **[37u]**.

6.13 The Media Information Commission, the body responsible for monitoring accreditation of journalists, warned Daily News journalists that it was illegal to register with the MIC under one media company then go and work for another, ie The Daily News. However, Gugulethu Moyo, a legal adviser to the Associated Newspapers of Zimbabwe, the publishers of the Daily News, said that it was not apparent from the AIPPA on what basis the MIC was taking this action. Journalist union officials pointed to this as evidence that the MIC's registration requirement was the clearest confirmation yet that the State was curtailing the freedom of the press. **[9dv]**.

6.14 Luke Tamborinyoka and Precious Shumba of the Daily News were made to crawl on a hard surface by police officers on 3 June 2003. Reporters Sans Frontiers condemned this harassment of the journalists. **[44c]**.

6.15 MISA criticised the passing through Parliament of two new bills, which it described as the "last nails in the coffin of press freedom". The first was the Access to Information and Privacy Amendment Bill which sought to address unconstitutional sections of the original AIPPA. However, MISA claims that the amendments have served to toughen the legislation concerning media activity. Under the new bill, the definition of a journalist is widened to include anyone who disseminates information to the public, and the definition of mass media to include even church news letters. The second bill, the Broadcasting Services Amendment Bill incorporated some minor changes to Broadcasting Services Act of 2001. **[10v]**.

6.16 In July 2003, the police charged the Associated Newspapers of Zimbabwe's (ANZ) chief executive officer, Samuel Sipepa Nkomo and its commercial director, Moreblessings Mpofu of denigrating Mugabe. The charges related to MDC advertisements which the Daily News ran in the run up to the mass action in the previous month. The Daily News editor, Nqobile Nyathi, was also charged on the same grounds. **[9dn]**.

Access to Information and Protection of Privacy Act

6.17 The Access to Information and Protection of Privacy Act (AIPPA) was introduced on 15 March 2002, two days after Mugabe claimed victory in the Presidential election. In a move designed to curb the activities of foreign media, the provisions of the AIPPA meant that all foreign journalists had to be authorised by the state authorities prior to initiating their work in Zimbabwe, and domestic journalists require registration. **[1c]**. Foreign journalists are only allowed to work in Zimbabwe for short periods to cover specific events. **[4s]**. Journalists have to renew their licences annually and these are only granted after a stringent set of rules are fulfilled. **[3ca]**. Reporters Sans Frontieres described Zimbabwe as one of the most repressive countries on the African continent, reporting that 20 local journalists were arrested and three foreign journalists were expelled from the country in 2001. **[44b]**.

6.18 In Parliament, in its first two readings, the AIPPA was rejected as unconstitutional by the Parliamentary Legal Committee. The Committee was chaired by Eddison Zvobgo, a ZANU-PF politician, who attacked it, saying, "The Bill in its original form was the most calculated and determined assault on our liberties guaranteed by the Constitution in the 20 years I served as Cabinet minister and as a member of the Cabinet Committee on Legislation for 16 of those years". **[35c]**

6.19 A protest against AIPPA held by the Zimbabwean Union of Journalists (ZUJ) outside Parliament resulted in its secretary-general, Basildon Peta being the first person to be arrested under the POSA legislation on 4 February 2002. He was released the following morning at 3am. **[35c]**. Between the Presidential election of 9-10 March 2002 and 11 July 2002, 16 journalists were arrested and charged under AIPPA. These charges were brought for stories which commented on the state and its actions. For example, Geoff Nyarota, the editor of the Daily News was arrested for running a story on vote rigging in the March Presidential elections. Bornwell Chakaodza, editor of the Standard was detained for three days, along with the author of an article about the acquisition of heavy anti riot gear from Israel. All of the 16 journalists charged worked for independent newspapers. **[30f]**.

6.20 In October 2002, the Government announced its intention to put amendments to the AIPPA before Parliament. Clause 7 to AIPPA would repeal clause 40, which allowed for journalist associations to nominate three people to sit on the Media and Information Commission. **[17a]**. This is the Commission that decides whether to accredit journalists, and would enforce any violations of the code of conduct laid down to journalists under the terms of AIPPA. **[11b]**. Under the new proposal, the Commission will be completely in the hands of the Government, as it is the information Minister who has sole responsibility for appointing members of the Commission. Other clauses are also being replaced, generally perceived to give more powers to the Mass Media Commission. **[17a]**.

6.21 As stated above, journalists also have to register with the Government to enable them to work. Two payments are made, firstly as a member of the press, and then again to get accreditation to work. This places a financial burden on media organisations, which have to pay for each of their journalists. The average annual income for Zimbabweans is Z$460. **[30b]**.

	Cost of application	Cost of one years accreditation
Zimbabwean journalists	Z$1,000	Z$5,000
Free-lance	Z$500	Z$2,500
Zimbabwean journalists working for foreign news group	US$50	US$1,000
Foreign journalists	US$100	US$500
Media owners	Z$20,000	Z$500,000*
Foreign media groups	US$2,000	US$10,000*

***** accreditation for media groups is valid for two years.
Z$ = Zimbabwean dollar
US$ = United States dollar
[30b]

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Newspapers

6.22 Through the Mass Media Trust (a holding company heavily influenced by the ZANU-PF), the Government controls two daily newspapers, The Chronicle and The Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other anti government groups, and also downplayed events or information that reflected adversely on the Government. **[2e]**.

6.23 The independent press continued to operate despite frequent attacks and intense pressure from the Government. In addition to the Daily News, an independent daily newspaper that has the nation's largest circulation, there were three major independent weeklies (The Financial Gazette, The Independent, and The Standard), and three monthlies. These newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel and security laws. **[2e]**. On 18 May 2003, the Associated Newspapers of Zimbabwe launched the Daily News on Sunday, an independent weekly paper. **[9ee][2e]**.

6.24 The Committee to Protect Journalists (CPJ) blamed President Mugabe for deliberately creating an atmosphere of danger and suspicion within Zimbabwe's independent media. In particular the CPJ condemned the campaign of harassment against the independent 'Daily News' newspaper. **[20a]**

6.25 In January 1999 military and civilian police detained and tortured two journalists from the independent 'Standard' newspaper, Mark Chavunduka and Ray Choto. They had reported that 23 army officers had been arrested in connection with an alleged planned army coup. The journalists were charged, under the colonial-era Law and Order Maintenance Act (LOMA), with publishing a false story capable of causing alarm or despondency. **[2b]**. Defence Ministry officials ignored three separate High Court rulings ordering the journalists' release before they were finally freed. **[14a]**. Clive Wilson, the 'Standard's' editor, was also threatened by military police, who refused to identify themselves. **[14b]**. The journalists subsequently sought compensation from the authorities for their torture and illegal detention. In April 2000 the Supreme Court ruled that the section of LOMA under which the journalists had been charged was unconstitutional. **[2b]**.

6.26 In February 2000 the publisher of the 'Standard' and two of the paper's journalists were arrested on charges of criminal defamation after the paper published an article accusing the Government of printing the country's new draft constitution without incorporating all the public's views. **[2a]**

6.27 During the election campaign for the June 2000 parliamentary elections, ZANU-PF supporters and War Veterans harassed, intimidated and abused journalists who they considered to be sympathetic to the opposition. All Zimbabwean media came under intense pressure during the election to cover the ZANU-PF Government in a positive way. The Government accused international journalists of colluding with the MDC and white farmers to discredit ZANU-PF. In April 2000 a Daily News journalist, photographer and driver were detained for two hours by ZANU-PF supporters and War Veterans on a farm near Harare, and were threatened with death for allegedly supporting the MDC and white farmers. The newspaper staff were forced to chant ZANU-PF slogans, in view of police. **[2a][30a]**

6.28 Also in April 2000, the Daily News received a letter threatening the editor if the paper did not desist from criticising the Government and President Mugabe in particular. Three days later a bomb exploded in an art gallery below the offices of the Daily News. An Associated Press photographer was arrested in connection with the bombing in April 2000 but was released on 29 April and on 2 May 2000 was told that all charges have been dropped. **[30a]**. In January 2001 a bomb exploded in the printing plant of the Daily News. The attack followed a warning from the Government's Information Minister, Jonathan Moyo, that it was only a matter of time before people put a stop to what he called the newspaper's "madness". **[2b][3x]**. War Veterans' leader Chenjerai Hunzvi MP had also announced that War Veterans intended to "ban" the Daily News. **[3x]**.

6.29 In June 2000 War Veterans beat and abducted a journalist for the Daily Independent newspaper, a foreign journalist, and his cameraman in Mutoko district. Police rescued those abducted within a few hours. No charges were filed against the perpetrators. In July 2000 War Veterans assaulted Standard journalist Cengetayi Zvanya at a news conference at ZANU-PF headquarters. The War Veterans detained Zvanya for two hours then released him. **[2a]**

6.30 In February 2001 the BBC's Zimbabwe correspondent, Joseph Winter, fled the country after the Government withdrew his visa and armed men picketed his home.

Also in February 2001 a Uruguayan journalist working for a South African newspaper was also expelled from Zimbabwe. **[3z]**.

6.31 In March 2001 the Government sacked the editors of Zimbabwe's largest state-controlled newspapers, intensifying a campaign by the Minister for Information Jonathan Moyo to gag the media ahead of the 2002 presidential election. The editors of the Herald and the Sunday Mail were sacked without explanation shortly after the dismissal of the chairman of Zimbabwe Newspapers, which publishes the Herald and Sunday Mail, after he refused to implement a Government directive to fire editors perceived to be critical of government policy. The move was criticised by the Media Institute of Southern Africa, which described the action as a form of harassment against journalists. **[4c]**.

6.32 In April 2001 the chief editor and two reporters of the Daily News were questioned by police after being charged with defamation of President Mugabe. This follows the publication in 2000 of newspaper reports linking Mugabe and Emmerson Mnangagwa, the Speaker of Parliament, to 'kickbacks' allegedly paid for awards of contracts paid for a new airport for Harare. These kickbacks allegedly favoured ZANU-PF politicians and their business associates. The Daily News editor described the charges as evidence of 'continuing harassment' of independent journalists. **[8c]**

6.33 In June 2001 the Harare correspondent of the British ‘Daily Telegraph’ newspaper was ordered to leave Zimbabwe. The International Press Institute in Vienna was among several groups to criticise the expulsion, seeing it as part of a consistent policy by the Zimbabwean Government to prevent the media, both inside and outside Zimbabwe, from discussing what is happening in the country. In July 2001, the Zimbabwean Government suspended the accreditation of BBC correspondents, accusing the BBC of "distortions and misrepresentation". **[5y]**

6.34 In August 2001, Geoff Nyarota, the then editor of the Daily News, was arrested along with his deputy, news editor and a reporter on charges of publishing rumour or false information likely to discredit the security forces. The paper had published an article alleging that police had been involved in looting white-owned farms in the northwest of the country. The journalists were released a few hours later after a High Court judge ruled that the charges were illegal but they were re-arrested on new charges of publishing subversive material, under the provisions of the Law and Order Maintenance Act, then released. **[3ah]**.

6.35 A reporter and a photographer working for the independent Daily News newspaper were arrested in November 2001 on kidnapping and torture charges in the case of Cain Nkala, a leader of farm occupations in Matabeleland, who was murdered in November 2001. Nkala's death sparked a wave of violence by militant ZANU-PF supporters. **[4n]**. The two journalists were accused of involvement in an alleged plot to blame Government agents for Nkala's murder. The Daily News said that its employees had been arrested to prevent them from publishing an interview with a member of the MDC with details about the death of Nkala. **[3ar]**

6.36 The International Press Institute wrote to President Mugabe in November 2001 asking him to repudiate his Government's accusation that local and foreign journalists were colluding with terrorists. The pro-ZANU-PF Herald newspaper had quoted a

Government spokesman as saying that six foreign journalists were "assisting terrorists" after they had reported on attacks on whites and opposition activists in Bulawayo. **[34c]** The journalists report for British newspapers the Independent, the Guardian, the Times and the Daily Telegraph, US news agency Associated Press and the South African Business Day. One of the journalists also reports for the Zimbabwean paper Financial Gazette. Since the terrorist attacks in the USA on 11 September 2001, President Mugabe has repeatedly referred to his opponents as 'terrorists'. Three foreign correspondents were expelled from Zimbabwe earlier in 2001. **[4o]**

6.37 In its report on the March 2002 presidential election, the Commonwealth Observer Group condemned the effective "banning" of the independent Daily News newspaper in some parts of Zimbabwe by ZANU-PF supporters and War Veterans. **[9u]** Also in March 2002, the Daily News reported that 15 ZANU-PF youths and War Veterans had attacked two of its vendors in Rusape for selling the newspaper. The two vendors were taken to ZANU-PF offices, where they were beaten and robbed. **[9v]**

6.38 On 15 April 2002, the editor of the Daily News, Geoffrey Nyarota, was arrested again, over a report published in his newspaper on 10 April 2002 that alleged that the result of the presidential election had been rigged. Nyarota was charged under the new Access to Information and Protection of Privacy Act with abusing journalistic privilege and publishing false information. He was freed after questioning but will appear in court at a later date. The offence with which he was charged carries a maximum penalty of two years imprisonment. Dumisani Muleya, a reporter with the Zimbabwe Independent newspaper, was also arrested on 15 April 2002 over a report in his newspaper that Mugabe's brother-in-law was leading a group of militants that was trying to seize control of a white-owned food processing company in Harare. **[8e][9x]**

6.39 Andrew Meldrum is a US citizen who resided in Zimbabwe since independence, and is the correspondent for the London based newspaper, *The Guardian.* He was arrested on 1 May 2002 under the new controversial Access to Information and Protection of Privacy Act (AIPPA), which came into effect shortly after the March 2002 Presidential election **[30d][3bm]**. This act requires that all journalists in Zimbabwe be approved by the state. Mr Meldrum, along with 7 other journalists were arrested under AIPPA. Mr Meldrum's case was the first brought to court using the new Act **[30c]**. The arrest of Meldrum and 2 journalists from The Daily News followed the publication in that paper and The Guardian of a report that claimed ZANU-PF youths beheaded a supporter of the opposition. Mr Meldrum ran the story for The Guardian and Mr Mudiwa ran it for The Daily News. **[30d]**. However, the story proved to be inaccurate. Despite a retraction and apology by the newspapers involved the three were still tried, although they were released from custody on 2 May 2002. One of the three, Collin Chiwanza, had the charges against him dropped by the presiding judge on 7 May 2002, due to lack of evidence. At the court hearing on 15 July 2002, the judge found that Mr Meldrum has taken reasonable steps to verify his story and did not deliberately publish falsehoods. Although he was acquitted, Mr Meldrum was served with deportation papers which had been signed a week before the trial, indicating the governments intention to deport him regardless of the verdict. **[30c]**. On 20 June 2002, the government indicated that it would reinstate charges against Mr Chiwanza. **[30e]**. On 18 July 2002 the deportation order against Mr Meldrum was suspended, pending the case being referred to the Constitutional Court.

6.40 On 16 May 2003, the Zimbabwean authorities illegally deported Andrew Meldrum. Despite a court order forbidding Mr Meldrum's deportation and instructing the authorities to bring him before the court, security agents forced Meldrum on a London bound plane, despite his lawyer, Beatrice Mtetwa, obtaining a second court order forbidding the deportation. It is reported that immigration officials ran away from Mtetwa, to avoid being served with this second court order. **[30g]**.

6.41 With regard to Mr Mudiwa and Mr Nyarota of the Daily News, at their court hearing on 25 July 2002, their defence council argued that the case should be referred to the Supreme Court. **[44a]**.

6.42 Between the Presidential election and 11 July 2002, 14 journalists had been arrested. **[30d]**.

6.43 In November 2002, Stephene Barbier, Agence France Presse's Harare bureau chief was refused a renewal of his work permit by the Department of Information and Publicity. The AIPPA bans foreign journalists from being permanently based in Zimbabwe. **[37r]**.

6.44 Gugulethu Moyo the Corporate Affairs director of the Associated newspapers of Zimbabwe (ANZ) was detained on 18 March 2003 after going to the Glen View Police station with lawyer Alec Muchadehama to secure the release of Philemon Bulawayo, a Daily News photographer. According to Moyo, after witnessing acts of police brutality, she was verbally abused and physically assaulted by Joyce Chiwenga, wife of the Commander of the Zimbabwean Army. Despite being a civilian, Chiwenga ordered soldiers to assault Moyo. Chiwenga and at least one other solider boasted about how they could kill Moyo with impunity. After searching Moyo's bag Chiwenga found a library card, for the British Council's facility. This appeared to be evidence enough for Chiwenga that Moyo wasn't a member of a library, but in fact a British spy. **[9bw][9bx]**.

6.45 Gugulethu Moyo was detained in cells that were so full she had to stand. But according to Ms Moyo, this was okay as her backside had been so bruised from being beaten by the police that she could not lie down. **[3bu]**.

6.46 The Daily News' reporter Lloyd Mudiwa was arrested with Geoffrey Nyarota, the former editor of the paper were charged under Section 80 of the AIPPA. **[9by]**. Section 80 criminalises the publication of any story deemed false. **[37u]**. However, in late March 2003 Mudiwa was made a free man following Magistrate Sandra Nhau's conclusion that this piece of legislation is unlikely to survive a constitutional challenge in the Supreme Court. Nhau refused to place Mudiwa under further remand as the Information Minister, Jonathan Moyo had also said that Section 80 is in conflict with the constitution and is to be amended. **[9by]**.

6.47 Daily News on Sunday editor Bill Saidi was arrested on 24 June 2003 for a story which appeared in the Daily News last year, whilst he was an assistant editor. Saidi was charged under the POSA legislation for allegedly publishing a false story, a charge which he denies. Saidi stated that the police officers were reasonably friendly and did not harass him at all. **[9ep]**

6.48 Flata Kavinga was admitted to Kwekwe general hospital for two days in August 2003 after being attacked by suspected ZANU-PF youths. The youths accused the paper Kavinga worked for, the Midlands Observer, as being anti-ZANU-PF. Kavinga was attacked with logs and iron bars. **[9bq]**.

6.49 On 12 September 20 police officers, some armed with rifles, entered the Daily News offices and shut the paper down. This comes a day after the Supreme Court ruled that the newspaper was operating illegally. The Court considered that the Daily News should register itself with the Media Information Commission (MIC) in line with AIPPA. The Associated Newspapers of Zimbabwe, the Daily News' publishers, argued that the relevant sections of the AIPPA are unconstitutional. The police entered the building on the evening of 12 September and ordered everyone out. The editor, Nqobile Nyathi, and the operations officer for the paper were detained, but later released without charge. **[3dd]**. However, the ANZ said that in the past, the MIC had refused to accredit journalists working for the paper. **[3bl]**.

6.50 On 16 September the police raided the offices of the unoperational Daily News and confiscated computers and other equipment. The paper claims that the police had no warrant and that the raid was illegal. The Daily News filed an application to register with the MIC, but the paper is pessimistic about its prospects of reopening soon. **[3cr]**.

6.51 The High Court ordered the reopening of the Daily News on 18 September. The court stated that the police had no right "to prevent the applicant and its employees from gaining access to the premises of the applicant and carrying on its business". The court also ordered the police to return the equipment it had seized from the Daily News. **[3bd]**.

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Radio and Television

6.52 Radio is the most important medium of public communication, especially for people in rural areas. The Government controls all domestic radio stations through the State-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister for Information and Publicity in the President's Office. Ministers are reported to routinely review ZBC news and excise reports on the activities of groups and organisations opposed to and critical of the regime, including anti-government demonstrations and the ZCTU. **[2e]**

6.53 In September 2000 the Supreme Court declared the Government's broadcasting monopoly to be unconstitutional, and in the following month, a private radio station called Capital Radio began operating. In the same month, October 2000, police shut down Capital Radio and seized its equipment, despite the issue by the High Court earlier the same day of a decision barring the seizure. The police also searched the homes of the station's co-owners and others associated with the station, including MDC MPs Michael Auret and David Coltart. **[5v]**. The High Court ordered the return of the seized equipment and directed the Government to issue a licence within ten days. Most of the equipment was returned but a licence was not issued and, that same day, President Mugabe issued by decree temporary regulations giving the Information

Minister the power to issue and deny broadcasting licences. Later in October 2000, a legal committee of Parliament, in a non-binding resolution, declared the new regulations unconstitutional. **[2b]**. Capital Radio's case was brought before the Supreme Court on 19 June 2002. The Court reserved judgement on that particular case in the same month. **[2e]**. In April 2003, the Media Institute of Southern Africa – Zimbabwe (MISA) and the Zimbabwe Union of Journalists (ZUJ) expressed concern over the delay by the Supreme Court in delivering judgements on media cases, including that of Capital Radio. **[9bz]**.

6.54 In 1999 the Supreme Court ruled that the Government's monopoly on telecommunications was unconstitutional because it interfered with the right to freedom of expression. The Government subsequently granted a broadcasting licence to a private television station, Joy TV. However, the President's nephew, Leo Mugabe, is reported to have financial ties with Joy TV and the ZBC reportedly exercises editorial control over the station's programming. **[2a]**. International television broadcasts are freely available through private cable and satellite firms. **[2e]**.

6.55 Despite being found unconstitutional by the Parliamentary legal committee, the Broadcasting Services Act was passed through parliament in April and became law in July 2001. The makes provision for one independent television broadcaster and one independent radio broadcaster. However, the transmit with a government controlled signal carrier and the Minister of Information retains the final authority in issuing and revoking licenses. **[2b]**.

6.56 Radio Dialogue is a community based station, which was denied a licence by the Information Minister, Jonathan Moyo, before it even applied for one. The station held a workshop in Bulawayo in late March 2003 to explore ways to successfully lobby for a licence. Zimbabwe is on of the few countries in Africa that does not have a community radio station. **[9ca]**. A meeting in Mutare to consult the community about the possibility of establishing a similar radio station was attended by eight uninvited state agents. The meeting, attended mainly by journalists, civic leaders and councillors, did continue but participants claimed the heavy presence of security agents led to muted contributions. **[9cb]**.

6.57 Reporters Sans Frontiers claimed that the media crackdown in Zimbabwe is getting worse. On 10 June 2003, they released a statement condemning the arrest and subsequent assault by War Veterans and ZANU-PF youths of Shorai Katiwa and Martin Chimenya of the Voice of the People (VOP) radio station. The two were seized by the War Vets and youths on 2 June 2003, interrogated and robbed of their mobile phones and tape recorders before being handed over to the police. After further questioning and the confiscation of some VOP property, the journalists were released and the property returned. **[44c]**.

Internet

6.58 The Government does not restrict access to the Internet and there are many privately owned domestic Internet Service Providers. However, in April 2000 Parliament passed legislation permitting the authorities to monitor all international e-mail messages entering and leaving Zimbabwe. The security services reportedly have used this authority to monitor e-mail communications, although the extent of any such

monitoring is not known. Under the Posts and Telecommunications Bill of 2000 a new regulatory board was established with powers over Internet services. All Internet Service Providers (ISPs) will have to apply for private licences. The Government can take up to eight months to grant or accept applications for such licences and ISPs with less than 51% Zimbabwean ownership are ineligible. The Bill also gives the Government power to monitor communications in the interests of national security or maintenance of law and order. **[2b][30a]**.

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Freedom of Religion

6.59 There is no state religion in Zimbabwe. The Constitution provides for freedom of religion and the Government generally respects this right in practice. However, respect for religious freedoms has deteriorated in the course of 2002. Church leaders who criticise the government face harassment, arrest and even deportation. **[2g]**.

6.60 The Government generally recognises all religions. Religious institutions do not have to be registered, although religious organisations that run schools or medical facilities must register those institutions with the ministries involved in their regulation. Religious institutions may apply for tax-exempt status and duty-free privileges with the Customs Department, which generally grants such requests. **[2g]**. (See also Sections 6.234 - 6.237 on Witchcraft).

6.61 The government permits religious education in private schools. There are Islamic and Hebrew primary and secondary schools in the major urban areas, particularly Harare and Bulawayo. **[2g]**. However, in early August 2003, it was reported that a local Muslim group, the Islamic Convent of the Strict Observance (ICSO) of Harare, sent an ultimatum to the government demanding the amendment of the current Christian biased curriculum. If this did not happen within 60 days, the organisation would lodge an application with the Supreme Court seeking a declaration that teaching Christian subjects and reciting the Lord's Prayer are unconstitutional. Non Christian students are exempt from attending lessons concerning Christianity. However, at Grade 7, students are expected to sit examinations relating to Christianity. **[9ex]**.

Religious Groups

6.62 Estimates of the percentage of the population that is Christian vary between 60% to 70%. Of these, 17 to 27 percent identify themselves as Roman Catholics. There is a small Muslim population, estimated at less than 1% of the population and comprising mainly Asian Zimbabweans. There are 18 mosques in Harare and 8 in Bulawayo. Most major urban areas have a mosque and there are some in the rural areas also. In recent years Muslims have begun proselytising among the black population with some success. Mugabe has expressed scepticism about the increasing membership of evangelical and indigenous churches and has indicated that he believes that they could be subversive. According to press reports, Mugabe has refused to meet with bishops from indigenous churches since 1997. **[2g]**.

6.63 Relations between the different religious groups are generally amicable. **[2e]**. The Muslim, Jewish, Hindu and Buddhist populations are relatively small and are generally not in competition with Christian churches. There have been complaints by

Muslims that private employers have refused them sufficient time to attend mosques on Fridays. **[2b]**

6.64 There were continuing reports in 2002 of tensions between mainstream Christian churches and practitioners of traditional indigenous religions. Gordon Chavanduka, chairman of ZINATHA (an organisation that represents traditional indigenous churches), reportedly has stated that the black-market demand for human body parts used in making potions has increased greatly in recent years. There were no reports that persons killed children for body parts for use in practising healing rituals associated with traditional religions during 2002, although the Government actively enforces the law against ritual murders. **[2g]**

6.65 In March 2001, the Reverend Paul Andrianatos, an Anglican priest, was ordered to leave Zimbabwe. Andrianatos had presided at the funeral in 2000 of Martin Olds, a Matabeleland farmer murdered by War Veterans during the violence surrounding the land seizures and the election campaign, and in 2001 at the funeral of Martin Olds' mother Gloria, who was also murdered on her farm. At both funerals Andrianatos accused the Government of encouraging lawlessness and violence against white farmers. He stated that after conducting Martin Olds' funeral in 2000 he had been visited by members of the Central Intelligence Organisation who asked him about his comments at the funeral. South African-born Ordinates, married to a Zimbabwean, had been in the country for seven years. Shortly before presiding at Gloria Olds' funeral he was informed that his work permit would not be renewed. **[20c][3ac]**

6.66 In early November Bishop Pius Ncube, the Catholic Archbishop of Bulawayo, called on Mugabe to step down. The Archbishop believed the policies of the Government were undermining the economy and increasing the risk of hunger for much of the population. **[3cf]**.

6.67 Bishop Ncube led a small group of Zimbabwean church leaders into Bulawayo cricket ground immediately prior to their game against Australia. There, they read out a short statement, indicating that their Christian beliefs compelled them to speak out against poverty, suffering and oppression. **[3cg]**.

6.68 The Evangelical Fellowship of Zimbabwe (EFZ) reported that 23 pastors and clergy were arrested and detained on 28 February 2003. One of the 23, was blind. The 23 were walking to Police Headquarters in Harare to present a petition to the Commissioner of Police, Augustine Chihuri, against the police infringements of the right to expression and the right to assembly. Also, the petition remonstrated against the forceful and unjust arrests of clergy, including the arrest on 13 February of the EFZ president, Bishop Trevor Manhanga**. [60]**.

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Freedom of Assembly & Association

6.69 The Constitution provides for the right of assembly but the Government has restricted this right in practice. The Government enforced laws that restricted the right to free assembly, including the Public Security and Order Act (POSA), and repeatedly used force to break up non-violent demonstrations by its critics. Permits are not

required for meetings or processions. POSA requires organisers to notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so would result in criminal prosecution as well as civil liability. Most groups conducting marches have not sought permits but some groups informed the police of their planned demonstrations. Police insisted that their permission was required to hold public gatherings, and they disrupted many events for which permission had not been sought. **[2e]**.

Public Order and Security Act

6.70 Coming into effect on 22 January 2002, the Public Order and Security Act (POSA) was to replace the Law and Order Maintenance Act (LOMA) which was introduced in 1960 by the colonial regime as a tool to thwart black nationalist movements **[35b][9bo]**. Despite this, POSA takes much of its content from the discredited LOMA. **[55]**. POSA was seen as an attempt to prevent the MDC holding political gatherings ahead of the March 2002 Presidential election. **[55][35b]**. It also hindered the training and deployment of MDC election monitors. **[35b]**.

6.71 The Legal Resources Foundation outlined the major points of POSA:
(i) Prohibits public statements or behaviour causing people to hate, ridicule, be hostile to or contemptuous of the person or Office of (acting) State President.
Penalty – Z$20 000 and/or one year imprisonment.
(ii) Prohibits abusive, indecent, obscene and/or false public statements causing people to be hostile to or contemptuous or disrespectful of the police.
Penalty – Z$20 000 and/or two years imprisonment.
(iii) Prohibits untrue statements which the author realises might incite or encourage public disorder or violence, negatively affect Zimbabwe's defence or economy, undermine public confidence in the police, prisons or defence force, or interfere with specified essential services.
Penalty – Z$100 000 fine and/or five years imprisonment.
(iv) Prohibits planned or spontaneous public association likely to disturb the peace by force, obscenity, abuse, threat or insult; together with public statements likely to make anyone hate or despise any section of Zimbabwean society because of their race, tribe, religion or gender.
Penalty – Z$50 000 and/or imprisonment for 10 years.
(v) Requires four days advance notice to (not permission of) the police for any public gathering.
Penalty – Z$10 000 and/or six months imprisonment, plus personal liability to compensate for any personal injury and/or damage to private property.
(vi) Gives the police power to prohibit any public gathering they reasonably believe would result in public violence (even though police permission is not required to hold any gathering); to disperse such a gathering; and to cordon and search any area at any time.
Penalty for entering or leaving a cordoned area without written police permission– Z$10 000 and/or six months imprisonment.
(vii) Gives the police power to demand from anyone in public space their identity document.
Penalty – seven days to produce identity documents at the nearest police station, or detention by the police until identity is proved. **[35b]**.

6.72 By May 2002, the Act has been used to ban or disrupt 83 MDC rallies, in addition to Morgan Tsvangirai's briefing with Harare diplomats and foreign observers. Also some training sessions for polling agents were disrupted by the police who classified them as political rather than educational meetings. In what is described as a clear act of partisan policing, a National Constitutional Assembly (NCA) march in February 2002 was dispersed and a violent ZANU-PF march in the same month was given an escort by riot police. **[35b]**

6.73 In April 2001 Parliament passed a law banning foreign funding of political parties, a move clearly aimed by the Government at the MDC. While ZANU-PF is financed largely from state sources, the MDC has relied on aid from local and foreign donors. MDC leader Morgan Tsvangirai criticised the new law as unconstitutional, saying that it impinges on freedom of association. **[3w]**.

6.74 University lecturers initiated a strike in October 2002 over grievances over pay. Students, who feared the strikes may influence their results, gathered to discuss the situation on 4 November 2002. However, student executives were pulled away from the podium from which they were to address the student body by University security guards. This angered the students present, who attacked the guards. At this point near by riot police intervened. **[9ce]**.

6.75 On 4 February 2003, MDC MP for Mutare Central, Innocent Gonese applied for permission to hold a meeting with residents. However, the police in Mutare refused permission for the meeting, citing police commitments to the upcoming cricket World Cup as the reason. Gonese replied to say that all of the World Cup matches would be played in Harare and Bulawayo, not in Mutare. **[9cc]**.

6.76 On 14 February 2003, the High Court barred the MDC from holding a rally at the White City stadium in Bulawayo. Morgan Tsvangirai the MDC leader, Gibson Sibanda, the vice-president and Welshman Ncube the secretary-general were all billed to speak. The police blocked the move under the POSA legislation, saying that they did not have enough manpower to police the rally due to commitments for the Cricket World Cup. **[9cd]**.

6.77 On 17 February 2003, three student leaders from the Great Zimbabwe University, who were arrested under the POSA legislation on 22 November 2002 for causing disturbances were acquitted. The state alleged that the three, Emmanuel Saurombe, Trevor Jakachira and Brian Gwinji organised a demonstration of about 150 students who subsequently caused Z$463,749 of damage to the campus. **[9cg]**.

6.78 By 13 March 2003, with the strike was still unresolved, the University of Zimbabwe closed indefinitely. 700 lecturers remain on strike and there is no solution in sight. Students were given until 6pm of 14 March to vacate the University. **[9cf]**.

6.79 70 striking Zimbabwe Electricity Supply Authority (ZESA) workers were seriously assaulted by riot police during a meeting at the Workington power plant. The incident, which occurred on 28 May 2003, involved the strike which was declared illegal a week earlier by the Labour Court. However, the workers claim that

management had still not addressed their grievances and were waiting to be addressed by management when the police attacked. **[9fc]**.

6.80 Police in Chinhoyi prevented the MDC from holding a rally scheduled for 7 June 2003 in Chinhoyi stadium, citing security concerns. The rally had initially been given the go ahead by police, but the decision was reversed on 4 June. Morgan Tsvangirai the President of the MDC , Gibson Sibanda his deputy, and Welshman Ncube, the party's Secretary General, were due to address the rally. **[9db]**.

6.81 Numerous demonstrations were prevented from happening by state security forces and ZANU-PF youths on 6 June. The demonstrations were due to take place as a conclusion to the 5 day long mass action initiated in 2 June. **[9dc]**.

6.82 The National Constitutional Assembly (NCA) was barred from holding its regional convention on 5 July 20003 in Masvingo, as Robert Mugabe was holding a rally in Chivi, 70 kilometres away. The NCA said that they would press head with their convention irrespective of the police order. **[9dk]**.

6.83 On 18 August 2003, police arrested several officials from the Zimbabwe Security Guards Association (ZSGZ), preventing them from organising a strike in which security guards would press for higher wages. The Commercial Workers Union, to which the ZSGA is attached, said 11 leaders of the ZSGA were charged under the POSA legislation and given a bail of Z$5,000. **[9du]**.

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Employment Rights

6.84 The Labour Relations Act provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters and form or join unions without prior authorisation. There is no right to strike in the Constitution and "essential" employees are prohibited by law from striking. The Government has defined all public sector workers and some private sector workers, such as those in the health sector, as essential. For the remaining non-essential workers to strike there must be a vote of more than 50% in favour of strike action. **[2b]**

6.85 The International Confederation of Free Trade Unions (ICFTU) has criticised Zimbabwe's labour laws for giving the authorities wide scope for declaring that a given enterprise or industry constitutes an essential service and then impose a strike ban. President Mugabe has on occasions issued blanket bans on strikes in both the public and private sectors. **[2b]**

6.86 Approximately 400,000 workers, around 25% of the formal sector workforce, belong to the 31 unions that form the Zimbabwe Congress of Trade Unions (ZCTU). Although the Government originally established the ZCTU, anticipating that it would form a labour arm of ZANU-PF, the ruling party no longer controls the organisation. MDC leader Morgan Tsvangirai was the former leader of the ZCTU and many senior MDC figures come from the ZCTU. Although civil servants constitutionally are barred from forming unions, the Public Service Association and its affiliated associations have

become members of the ZCTU. The ZCTU is affiliated with the ICFTU. The ZCTU's Secretary General, Wellington Chibebe, was arrested in July 2001 and questioned about a strike that the ZCTU had sponsored earlier that month and the ZCTU's association with foreign labour organisations. He was released later the same day. **[2b]**

6.87 In June 2001, a second umbrella labour organisation, the Zimbabwe Federation of Trade Unions (ZFTU) began to function after a long period of inactivity. The organisation appeared to be led by Joseph Chinotimba, a prominent War Veteran. Observers commented that the ZFTU had been reformed by ZANU-PF to spearhead its campaign to force mainly white-owned businesses to resolve wage and employment disputes and grant higher wages to their workers. The ZFTU was created with government support to try and undermine the powerbase of the ZCTU and try to coerce some ZCTU-affiliated union members into joining its own nascent unions. The ZFTU has no known international affiliations. **[2b][37l]**

6.88 In April 2002, eight workers at a gold mine at Shamva were reportedly forced to resign their jobs because of their support for the MDC. The men had acted as polling agents for the MDC in the March 2002 presidential election. They claimed that active ZANU-PF members in the mine victimised suspected MDC supporters. **[9m]**

6.89 In June 2003 the ACTU criticised the government for the sections of the Labour Relations Amendment Act (LRAA) which allow the government to ban strikes in areas of industry which they consider essential. The LRAA allows the Minister for Labour to decide at short notice what can constitute an essential service. Lovemore Maduku of the National Constitutional Assembly feared that once a particular sector that was not on the list wanted to strike, the Minister could issue a declaration including it on the banned from striking list. However Maduku, a constitutional lawyer, stated that the Labour laws do not cover stayaways as these are a political act rather than a strike, which is a dispute between employer and employee. Current sectors on the banned from striking list are Zimbabwe Broadcasting Corporation, Zimbabwe National Railways and Zimbabwe Electricity Supply Company. However, the list no longer automatically includes all civil servants. Teachers, for example are absent from the list. **[10al]**.

6.90 On 18 June 2003, armed riot police dispersed striking members of the Zimbabwe Electricity Supply Authority (ZESA) at the Workington offices in Harare. None of the striking workers were injured. It is reported that management refused to address workers grievances as under the LRAA, ZESA provides an essential service and therefore strikes are illegal. **[9di]**.

6.91 Child labour is common, although the law bans the employment of children under the age of 15 and restricts employment of those between 12 and 17 to light work during school holidays for periods not exceeding six hours per day. Hazardous employment, overtime and night shift work are banned for those under 18. However, there is little enforcement of these laws. According to the 2000 National Child Labour Survey, approximately 25% of children between the ages of 5 and 17 were involved in some form of child labour. In the agricultural sector, children often work in fields after school during the plantation and harvesting seasons. **[2b]**

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People Trafficking

6.92 The trafficking of people is a growing problem in Zimbabwe. There are no figures available from the Government or NGOs on the number of people trafficked to, from, or through Zimbabwe. Although both men and women of every age group were trafficked, young women below 25 years old appeared to be targeted specifically for trafficking to South Africa. While Zimbabwe is primarily a source of people trafficked to South Africa, it is also a transit point for people trafficked from Asia, Mozambique and Malawi to South Africa. In a smaller number of cases, Zimbabwe is a destination point for people trafficked from Mozambique, Malawi and other poorer countries in southern and central Africa. **[2b]**

6.93 Most victims of trafficking appear to be targeted because they are young, unemployed or dispossessed. Traffickers are known to enter nightclubs or other youth gathering places in search of recruits. Most victims are promised high paying jobs, few of which exist in South Africa. Many young women are forced into the sex trade and victims are often held against their will and denied pay. Most trafficking from and through Zimbabwe appears to involve loose organisations of independent truck drivers and recruiters, most of whom have no connections to overseas crime groups. Most victims are transported by trucks, especially containerised cargo trucks. They are often left near the border, where they cross by foot to be met on the other side. **[2b]**

6.94 The Sexual Offences Act, passed and signed into law in August 2001, criminalises the transport of people across Zimbabwe's borders for the sex trade. Traffickers can also be prosecuted under other legislation, such as immigration and abduction laws, but the specified punishments generally are minor. The Government generally does not acknowledge the problem of people trafficking. When trafficking is discovered, the police usually focus on the illegal immigration status of the victims rather than the activities of the traffickers. Most foreign victims of trafficking are usually detained and then deported. **[2b]**

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Freedom of Movement

6.95 Although the Constitution provides for the rights of freedom of movement and travel within and outside Zimbabwe, the Government has at times restricted these rights. There were various incidents during the campaign for parliamentary elections in June 2000 in which people's rights of free movement were interfered with. This has continued throughout 2001. **[2b]**

6.96 The Government invoked the Law and Order Maintenance Act in April 2000 to prevent the movement of political party supporters between different districts. In May 2000 police sealed roads leading into Masvingo, where an MDC rally was being held. **[2a]**

6.97 In 2001, police routinely erected roadblocks in and around cities and rural districts that were due to hold local elections. Police claimed that they were searching for criminals and illegal weapons but legal rights groups claimed that the intention was to discourage or limit campaigning by the opposition in those areas. In rural areas, police

and ZANU-PF supporters set up roadblocks to screen vehicles for known opposition supporters and to turn away people who were not carrying ZANU-PF party cards. **[2b]**

6.98 In July 2001, President Mugabe signed an amendment to the Zimbabwe Citizenship Act and the Home Affairs Ministry issued regulations requiring all dual passport holders to renounce their foreign citizenship under the laws of the foreign country in order to retain their Zimbabwean citizenship. Citizens who had failed to comply with this requirement by 7 January 2002 ceased to be Zimbabwean citizens and would be ineligible to vote in Zimbabwean elections. **[2b]**.

6.99 Legal rights groups stated that the revised citizenship laws were intended to disenfranchise citizens because of their perceived opposition sympathies. This includes farm workers, estimated to number over 500,000, who have origins outside Zimbabwe and the approximately 30,000 mostly white dual nationals. In 2000 the Government had ordered people with dual nationality to surrender their Zimbabwean passports, after President Mugabe had declared them "enemies of the state". **[2b]**. However, revisions to the Citizenship laws announced in April 2003, will allow all Southern African Development Community (SADC) citizens who were resident in Zimbabwe at Independence in April 1980, to be granted Zimbabwean citizenship. **[10y]**.

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6.B Human Rights - Specific Groups

Women

6.100 Women and men enjoy equal rights in Zimbabwe, although there is a disparity between women's legal status and the treatment they receive on an everyday basis. Domestic violence and discrimination against women remains widespread in all economic and ethnic groups. Domestic violence sometimes has resulted in death. Divorce and maintenance laws are favourable to women but women generally lack awareness of their rights under the law. The Government campaigns actively to change perceptions of the role of women in society and NGOs also work to increase women's awareness of their rights. Traditional perceptions of women are more deep-rooted among rural populations, including among women themselves. For example, in many rural families, while women worked in the fields their husbands controlled the income from the sale of produce. **[2e][2b][15]**.

6.101 Domestic violence against women, especially wife beating, is common. The Musasa Project, a leading women's rights organisation, reported that the number of incidents of domestic violence increased in 2002 because of the deteriorating economic situation and higher unemployment amongst men. **[2e]**. This was highlighted by matrimonial lawyer Nomsa Ncube. In December 2002 Ncube said that women, faced with increasing prices for basic commodities such as food, were forced into having sex as a method of payment, to feed their families. **[10z]**. It was reported that domestic violence accounted for 60% of murder cases tried in the Harare High Court in 1998. **[2a]**. The Musasa Project, a leading women’s rights organisation, handled 1,669 cases of domestic abuse in 2002. **[2e]**.

6.102 Women face many obstacles in reporting rapes. Many police stations are not prepared to properly handle the investigation of rape cases. Also, women are reluctant to report rape because of social stigma. Women's groups believe the actual number of rapes is under-reported considerably. When cases do reach the courts, lengthy sentences for rape and wife beating are generally imposed. A "binding over" order (an order to appear in court to respond to an accusation of violent behaviour) was issued based only on actual physical abuse and not on threats of violence. Courts do not have the power to remove an abusive spouse from a couple's home. **[2e]**.

6.103 At least eight cases of politically motivated rape of women were reported in the run-up to the parliamentary elections in June 2000. **[2a]** The Amani Trust reported six cases of politically motivated rape in 2001 but estimated that the actual number of politically motivated rapes may be in the hundreds. The attacks targeted female farm workers and health workers. In 2000, in the run-up to the parliamentary elections, there were instances of gang rapes of young girls and elderly women and rapes of female farm workers and health workers. **[2b]**. The Amani Trust and Musasa reported 14 politically motivated rapes in 2002, but human rights groups believe the actual figure could be in the hundreds (see below). **[2e]**.

6.104 Zimbabwe has ratified the Convention on the Elimination of All Forms of Discrimination against Women, which requires that states safeguard women's rights through legislation. While legislation exists in Zimbabwe to protect women whose rights have been violated by their husbands, women are often unaware of legal safeguards or, as in domestic violence cases, are reluctant to seek the help of the authorities. Illiteracy, economic dependency and prevailing social norms prevent rural women in particular from fighting societal discrimination. **[2e][15]**

6.105 There were 17 women in the 150-seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one woman governor. Women participated in politics without legal restriction, however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU-PF congress allotted women one out of every three party positions and reserved 50 new positions for women on the party's 180-member Central Committee, which was one of the party's most powerful organs. **[2e]**. Ahead of the 30-31 August 2003 council elections, women called for an increase in the number of female candidates. Whilst constituting 54 percent of the population, women only comprised just over 10 percent of urban councillors prior to the polls. In 1997, all SADC countries pledged that women would make up 30 percent of their political bodies. Little has been done in Zimbabwe to achieve this. **[10ax]**

6.106 Women have also been marginalised in the Governments land reform programme. Initially, the Women and Land in Zimbabwe group lobbied for 35 percent of all of the redistributed land to go to female-headed households. They settled for 20 percent, a figure promised by Mugabe in 2000. However, it appears that only 16 percent of the land has been given to women. Approximately 80 percent of Zimbabwean women live on communal farm areas, comprising 61 percent of the farmers. Most are unpaid and spend an average of 16 hours a day in the fields. **[10ab]**.

6.107 The Amani Trust and Musasa Project believe that there were 14 politically

motivated rapes in 2002, although the real figure may well be higher due to under-reporting of what is a cultural taboo. Those targeted included the wives and daughters of MDC supporters. **[2e]**. There were reports of women being held in militia camps, and being raped or even forced to be concubines for the militiamen. These women are also at increased risk of HIV and AIDS. **[34f]**. The Zimbabwe Women Lawyers Association estimate that some 1,000 women were held in militia camps in 2002. **[10aa]**.

6.108 During 2000 and 2001, human rights groups documented widespread torture of opposition supporters, and approximately 40 percent of these were women. Although assaults, being stripped naked and humiliated were common forms of abuse, few were raped or sexually abused. After June 2001 however, rape and sexual abuse became more commonplace. Rapes often occur in front of neighbours or family members as a form of punishment, leaving an impact on a wider group of people than just the individual concerned. Tony Reeler, a human rights activist, described this as one individuals physical torture becoming a psychological torture for the wider community. He continues, stating that there are three types of rape in Zimbabwe. Firstly political rape to punish individuals, families or communities for holding different political views. Secondly, opportunistic rape when state agents act with impunity they can take advantage of the population. Thirdly, forced concubinage. The kidnapping of girls and women to cook, clean, porter and have sex with soldiers/militiamen. **[10aa]**.

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Children

6.109 The Zimbabwean Government commitment to children's rights and welfare deteriorated during 2002. The Government focused primarily on political issues, to the detriment of pressing social needs. Consequently, children, especially those in the rural areas, suffered greatly. Although legislation was in place to protect children's rights, it was difficult to administer. The Children's Protection and Adoption Act, the Guardianship of Minors Act, the Deceased Person's Maintenance Act, and Sexual Offenses Act supposedly protect the legal rights of minor children, but they were not enforced effectively. **[2e]**.

6.110 Female genital mutilation (FGM) is performed rarely in Zimbabwe. However, it has been reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. **[2e]**

6.111 Indigenous churches that combine elements of established Christian belief with some beliefs based on traditional culture and religion generally accept polygyny and the marriage of girls at young ages. **[2g]**. From a wider societal aspect, where adolescent girls are forced into marriage, laws on the age of majority and rape can be invoked. **[15]**.

6.112 The number of street children, and related problems of theft, street violence, drug use and violent death, has increased significantly. In 1999, it was estimated that 5 or 6 more children became homeless each day. **[2e]**.

6.113 The number of incidents of child abuse, including incest, infanticide, child abandonment and rape increased during 2001, although it is not known whether the higher statistics reflect the fact that more cases are occurring or just that more are being reported. A local NGO, Parents and Family Support Network, reported that one child in three is at risk of physical or emotional abuse. There was a large volume of rape cases in the Harare victim-friendly courts, which consist of individual magistrates designated to try family cases. The large number of such cases led to calls by children's rights advocates to establish additional courts in surrounding areas. **[2e]**

6.114 As the economic situation deteriorates, there has been a rise in the number of reported cases of child abuse. In an attempt to counter this, UNICEF supports a national campaign on "Zero Tolerance Against Child Abuse". Participants in this campaign include the police, teachers, NGO's and government officials. Victim Friendly Courts in which victims can give evidence via a video link are operational in each province., However, lack of funds means that equipment can break down, leading to cases being held up, sometimes for years. **[10ai]**.

6.115 The traditional practice of offering a young girl as compensatory payment in inter-family disputes continues. **[2e]**

6.116 Following a landmark court ruling, a mother whose child is born out of wedlock can now obtain a birth certificate or passport for her child, without the father's consent. **[9ew]**. Child labour is common - see section 6.91.

Childcare

6.117 Orphanages do exist in Zimbabwe, but are struggling to cope with the number of children that require their care. The AIDS virus claims thousands of lives a week and this, compounded by the current economic crisis, has resulted in an increase in the number of orphans. **[29c]**. Approximately 780,000 orphans under 15 at the end of 2001 had lost their mother or both parents to AIDS. **[25]**. The state runs 8 orphanages and a further 38 are operated by children's charities. **[29c]**. Another orphanage opened in Mhondoro, in January 2003. The Kwari AIDS orphan care centre houses 20 children. **[9ch]**. While demand for orphanages and their services has increased, their resources remain limited. The Department for Social Welfare routinely refers children to private orphanages. Each orphan receives approximately Z$500 a month from the state, far short of the funds required for that time. Orphanages are so full that they now refer children back to the Department for Social Welfare, which itself appears to be heavily under funded. Private businesses, which used to contribute to children's homes have recently cut back their assistance in light of the declining economic condition. **[20m]**.

6.118 New projects have been started by NGO's who continue to work with orphans. Schemes to assist with housing, feeding and training are on going but organisations are well aware that the number of orphans continues to rise in the face of the HIV/AIDS pandemic. **[9ch]**. It is expected that soon the number of orphans in Zimbabwe will reach 1 million. **[10ai]**.

(See also Sections 5.71 - 5.72 on education)

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Ethnic groups:

Shona

6.119 While all major ethnic groups are represented in Parliament and in the Government, most members of the Parliament and Government, including Robert Mugabe, and most ZANU-PF officials, are affiliated with the majority Shona ethnic group **[2b]**. Historically, the Shona did not see themselves a single “tribe”, but now comprises 77 percent of the population. **[16]**

Ndebele

6.120 The Ndebele make up 14 percent of Zimbabwe's population and are concentrated largely in the Matabeleland province of south-western Zimbabwe. **[16][27]**. When taking into account the related Kalanga group the estimated Ndebele population rises to 18 percent. **[16][27]**. During the 1980s Robert Mugabe's Shona-dominated Government suppressed a brief Ndebele insurgency in Matabeleland with a 5-year pacification campaign. This was led by the mainly Shona North Korean-trained Fifth Brigade, that killed an estimated 10,000 to 20,000 Ndebele civilians. One legacy is the disproportionate number of Shona-speaking teachers in Matabeleland's schools. This remains a sensitive issue, and the Ndebele continue to criticise the Government for unequal distribution of natural resources and its failure to compensate victims of the Matabeleland killings in the 1980s. **[2b]**. At a memorial service for the late Joshua Nkomo in July 2000, just after the Parliamentary elections which saw ZANU-PF win only 2 out of 25 seats in Matabeleland and Bulawayo, President Mugabe described the atrocities in Matabeleland as an act of madness, saying that both sides were to blame. **[3t]**

6.121 In 1999 two NGOs, the Legal Resources Foundation and the Catholic Commission for Justice and Peace, issued a summary of their 1997 report Breaking The Silence, Building True Peace about atrocities committed in Matabeleland during the Government's *Gukuruhundi* campaign in the 1980s. It was the first major report to document human rights violations committed during the insurgency. **[2b]**. Vice-President Nkomo's death in 1999 re-opened the public debate on the atrocities. **[14a]**. The report detailed atrocities committed by the Fifth Brigade in two districts of Matabeleland and was based on the testimony of over 1,000 people over a five-year period. (See also Sections 4.6 - 4.9 on the Matabeleland insurgency) **[6a][2b]**.

Whites

6.122 While the Constitution provides for equal rights for all citizens irrespective of colour or ethnic origin, the economically prominent white minority are a target of Mugabe and his Government’s propaganda. Racial tensions between blacks and whites subsided after independence in 1980 and remain low, despite the Government's continuing efforts to blame the white minority for Zimbabwe's economic problems. **[2b]**

6.123 During 2000 the Government embarked upon a 'fast-track' resettlement programme for land reform in which commercial farms, mainly white-owned, were designated for seizure without compensation. In the run-up to the parliamentary elections in June 2000, Government supporters and War Veterans occupied

commercial farms and assaulted farmers and their workers. **[2b]**. Six white farmers were murdered during 2000 in violence related to farm seizures. Mugabe denounced white farmers as "enemies of the state" during the election campaign, accusing them of trying to reverse Zimbabwe's independence. ZANU-PF supporters singled out whites when they attacked a peaceful demonstration in Harare in April 2000, assaulting marchers with stones, whips and clubs. **[5t]**. Following the elections, Mugabe threatened to arrest two of the MDC's white MPs who had drafted the MDC's unsuccessful impeachment motion against him. At ZANU-PF's party congress in December 2000 Mugabe repeatedly denounced Zimbabwe's white minority and announced that he would continue to ignore court rulings that prevented the Government from acquiring white-owned land. He urged delegates to "continue to strike fear into the heart of the white man, our real enemy". **[2b][8b]**.

6.124 In April 2000 MDC leader Morgan Tsvangirai stated his support for orderly land reform but stressed that whites were a part of Zimbabwean society and would be forever. He criticised President Mugabe for exploiting race and land as issues to sustain his rule. Four whites were elected as MDC MPs in June 2000. **[5h]**.

6.125 In the run-up to the June 2000 elections the Government criticised white judges, who make up a substantial part of Zimbabwe's still independent judiciary. At the time two of the five Supreme Court judges and 4 of the 20 High Court judges were white. The Government disregarded court orders to take action against the illegal occupation of farms by ZANU-PF supporters and War Veterans. **[2a][5q]**.

6.126 In October 2000 President Mugabe threatened to prosecute former members of the Rhodesian armed forces. Since independence an amnesty has protected both sides of the conflict between white-ruled Rhodesia and black guerrillas led by Robert Mugabe and the late Joshua Nkomo. Wifred Mhanda, who was second-in-command of Mugabe's guerrilla army in the 1970s, criticised Mugabe's statement, saying that the struggle was against a system, not against whites themselves. Mugabe would, however, need parliamentary approval to repeal the amnesty. **[5u]**

6.127 In March 2001 the Government published a new law tightening rules against dual citizenship. Zimbabweans entitled to a foreign nationality will be stripped of their Zimbabwean nationality if they do not inform their other country of nationality within six months that they are renouncing their entitlement. Previously they had to renounce their other nationality only to the Zimbabwean authorities. The MDC commented that the new law was aimed at Zimbabwe's white minority and was designed to reduce support for the opposition ahead of the presidential election due to be held in 2002. **[3u]**

6.128 In April 2001 ZANU-PF supporters and War Veterans embarked upon a campaign of invading private businesses demanding the reinstatement of sacked workers. Many of these firms were white owned and/or foreign owned. **[5n][5o]**

6.129 Revisions to the Citizenship Act in 2001, requiring dual nationals to renounce their foreign nationality in order to retain their Zimbabwean citizenship, were criticised by legal groups for targeting the approximately 30,000 mostly white dual nationals. **[2b]**

Asians

6.130 There are some 12,000 people of Asian origin in Zimbabwe. **[48]**. Although they are a smaller group than Zimbabwean whites, in many towns they are more visible than whites because they run shops and factories rather than farms. During the violence of the campaign for the June 2000 elections, there were reports that racial intimidation was spreading beyond the white-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians. **[4a]**

6.131 In April 2002, Andrew Ndlovu, leader of the Liberation War Veterans' Association, warned Zimbabwean Asians that their businesses and lands could be seized. In a report in the State-owned *Herald* newspaper, it was claimed that Asians had exploited black Zimbabweans. The *Herald* reported that Ndlovu had told Asian traders and small business owners to reduce rents, stop trading on currency on the black market, bank their money in Zimbabwe and raise wages. **[5a]** In May 2002, Ndlovu was arrested and charged with extortion and breaching the Public Order and Security Act. He allegedly printed a document entitled "Operation Liberation - Indians Watch Out", accusing the Indian community of sabotaging the economy through illegal currency dealing and ordering Indians to surrender parts of their properties to the Government. He was released on bail of Z$100,000. **[9z]**. Incarcerated as a result of the corruption charge, Ndlouv will now stand trial on 29 May 2003, for threatening the Asian community in Mutare. **[9ci]**.

Farm workers of Malawian, Zambian & Mozambican origin

6.132 There are between 350,000 and 400,000 farm workers in Zimbabwe, who number up to two million with their families. Most of these people are third generation Zimbabweans whose grandparents came to Zimbabwe from Mozambique, Malawi and Zambia during the colonial era. Many have lost contact with their countries of origin and have lived on white-owned farms throughout their lives. 'War Veterans' have targeted these farm workers in their campaign against white ownership of commercial farms. Hundreds of thousands of farm workers have reportedly been displaced along with the white owners of commercial farms when squatters, in what commentators have referred to as ethnic cleansing, have occupied the farms. **[3af][11c]**

6.133 Revisions to the Citizenship Act in 2001, requiring dual nationals to renounce their foreign nationality in order to retain their Zimbabwean citizenship, were criticised by legal rights groups for targeting the many farm workers with origins outside Zimbabwe. **[2e]** A pressure group called the Zimbabwe Citizenship Rights Organisation (ZIMCRO) was formed in late 2001 to campaign against the revisions to the Citizenship Act, which led to citizenship being withdrawn from millions of Zimbabweans with parents born in countries such as Malawi, Zambia and Mozambique. ZIMCRO announced its intention of suing the Government over the revisions to the Act. **[37f]**.

6.134 In early April it was reported that the Government had decided to extend citizenship to all Southern African Development Community (SADC) citizens who were resident at the time of Zimbabwe's independence, in April 1980. A communiqué stated that the Government would promulgate the Citizenship Amendment Act for the farm workers mainly of Malawian, Mozambican and Zambian origin. The Farm Community Trust of Zimbabwe (FCTZ) welcomed the move, saying that it would help

up to two million farm workers and their families gain access to social services and, as citizenship is tied to land, be in a better position to benefit from land distribution programmes. It would also allow farm workers to gain birth certificates for their children, which affects their right to progress beyond primary school. **[10y]**.

Mixed Race

6.135 On 18 March 2001, in Arcadia, a group of mixed race people, or "coloureds" as they refer to themselves, formed an organisation to campaign for the empowerment of mixed race people and to protect their interests. The result was the National Association for the Advancement of Coloureds (NAAC). **[9cj]**. It was first chaired by Danny Bismarck. Bismarck does not believe that mixed race people are benefiting from the current Government, particularly when it comes to the Government land reform programme. Mixed raced people do not believe that they are accepted by either the black nor white community. There has not been a mixed race cabinet minister since 1985, and there are currently no mixed race MP's. **[59]**. Former High Court Judge James Devittie, Terrence Hussein and Joseph James are examples of mixed race individuals who succeeded in progressing in the legal fraternity. NAAC now has chapters in Harare, Bulawayo, Mutare, Kwekwe and Gweru. **[9cj]**.

Albinos

6.136 Not a race, but a hereditary condition that causes deficiencies in pigmentation, leaving the skin looking white. There are 15,000 black Albinos in Zimbabwe, all of who face increasing levels of discrimination. Felicity Mwamuka, the welfare officer of the Zimbabwe Albino Association says Albinos are shunned by the wider community, have difficulty in finding jobs and Albino women have problems finding husbands as people believe that albino women will have albino children. Because of this many albinos have difficulties affording sun creams and sunglasses needed to protect their sensitive skins, rendering them more prone to skin cancers. Another worrying development is the increase in the numbers of rapes against albino women by HIV/AIDS positive men, who mistakenly believe that sex with an albino will cure them of the disease. **[3ce]**.

Other Ethnic Minorities

6.137 The Shangaan, Venda and Tonga peoples make up about 2% of the population. The Shangaan and Venda live mainly in the far south of Zimbabwe. In 1985-86 the Government introduced teaching in primary schools in these groups' own languages. In 1995 the national radio station began broadcasting programmes in the three minority languages. **[16][27]**

6.138 The Tonga live in north-western Zimbabwe. In the 1950s about two thirds of their population, some 57,000 people (in both Zimbabwe and Zambia) were moved from their ancestral lands to make way for the Kariba Dam. Tonga leaders have claimed that central government investment and relief, including cultural support such as primary school instruction in the Tonga language, has been inadequate. **[16][27]**

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Conscientious Objectors & Deserters

6.139 Conscientious objection is legally recognised. Section 24 of the 1979 National Service Act provides for exemption from military service on conscientious grounds, such as religious beliefs, if conscription were to be introduced. It is not clear whether this exemption applies to professional serving members of the armed forces. **[21]**

6.140 Military courts deal with disciplinary and court-martial proceedings. Defendants in military courts have the right of appeal to the Supreme Court. Trials in military and courts generally meet internationally accepted standards for fair trials. **[2e]**

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Homosexuals

6.141 Sex between men is illegal in Zimbabwe, although the law makes no mention of sexual acts between women. Zimbabwean law recognises three classes of 'unnatural offence': sodomy, bestiality, and a group of proscribed acts referred to generally as an 'unnatural offence'. According to a 1999 survey, High Court cases in Zimbabwe suggest that sexual behaviour between men should no longer be punished by custodial sentences, however, magistrate's courts continue to serve harsh custodial sentences **[18a]**. There have been no reports of the authorities bringing cases on the grounds of sexual acts between females. **[28a]**.

6.142 Gays and Lesbians of Zimbabwe (GALZ) was established in 1990. GALZ has offices in Harare and Bulawayo and is considering forming a group in Mutare. The organisation reports itself to be relatively well funded and it owns its premises in Harare. GALZ made a submission to the Constitutional Commission in 2000 appealing for the inclusion of a sexual orientation clause in the draft constitution. GALZ has reported that it discussed lesbian and gay issues with the MDC, which reportedly stated that it would pursue a policy of tolerance towards gays and lesbians. **[18b]**. There are reported to be approximately 600 paid-up members of GALZ, and the organisations claims to be in contact with another 5,000 gays and lesbians nation-wide. **[20l]**.

6.143 In his New Year address on 1 January 2000 President Mugabe criticised homosexuality, describing homosexual relations as an abomination and decadence. In the mid-1990s, when gay rights group GALZ applied to take part in Harare's prestigious international book fair, President Mugabe described homosexuals in a speech as "worse than pigs and dogs". He also called homosexuals "a scourge planted by the white man on a pure continent". Although GALZ participated in the book fair, the following year their stand was attacked and destroyed. **[3v][18a]**

6.144 GALZ claims that police arrest members of the organisation on trumped-up charges and that they are pressured at work and at home to renounce their sexual orientation. The Government has encouraged the media to criticise homosexuality and report it negatively. The state-controlled Herald has published articles that GALZ headquarters is a "pick-up point" for local and foreign homosexuals that offer teenage boys for hire, accusations that GALZ has denied. **[3v][19]**

6.145 More recently, in September 2003, GALZ reported that the homosexuality issues has slid down the government's agenda as they faced serious economic and political problems. Keith Goddard, the director of GALZ, believes that the government's stance on homosexuals is just political rhetoric and that it is using the gay and lesbian community as scapegoats. **[20l]**. In 2003, GALZ applied to have its own stand at the Zimbabwe International Book Fair. According to GALZ, the application was "accepted without hesitation". This was the first time GALZ had a stand of its own since 1996. From 1997 to 2002, GALZ displayed its literature on the general Human Rights stand at the fair. **[66]**. One gay man, interviewed by an independent Zimbabwean newspaper, agreed that conditions for gays and lesbians in Zimbabwe has improved over the last few years. He stated that it wasn't the authorities that posed the real threat, but traditional culture, particularly in the townships and rural areas. **[20l]**.

6.146 Societal discrimination against homosexuality is rife in Zimbabwe. Gays and lesbians often hide their sexuality from their families, leading some to be forced into marriages. According to one gay man, he was evicted from his lodgings by his landlord. The same report questioned a lesbian, who stated that her partner had had stones thrown at her. Some have suffered verbal abuse and assault. Others have been evicted from their lodgings. **[20l]**.

6.147 GALZ is active in the field of HIV/AIDS and through its support group, GALZ Positive, provides home-based care training for members. In 2000 six workshops on sexual activity within and outside relationships were held in Harare and Bulawayo. **[18b]**

Canaan Banana's Trial

6.148 In 2000 Zimbabwe's former President, the Reverend Canaan Banana, was sentenced to ten years in prison, nine of them suspended, for sexually assaulting and sodomising his bodyguards, one of whom claimed he was forced into a homosexual relationship with Banana in the 1980s. Banana had been convicted by the High Court in 1999 on eleven counts of sexual offences, including two of sodomy, but appealed to the Supreme Court against the conviction. However, the Supreme Court upheld the High Court's ruling. Banana denied being homosexual. The charges brought against him were more to do with rape and abuse of his position than to do with the issue of homosexual rights. In January 2001, Banana, who had been receiving medical treatment for several months, was released from prison. **[3ad][3ae][29]**

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Political Activists

6.149 Opposition political activists, particularly those belonging to the MDC, have been targeted and attacked by Government supporters and War Veterans since the parliamentary elections in June 2000. Although the Constitution allows for multiple political parties, Government supporters and security force members have subjected opposition activists to significant intimidation and violence. There were reports in 2001 of a growing number of abductions of MDC activists committed by Government supporters, especially in rural areas where loyalty top ZANU-PF is strongest. In

2002, the MDC claimed that 227 of their activists had been abducted and beaten. **[3m]**. Some abductees were tortured and others later were found killed. Members of the security forces also participated in attacks on opposition activists and suspected supporters. **[2b]**.

Journalists

6.150 Although the Constitution provides for freedom of expression, the Government restricts this right in practice. Security forces have arbitrarily detained journalists and refused to investigate or punish security force members who, with ZANU-PF supporters, tortured and harassed journalists. (See Sections 6.8 - 6.58 on freedom of speech and the media for further information on the position of journalists). **[2b]**

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Teachers

6.151 Government supporters and War Veterans have targeted teachers in the political violence that has taken place in Zimbabwe since the 2000 parliamentary elections. In June 2000 there were 200 reported attacks on schools. Teachers were dragged from classrooms, beaten and stripped naked in front of their students. Health care workers were also attacked and nurses were raped. No action was taken against the perpetrators of these attacks. After the June 2000 parliamentary elections, Government supporters continued to target teachers who they suspected of supporting the opposition, although there were fewer attacks in 2001 than in 2000. **[2b][9i]**. It appeared that this trend was reversed in 2002, with an increase in attacks on teachers suspected of supporting the MDC, by ruling party supporters. **[2e]**.

6.152 In January 2001, approximately 100 War Veterans reportedly forced striking civil servants in Masvingo, the majority of them teachers, to return to work. The War Veterans warned the teachers that they would lose their jobs if they did not return to work. The War Veterans reportedly placed three of the teachers under citizen's arrest and took them to a police station, where the police released them quickly. Most of the striking teachers resumed work after the threats. In May 2001, ZANU-PF supporters reportedly chased teachers and civil servants from their jobs in Matabeleland North because they were suspected of supporting the MDC. **[2b]**

6.153 In April 2002, it was reported that at least 50 schoolteachers in the Makoni North and Chimanimani districts, suspected by local ZANU-PF and War Veteran officials of being MDC members, had been advised not to report for their duties. ZANU-PF officials had written to school headmasters instructing them to expel certain teachers. **[9i]** It was also reported in April 2002 that more than 500 teachers and MDC polling agents had been forced to flee the Zaka and Gutu districts of Masvingo province as ZANU-PF youth activists had embarked on a witch-hunt against suspected MDC supporters. Some teachers in schools in Zaka had been told not to return to their schools next term. **[9w].** On 10 May 2002 approximately 30 teachers were assaulted and forced from their workplace in Buhera. **[9ai]**.

6.154 On this same date, 10 May 2002, the Progressive Teachers Union of Zimbabwe (PTUZ) said that it had recorded over 107,000 cases of extortion, 20 incidents of

murder and 190 cases of rape between February 2001 and April 2002. The number of cases of extortion are high because some teachers were targeted several times. This, they claim, is because teachers are perceived to be supporters of the MDC. **[47]**.

6.155 The secretary-general of the PTUZ, Raymond Majongwe, gave himself up to police on 9 October 2002, after hearing that they were looking for him. His union had been on strike since 8 October 2002, demanding a 100 percent pay rise. Mr Majongwe was prosecuted under the new controversial Public Order and Security Act (POSA), making it an offence for "any person who, acting in concert with one or more other persons, forcibly invades the rights of other people". Mr Majongwe's lawyer, Tererayi Gunje said that, after seeing him on the night of 9 October, Mr Majongwe had been seriously injured, after being beaten. Gunje also said Majongwe could not sit on his own. He was released on 15,000 (Zim dollars) bail on 11 October 2002. **[3bn][3bo]**.

6.156 The state controlled media described the strike by the PTUZ as illegal. On 14 October 2002, the Government dismissed 627 teachers belonging to the PTUZ from their posts. **[9aj][10n]**. Another 230 teachers were suspended on 29 October 2002 as the impasse between the Government and the PTUZ remained. The suspension lasted three months during which time the teachers will not be paid and will not be allowed to leave the country or other employment without the permission of the Department for Education. **[10ac]**. However, the State owned Herald newspaper reported that on 20 December 2002 the High Court had ordered the Public Service Commission to pay all teachers that were suspended for participating in the October strike a third of their gross monthly salary. **[42c]**.

6.157 The report of the Commonwealth Observer Group that observed the March 2002 presidential election noted incidents in which teachers had been attacked, including one in Mashonaland East in which a school principal was dragged from his school and clubbed to death because of his association with the MDC. **[9n]**

6.158 The Zimbabwean Human Rights Forum noted that by October 2002, violence against teachers occurred in eight out of ten provinces, the exceptions being Bulawayo and Harare. The Forum also documented 238 individual cases of abuses against teachers by ZANU-PF militias and since January 2001 such violence, combined with other forms of abuses such as abduction, unlawful arrest and detention has resulted in the closure of 30 schools. **[11e]**.

6.159 On 9 December 2002 120 head teachers and teachers from Masvingo Province entered Mushagashe Training Centre to begin National Service Training. The training is the same as that of Youth Service, but the leader of the Zimbabwe Federation of Trade Unions (ZFTU) Joseph Chinotimba said that the older teachers will not have to toyi-toyi, although they will still require drilling in the theories of National Service. (Chinotimba later ran for ZANU-PF in the Highfield by-election on 29-30 March 2003 – see paragraph 4.93 above). The training was due to be completed on 13 January 2003. **[20i]**.

6.160 In early February 2003, Harare teachers, who had been suspended since the previous year, were ordered to report for duty immediately. The Government appears to have bowed to pressure from parents, the children of which have gone as long as 4 months without lessons. **[9ck]**.

6.161 The independent Daily News newspaper reported on 28 February 2003 that student teachers in rural areas were forced to register with ZANU-PF wards and partake in their activities in order to access food. The teachers claimed that they feared Green Bombers (members of the National Youth Service) and so-called War Vets if they did not comply. The PTUZ had reports of similar incidents in Hedza, Mtoko, Buhera, Rushinga, Mudzi, Murehwa and Mberengwa. **[9cl]**.

6.162 32 teachers were dismissed on 28 April from the Zimbabwe Distance Education College. The teachers were demanding an immediate pay rise of 500 percent and issued an ultimatum to the college. After the deadline passed, the teachers went on strike. Subsequently the teachers were fired. The managing-director of the college is Dr Sikhanyiso Ndlouv, a member of the ZANU-PF politburo. **[9el]**.

6.163 On 8 May 2003, the Zimbabwe Teachers Association (ZIMTA) initiated a strike to demand better salaries, as outlined in the government initiated job evaluation exercise. The strike initially took hold in Harare before slowly spreading to other parts of the country. **[9em]**. By the time talks were underway on 14 May, Bulawayo, Mutare, Chegutu, Chinhoyi, Glendale and Mount Darwin were all effected by the strike. The talks became deadlocked after ZIMTA demanded Z$268,000 starting wage for teachers, four times the average wage for a teacher at the moment. **[9en]**.

6.164 On 19 May, the Labour Court ruled that the strike was illegal, and ordered all the strikers to reported back to work within 48 hours. The Court ruled that the matter should be referred to the National Joint Negotiating Council for determination within 21 days. The ZIMTA national executive urged their members to comply with the courts ruling. **[9eo]**. The Progressive Teachers Union of Zimbabwe stated that they would maintain a “go-slow” during the 21 days. **[9fd]**.

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National Youth Service – ZANU-PF Youth Miltia

The Beginnings

6.165 In 2001 the Government established the Border Gezi National Youth Training Centre in Mount Darwin, Mashonland. Named after the former Minister for Youth, the training centre was the first in the country. National Youth Service (NYS) was reported to last for 3 months and entail self-defence, patriotism and entrepreneurial skills, amongst others. However, reports claim that youths have been used to terrorise the political opposition. These same youths have since admitted that they only received military training. In this respect, claims have been made that the NYS scheme was only a ploy, it’s real purpose was as a front to mobilise ZANU-PF youths to campaign for the party. **[37h][43]**.

Compulsory Service

6.166 The Government stated NYS would be compulsory for those seeking to enter tertiary training and, as of February 2002, enter college or university. **[37h]**. In July

2002, the government announced that National Youth Service would be compulsory for all school leavers. Samuel Mumbengegwi, the Minister for Higher Education and Technology, further announced that no student would be given their 'O' or 'A' level certificates until they had completed 6 months of NYS. Tertiary education centres were told in November 2002 not to send letters of admission to ordinary applicants until the institution had received a list of militia, who would be given priority. The minister admitted that this would result in many tertiary places remain unfilled as students go through the militia training before going to tertiary institutions. NYS was already a prerequisite for entry into the civil service, including teaching, nursing, police and the army. **[9cm][65]**. In July 2003, the Defense Minister, Sidney Sekeramayi, announced that military training would become a formal module of the training. **[65]**.

6.167 During the last months of 2001 the NYS training was intensified and by January 2002 had spread to all provinces. At the end of 2002, there was an estimated 9,000 youths who had passed through formal militia training with an estimated 10-20,000 more trained in informal, often primitive camps at district level. By the end of 2003 it is anticipated that there will be 20,000 formal graduates. Before the Presidential election in March 2002, there were 146 militia camps throughout the country, in close proximity to, or sometimes actually at, poll stations. **[65]**.

6.168 In reality, claims about compulsory service are not accurate. Currently, the number of NYS places is estimated at 20,000 per year. Clearly not all of the 300,000 school leavers can be allocated a place. The Solidarity Peace Trust believe that the scheme is designed to favour those prepared to go through the indoctrination, and excluded the non-ZAUN-PF children and families, effectively denying them a chance to progress to tertiary education. **[65]**.

Recruitment

6.169 Many of the youths joined the militia voluntarily. Some came from families who are ZANU-PF supporters. Others joined because of the skills that were supposedly taught during training. Now that prospects are limited and the economy is in decline, many may have joined as it is the only avenue for progression in the fields of employment and education. But it does appear that a sizeable number were coerced into joining the militia. Of those who were coerced, some were kidnapped in to the service, whilst others were threatened that their families would suffer consequences of they did not. **[65]**.

Treatment of recruits in the NYS scheme

6.170 The camps at district and village level appear to have suffered from a lack of resources. Some defecting militia state that they were sent home to eat, then ordered to return after one hour. Examples of gross cruelty were reported at these smaller camps. **[65]**.

6.171 Female militia have been raped on a systematic scale in some camps. Former female militia have reported that male militias would come into the female dormitories and take turns in raping various women. Often the women were told not to report this to the camp leaders, as to do so would indicate their support for the opposition MDC, and could result in their punishment. Camp instructors have been implicated in these rapes. As a result, militias may be infected with HIV/AIDS and other sexually transmitted infections. Although the government have not explicitly acknowledged this problem, in

June 2003 the first all girls training camp was established in Manicaland. It is not known if all the staff are female too. **[65]**.

6.172 Whilst certain militia are satisfied with the training they received, others fled the camps, and some left Zimbabwe, in order to escape. Some are reported to suffer from psychological conditions as a result of what they have seen and what they have done. **[65]**.

6.173 On 21 September 2002, The Herald, a pro-government paper reported that 1,870 graduates of the programme had secured employment, mainly with state bodies, such as the armed forces, the Prison Service and the state Grain Marketing Board. **[23b]**

Actions of the youth militia

6.174 ZANU-PF's youth militia, known as "Green Bombers" have earned a reputation for robbery and violence. Under the guise of enforcing Government price control policies, the green uniformed youths confiscate goods including food, and sell it on for an inflated price, or keep it themselves. It is reported that the police do not interfere with the activities of the youth militia. **[9cm]**. However, there are a few cases on record of youth militias attacking police the army, and being attacked or arrested in return. The courts on occasion, have criticised and passed judgement against the militia. **[65]**. The Green Bombers are becoming an increasingly common sight, particularly in Bulawayo, Harare and Chitungwiza – all opposition strongholds. The youth militia is used to intimidate and attack those who the Government perceive as opposition members or supporters. **[9cm]**.

6.175 The Zimbabwe Human Rights organisation (ZimRights) accused the Green Bombers of stealing maize meal for themselves in Gwanda. Youths are accompanying trucks of maize from the millers to the shops and setting aside a quota for themselves. **[9cn]**. Author Cathy Buckle watched as 30 Green Bombers intimidate a crowd of 3,000 people in a bread queue in Marondera. Ms Buckle described how they used fear to control the crowd, pushed to the front of the queue to steal bread, then go to hide it away only to later return. **[3m]**.

6.176 The Zimbabwe National Liberation War Veteran Association (ZNLWA) has been in decline since the death of it's former leader, Chenjerai Hunzvi. This decline, coming at a time when the youth militia's are expanding have generated reports that the War Veterans are being replaced by the Green Bombers as ZANU-PF's tool to terrorise opposition party supporters. **[10ad]**.

6.177 In Kamativi, the Green Bombers number over 1,000. They have been drawn from one of the four militia camps in Tsholotsho district and have already ousted MDC officials, including councillors from the town. Residents of the former mining town now have to have passes to move in and out of the compound. The militias have replaced the police as the law in Kamativi, beating up police officers who have arrested ZANU-PF supporters. **[3dc]**.

6.178 On 5 September 2003, the Solidarity Peace Trust, comprising of church leaders from Zimbabwe and South Africa, released the report "National Youth Service training – shaping youths in a truly Zimbabwean manner". The report states

that since January 2002 the Youth Militia have become one of the most commonly reported perpetrators of violence. The report continues, stating that the militia are a tool used by the ruling ZANU-PF, have been given impunity and implicit powers to mount road blocks, disrupt rallies and intimidate voters. There have also been documented reports of youth militia being involved in influencing the distribution of food aid through the GMB, of restricting access to health care and of destroying independent newspapers. **[65]**.

Impunity

6.179 It is widely reported that the youth militia operates with impunity. However, there have been occasions when the militias have been checked. In February 2002, a group of militia attacked a number of off duty soldiers in Nyaki district, mistaking them for MDC supporters. Some of the soldiers required hospital treatment. The following weekend the soldiers retaliated and beat up scores of militia. Additionally, there have been a few occasions when police have arrested members of the militia and the courts have pursued these cases. In January 2003, 20 youth militia appeared in court accused of looting and attacking shop vendors in Epworth, Harare. The magistrate warned the 20, who were remanded on bail, that if they were found guilty they faced no less that three years imprisonment. However, attacks on ordinary citizens are given de facto impunity by the authorities in the vast majority of cases. **[65]**.

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6.C Human Rights – Other Issues

Land Reform

6.180 During the colonial era, white settlers forced many black Zimbabweans off their ancestral lands. Although independence and majority rule were the major cause of the guerrilla war, the issue of land ownership was also a significant contributing factor. According to Government figures, some 4,400 white Zimbabweans owned 32% of agricultural land, around 10 million hectares. One million black Zimbabwean peasant farmers farm around 16 million hectares. Many of the farms owned by whites were purchased after 1980 with certificates of no interest from the Government; these farms were therefore not seized from the original African occupants. **[3ab][32]**

6.181 Whites own much of the highly productive land in fertile areas with better rainfall whereas black-owned land is often in drought-prone regions. While it is the case that whites own a disproportionate share of the better agricultural land, there are concerns that redistributing land from the efficient, mainly white-owned, commercial farming sector to people without adequate planning and management will be disastrous for Zimbabwe's economy. **[3ab]**

6.182 Following independence in 1980 a programme of land reform was begun, based on the 'willing seller, willing buyer' principle. The United Kingdom has provided £44 million since 1980 for land reform. However, in the 1990's much of the redistributed land has ended up in the hands of Zimbabwean Government ministers and officials rather than the landless peasants who were supposed to benefit from the reform programme. The British Government and other international donors have therefore

refused to support further land reform unless the process becomes more transparent. **[3ab][5x]**

6.183 In 1997 President Mugabe promised to seize 1,500 mainly white-owned farms without compensation. The International Monetary Fund forced him to withdraw his threats in 1998 and abide by the constitutional requirement to pay compensation for acquired land. In 1999 the Government bought only 50 farms. **[3ab][5x]**

6.184 A land conference was held in 1998 and a 10-year programme of land redistribution was agreed between farmers, the Zimbabwean and British governments and other donor countries. However, the Zimbabwean Government broke the agreement later in 1998 when it published a list of 800 farms for compulsory acquisition. Farmers were able to appeal against the proposed seizures and the programme was halted. Frustrated by this, President Mugabe pushed through a constitutional amendment in February 2000 that removed farmers' rights to compensation. **[5x][32]**

6.185 Mugabe has tried to exploit the unresolved land issue in an attempt to restore his falling popularity. In a pattern of electoral violence, a campaign of farm occupations began in February 2000. Squatters, claiming to be War Veterans, occupied hundreds of white-owned farms and five white farmers were murdered in the violent run-up to the June 2000 parliamentary elections. **[1d][3f]** The War Veterans also attacked many black farm workers. The police did little to apprehend the perpetrators of the violence. **[1d]**

6.186 At a meeting of Commonwealth ministers held in Abuja, Nigeria in September 2001 Zimbabwe signed an agreement aimed at resolving the land issue. The agreement provided for the ending of illegal occupations of white-owned farms, end politically motivated violence and a return to the rule of law in return for financial assistance to fund land reform. **[3al]**. The United Kingdom agreed to provide £36 million to compensate white farm-owners whose land would be redistributed. ZANU-PF approved the Nigerian-brokered deal, but representatives of War Veterans who have spearheaded the farm invasions since 2000 announced that they did not feel bound by the Abuja deal. **[3am]**. Also, it quickly became apparent that the Zimbabwe Government would not respect the terms of the agreement. **[1d]**.

6.187 In October 2001 a group of ministers from Commonwealth countries visited Zimbabwe to investigate allegations of human rights abuses and assess the implementation of the Abuja land agreement. They heard that since the agreement had been made farm occupations had continued, rule of law was still being flouted and political violence was still evident even though all parties remained committed, in public, to the agreement. **[3an][3ao]**

6.188 Following the Abuja agreement, a presidential decree amending the Land Acquisition Act was issued in November 2001 giving the Government the power to seize the land of mainly white commercial farmers with immediate effect. The Commercial Farmers' Union described the decree as contrary to the Abuja agreement. **[2b][3ar][3aw]**

6.189 Under the terms of the presidential decree, farmers who were issued with land acquisition orders were not allowed to work their land in any way. If they do they face fines or two years imprisonment. Farmers served with acquisition orders will have to stop farming immediately and remain confined to their houses, which they will have to vacate after three months. The decree is backdated to May 2000. Welshman Ncube, MDC Secretary -General, described the decree as unconstitutional, politically vindictive and economically disastrous. By the end of 2001, approximately 1,000 of the 4,000 commercial farmers in Zimbabwe had received acquisition orders for their farms. Also in November 2001, the Government announced a ban on humanitarian agencies distributing food aid, saying that such groups were using the aid as a pretext to campaign for the opposition. **[2b][3ar][3aw]**

6.190 It was reported in November 2001 that the army had offered farms and land to all serving soldiers in exchange for their support and loyalty to President Mugabe in the presidential election. Land requests from soldiers will be separated from those of civilians and will be given priority. **[4p]**

6.191 In November 2001, the Government announced, with immediate effect, maximum sizes for commercial farms and said that any farm exceeding the new limits would be sub-divided. The new regulations apply to the remaining mainly white-owned farms that had not already been listed for government seizure. In rich, arable farming areas farms will be limited to a maximum of 250 ha and on poorer cattle-ranching land the limit will be 2,000 ha. Economists warn that the new regulations would destroy the viability of some of Zimbabwe's most productive farms. **[3ar]**

6.192 In December 2001 the Zimbabwe Supreme Court ruled that the Government's land acquisition and resettlement programme was lawful and stated that the rule of law prevailed in commercial farming areas invaded by pro-Government militants. This removed the last legal obstacle preventing the Government from processing claims to white-owned farms; previously the Court had prohibited the Government from acquiring white-owned land until it produced a workable programme of land reform. The Court censured a lawyer who said the Court had been packed with newly appointed judges and who asked Chief Justice Godfrey Chidyausiku, a former Government deputy minister, to withdraw from the case because of his support for land reform. The Court cleared the Government, found guilty by previous courts of breaking the law by allowing violent farm invasions, saying that the Government had taken steps to restore law and order. The Supreme Court order effectively removed any legal recourse available to commercial farmers. **[2b][4q][3ax]**

6.193 In January 2002, the pro-Government ‘Herald’ newspaper listed recipients of land redistributed from white farmers. Several ZANU-PF officials were named, as were six MPs, five from ZANU-PF and one from the MDC. Six Herald reporters also received land. So far, 100,000 people have received land from the 8.5 million ha that the Government plans to take from white farmers. **[3ax]**

6.194 In early January 2002, 26 white farmers were forced off their farms in Mashonaland Central by armed mobs of Government supporters. Most of the farmers fled to Harare. These occupations violated the presidential decree of November 2001 that gave farmers three months to vacate their homes once they receive an eviction order. **[38b][39]**

6.195 Following a successful legal challenge to an eviction order, the Government tightened the land reform laws in September 2002. In the case in question, a farmer used the defence that as the bank, who hold the bond to his farm, had not been notified of the eviction order the Government breached the law. The Justice Minister, Patrick Chinamasa, acknowledged this flaw. Under the new law, the Government's failure to inform the bondholder would not render the eviction orders invalid. Bondholders would have 30 days to respond to the order and those farmers who's previous notice to leave had expired would get 7 days notice. **[10l]**

6.196 In October 2002, the CFU estimated that there were 4,000 commercial farmers on their own land in April 2002. Now they put the figure at 600. Despite this a survey of agricultural land indicates that in Mashonaland East, only 50.5 percent of the confiscated land, allotted for redistribution, had actually been occupied by new settlers. **[46a]**

6.197 In February 2003, two separate NGOs issued reports highlighting the difficulties that the farm workers experienced in light of the land reform process. Famine Early Warning Systems Network (FEWS NET) warned that the number of farm workers effected had increased to 1 million. The UN Relief and Recovery Unit (RRU) reported that farm workers had not been included in the vulnerability assessments. Most farm workers are from foreign ethnic backgrounds. Once they lose their jobs, they lose their homes. They cannot return to their country of origin and are far from their families. **[10ae]**. However, following the amendments to the Citizenship Act announced in April 2003, many farm workers in this position will be able to claim Zimbabwean citizenship meaning that they can profit from land reform and gain assess to social welfare. **[10y]**.

6.198 On 26 and 27 March 2003 approximately 1000 farm workers, including women and children were forced off Roy Bennet's Charleswood Estate farm. Mr Bennet is an MDC MP. **[9co]**. However, on 8 April, the High Court directed that the workers should be allowed back on to Charleswood immediately. Those who the Court ordered to stop intervening in the affairs of Charleswood were the Minister of Defence Sydney Sekeramayi, the Minister of Lands Joseph Made, Augustine Chihuri the Police Commissioner and Constantine Chiwenga the Commander of the Army. **[9cp]**.

6.199 Reports emerged that the redistribution process was not fulfilling the goals set by the Zimbabwean Government. People were not being moved from the densely populated communal areas to the newly acquired farms, despite only 400 commercial farmers remaining out of a total of 4000 in 2000. In Mashonaland Central, known for its fertile soils, out of a population of 1 million, only 15,000 had been resettled by November 2002. **[10ch][3ch]**. Other documents from the 10 provincial governors, leaked to the MDC, claimed that only 129,000 farmers had been resettled under the A1 land reform (for villagers and small scale farmers) since 2000, not 300,000 as the Zimbabwean government claimed. **[20k]**.

6.200 Allegations that ZANU-PF and their associates are the major benefactors of the redistribution programme seem to be founded. **[3ch]**. A leaked audit carried out by Vice President Msika's office accused Ministers and senior officials of grabbing land meant for landless Zimbabweans. Those named in the report include the Information Minister, Jonathan Moyo, Mugabe's sister Sabina and the head of the air force, Perence Shiri.

Shiri is reported to own three farms, one of which is three times larger than the maximum allotted size. He was also allegedly trying to evict 96 landless families from his farms. Some officials have responded by claiming that rival factions within ZANU-PF are merely trying to smear their reputations by making these allegations. **[3ci]**. This allegation seems to be substantiated by a document that the Daily News claims was leaked to it in April 2003. The Daily News claims that it is an addendum of the audit conducted by Flora Buka, the Minister of Land Reform in the Vice President's office. **[9eq]**.

6.201 In order to verify the findings of the land reform audit submitted to the cabinet in May, Mugabe established the Land Review Committee (LRC). The establishment of the LRC comes after allegations that senior ZANU-PF officials have flouted the one man one farm policy. **[10au]**. An interim report released by the LRC supported the evidence of the original audit. As a result, Mugabe has ordered ZANU-PF officials to relinquish all bar one of their farms within two weeks. **[10av]**. However, this order appears to have been largely ignored. **[64]**.

6.202 In their updated country profile, the Norwegian Refuge Council stated that since the start of the government's "fast track" land reform programme, approximately 240,000 farm workers have lost their jobs and 500,000 have been forced to leave their homes. Coping mechanisms for the displaced range from diversifying into gold panning, selling firewood, or family assets and, in some cases, commercial sex. Those who are particularly vulnerable are the elderly, female headed households, orphans, and those of ill health e.g. HIV/AIDS sufferers. However, whilst in the past the ZANU-PF youth militia and the War Veterans concentrated much of their attention on rural areas, since 2002 Harare and the major cities have become the focus for the ruling parties campaign to suppress the opposition. **[68]**.

6.203 Although the land acquisition process was officially declared completed in August 2002, the Government has continued serving Section 8 notices (compulsory acquisition orders) in late February 2003. Currently, it is estimated that 98 percent of all commercial farm land had been acquired by March 2003. **[11f]**. In August 2003, the government listed 200 farms for acquisition, including that of the former Rhodesian Prime Minister, Ian Smith. **[20j]**.

6.204 By early April 2003, some 290 white farmers had been offered compensation for the improvements to their lands, but not for the seized land itself. However, Colin Cloete of the Commercial Farmers Union (CFU) stated that the sums being offered by the government were insufficient. Cloete gave the example where one farm had been independently valued at $250 million, but the government offered $20 million. **[10at]**.

6.205 A farmer was reportedly trapped inside his home by ZANU-PF militia in Mashonaland West, near Kadoma. The farmer, Piet Rorke, was prevented from harvesting his maize and wheat crops and was ordered to vacate his property. The ZANU-PF militia subsequently harvested the crops themselves. The police reportedly ignored distress calls from the farm and the Mashonaland West provincial governor, who visited the farm, failed to break the impasse after the militia turned violent. Mr Rorke's farm is one of the 56 in Mashonaland West not listed for

acquisition by the government. **[9er]**.

6.206 The CFU warned that the courts were hopelessly clogged with a backlog of contested cases concerning the governments land reform programme. **[10az]**. The state owned Zimbabwe Broadcasting Corporation reported that the ownership of only 245 out of 6,001 gazetted farms have been legally transferred by the end of May 2003. **[2e][10az]**.

6.207 Those resettled on land acquired under the government land reform programme have also been subject to eviction themselves. More than 180 farmers resettled under the A1 scheme on six farms in Goromonzi district of Mashonaland East faced eviction because the government wants to reallocate the land under the A2 model. The A2 model is designed for larger, black, commercial farmers. **[9es]**. On 25 August 2003, the police reportedly torched 1,000 homes belonging to resettled farmers at Windcrest Farm near Masvingo city. The settlers were officially allocated the land in August 2001. The land has been bought by a Mr Mukumba, a Foreign Affairs employee based at Zimbabwe's High Commission in London. **[9et]**.

6.208 Settlers who illegally invaded the Little England Farm near Zvimba, Mashonaland West, in 2000, encouraged by ZANU-PF officials at the time, have been ordered off the farm to make way for Winnie Mugabe, the wife of Robert Mugabe's nephew, and 68 others. The settlers were angered by this order, and severely assaulted Winnie Mugabe and her two sons. Subsequently, a ZANU-PF official, Phillip Chiyangwa, branded the settlers as "lawless people" and "savages". **[9eu]**.

6.209 Furthermore, as a result of a lack of infrastructure, some families who settled on land acquired under the government's reform programme, are returning to their original communal areas. A lack of health and educational services along with poor transportation links are effectively creating push factors for the settlers to leave the new lands, which are not always suitable for the types of agriculture the settlers are used to. **[10aw]**.

6.210 By early September the pressures that the CFU was under became apparent when the Matabeleland Chapter of the Union separated from the main body. The move was in protest against the leadership of the CFU, which has changed hands since Colin Cloete stepped down as leader in August. The new leadership, under Doug Taylor-Freeme, is seen as moderate, preferring to negotiate with the government over the land issue. Taylor-Freeme claimed that there are those in the Matabeleland chapter who wish to see the CFU assume a political position, which he said would not happen. **[9ev]**.

Food shortages

6.211 As a result of a drought combined with the Government's attempts at land reform, 6.7 million people, over half of Zimbabwe's population, are at risk of starvation and will require food aid by December 2002. International organisations are responding to this crisis by providing grain to Zimbabwe. However, Government interference in the distribution of food aid has forced the World Food Programme (WFP) to suspend distribution in the Insiza district. WFP state that activists from the

ruling ZANU-PF party have been distributing food in an unauthorised manner and would not tolerate the handing out of aid on a partisan basis. **[3bk]**.

6.212 In Chimanimani, eastern Zimbabwe, at the polling stations during the local council elections, ZANU-PF were seen to be handing out maize to people who had just voted for them. The MP for Chimanimani, the MDC's Roy Bennett, came to the polling station and photographed the scene. It was then that Mr Bennett was arrested. **[9af]**

6.213 The Zimbabwean Government have also ordered Save the Children and Oxfam to stop distributing food provided by WFP and, in Save the Children's case, their own food. The latter group were told to stop distributing aid in Binga, the only rural area that was won by the MDC in the September 2002 local elections, and in Chimanimani. **[34d][10m]**. By late November, after a five week suspension, the Zimbabwean authorities allowed Save the Children to resume their activities, including those in Binga, **[10an]**.

6.214 In addition to Insiza, there were numerous accounts of food being distributed only to those who supported the ruling party. In October 2002, in Harare and Chitungwiza hundreds of card holding ZANU-PF members were able to buy maize-meal. Perceived MDC supporters or political neutrals were turned away. **[9cq][9cr]**.

6.215 In early November 2002, this selective distribution of food aid was condemned by the European Union (EU). Prior to the EU's statement, the United States warned Zimbabwe that it was prepared to take what it called "intrusive" action to ensure that food aid was distributed properly. **[3cj]**. UK charities were said to deliberately maintain a low profile in Zimbabwe to avoid antagonising the Zimbabwean Government, who are known to politicise food aid. **[3ck]**.

6.216 There were reports of food riots in Chitungwiza near Harare in early January. Four police officers who were controlling food queues were injured in the fray. In Bulawayo, Zimbabwe's second city, 39 people appeared in court on 6 January 2003 following food riots 3 days earlier. **[3cl]**.

6.217 In February 2003, indications were that the March/April harvest will fall short of required levels, meaning that the aid effort will have to continue for at least several more months after the harvest. The Famine Early Warning Systems Network (FEWS NET) put the deficit at 1.093 million tonnes for the 2003/2004 consumption year. FEWS NET also warned that NGO's needed to start planning the provision of food aid and non food aid for the 2003/2004 consumption year. **[10ag]**.

6.218 In late February 2003 the United Nations World Food Programme (WFP) blamed the Zimbabwean Government for the current humanitarian crisis there. James Morris, the head of the WFP said that the situation was "almost beyond comprehension" and could easily have been avoided. Morris said that thousands of farms, which are usually productive are now largely idle. He continued, saying that along with the monopoly on food imports, and restrictions on private sector food marketing the land reform scheme has turned a manageable drought into a humanitarian nightmare. **[3cm]**.

6.219 In late April 2003 the Grain Marketing Board (GMB) relaxed the rules

governing trade in grain, to allow individuals to sell grain. Previously, the GMB had sole rights to buy and sell grain in Zimbabwe. Now, up to 150 kg of grain can be sold throughout the country, with out the need for a permit. Grain supplies from between 150kg and 10 metric tonnes can be sold with a permit from the GMB. The Commercial Farmers Union said the change in the rules would benefit small scale farmers, but did not help larger commercial growers. **[10ao]**.

6.220 On 30 June 2003 the World Food Programme (WFP) stated that it was scaling down its operations in Zimbabwe. This year, the cereal and maize crop was significantly up on 2002, though still below the 2001 output. The WFP stated that 4.4 million rural, and 1.1 million urban dwellers would require food aid. **[9eh]**. This figure is down from 6.7 million people requiring food aid last year. **[3bk]**.

6.221 Despite this, Bulawayo city council reported that 43 people had died of malnutrition in April 2003. The city's Director of Health Services reported that most of the deaths occurred in the younger (5-14 age bracket) and in the old (50+ age bracket). **[9ei]**. Malnutrition also accelerates the rate at which HIV becomes full-blown AIDS. By July, the WFP were operating in 14 clinics throughout Bulawayo. **[54b]**.

6.222 Following the announcement by the GMB that the price that it sells maize and wheat to millers is to rise, the Zimbabwe Bakers Association defied government price controls and doubled the price of a loaf of bread to Z$1,000. **[54b]**. The government took action against those who broke it's price control, fining four leading bakers a total of Z$20,000,000. **[3da]**.

6.223 On 14 August 2003, the government announced a new policy guideline, altering it's memorandum of understanding with the WFP, which would allow the WFP to send food to distribution points, but the government would oversee the distribution of food aid to the population through local structures and village leaders. This change in operations attracted criticism, with concerns being raised about the politicisation of food aid. However, the WFP subsequently gained assurances from the government that they, the WFP, would remain in control of the distribution of aid, and that there would be no operational changes on the ground. **[10ap][10ar]**. The UN Humanitarian Co-ordinator in Harare, J Victor Angelo, stated that relief would be distributed solely on the basis of the needs of the vulnerable. **[10ar]**.

6.224 Shortly after this, the government requested that the United Nations Relief and Recovery Unit (UN RRU) close all of it's provincial offices. The government claimed that not all of the procedures for the establishment of the RRU's field presence had been properly followed. All RRU staff have subsequently been recalled to Harare. Staff were still able to deploy into the field from Harare. **[10aq]**. The RRU are not involved in the food aid programme. The WFP food aid operations, with offices in Bulawayo, Harare, Masvingo and Mutare, were unaffected. **[54c]**.

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HIV/AIDS

6.225 Zimbabwe has one of the highest rates of HIV/AIDS prevalence in the world.

[22]. The impact of HIV and AIDS on Zimbabwe saw life expectancy fall from 70 years to less than 41. An estimated one third of Zimbabwe's adult population, were infected with HIV/AIDS. An estimated 200,000 people died of AIDS in Zimbabwe in 2001. It was estimated that there were over 780,000 orphans under 15 at the end of 2001 who had lost their mother or both parents to AIDS. **[25]**. The number of tuberculosis cases has risen five-fold between 1995 and 1999, about two thirds of whom are HIV-positive. **[22]**. The initial results of the August 2002 census indicates that the nations population is just 11.6 million, nearly 3 million short of the Government estimate of 14.5 million. The fall is thought to be attributable to two main factors, one of which is AIDS related deaths, the other is mass emigration. **[26a]**

6.226 Treatment for infections related to HIV is available. On 27 May 2002 the government announced a 6 month State of Emergency with regard to HIV/AIDS. This was a move which attracted commendation from international organisations such as Medicin Sans Frontieries (MSF). MSF indicated that such a move would lead to a fall in the cost of anti-retroviral (ARV) drugs, a treatment which can prolong the life of a patient with HIV/AIDS. This is because, by declaring a state of emergency, the Zimbabwean Government takes advantage of the Doha Declaration, an international trade agreement which allows individual states to decide when an emergency has arisen, and then override patent laws in such emergencies. This negates the need for the Government to purchase expensive branded ARV's. This means that the price of the first-line AIDS treatment cocktails, which are recommended by the World Health Organisation, will fall from (US)$1,168 to (US)$412, per patient per year. **[23d][45]**. As a result of the State of Emergency, three to four out of a possible 17 or 18 generic ARVs are now approved but these are only available through private pharmacies. **[13c]**.

6.227 In April 2002 the Government announced that 35 out of the total of 59 registered health centres across the country distribute the drug Nevirapine free of charge. This ARV cuts the risk of a pregnant woman passing the virus to her child by half. The aim was to expand this service to all major, and half of district hospitals by the end of 2002, and nation-wide by 2003. A German pharmaceutical company called Boehringer Ingelheim, which makes Nevirapine, is proving the drug free of charge for 5 years. **[23c][10j]**. Currently 40 hospitals have programmes for prevention of mother to child transmission (PCTMT). The United States Centers for Disease Control, which assisted in the expansion of these programmes, estimate that they are providing for approximately 5-8 percent of the PCTMT requirement in Zimbabwe. **[13e]**. Currently of the 600,000 births per year in Zimbabwe, 200,000 expectant mothers are HIV positive and 30 percent, over 55,000, give birth to HIV positive babies. **[37j]**.

6.228 Despite this, no ARV's are available through the public health care system. ARV's are available in private pharmacies but these are not free, meaning that the majority of the population do not have access to them. People have been known to sell their houses to pay for ARV's. **[13c]**. The government has Z$2.5 billion allocated for ARV's for the public sector, but it faces difficulties in obtaining them because of a lack of foreign reserves. The deterioration of the health system would also make equitable distribution of ARV's difficult. In July 2003, generic ARV's cost approximately Z$100,000 per month, and patented drugs are between Z$250,000 and Z$300,000 per month in the private sector. This makes private sector drugs unobtainable to most Zimbabweans. **[13e]**.

6.229 In April 2003, GlaxoSmithKline halved the price of its leading anti-AIDS drug, Combivir to all Sub-Saharan African countries. Combivir will now be available at 90 (US) cents per day. **[3db]**.

6.230 Treatment for most opportunist infections, e.g. tuberculosis, is state funded but there is increasing evidence of drug shortages. Other treatment is beyond the reach of most people. The usual range of drugs is available but often monotherapy is prescribed, for cost reasons. **[13b]**

6.231 Government policy on HIV/AIDS focuses on prevention, treatment of opportunistic infections and home-based care. There is a national AIDS levy, a 3% tax, but this is not intended to cover shortages in regular state expenditure. **[13b]**

6.232 President Mugabe's views on homosexuality can affect the rights of people who become infected with HIV/AIDS, e.g. prisoners. Overcrowding and poor sanitation aggravate outbreaks of HIV/AIDS-related illnesses among prisoners. **[2e][13b]**

6.233 Recent political violence is expected to contribute to a worsening of the HIV/AIDS situation. Hundreds of women and girls have reportedly been raped at bases set up by ZANU-PF militias in the run-up to the March 2002 presidential election. Women and girls have been gang-raped in the ZANU-PF bases, described as torture camps, which will have exposed them to HIV infection. **[9l]**.

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Witchcraft

6.234 Belief in witchcraft is strong and witch-hunting is a thriving business in rural communities. A number of ritual murders, seen as a form of witchcraft, have come before the courts. **[20b]**

6.235 The 1890 Witchcraft Suppression Act, dating from the early colonial era, criminalises witchcraft and carries penalties including imprisonment; anyone accusing another of witchcraft is subject to a fine or three years' imprisonment and a witch hunter may face seven years in gaol. The law reportedly defines witchcraft as the practice of sorcery without reference to the consequences intended by the practitioner. It is also an offence to brand another person a witch. Since 1997 the Zimbabwe National African Traditional Healers' Association has proposed amendments to the 1890 Act that would redefine witchcraft in terms of intent to cause harm including illness, injury or death. Mainstream Christian churches have, however, opposed any such change to the legislation and human rights groups have also generally supported the existing witchcraft laws. These laws have been used particularly to protect people, primarily women, accused of causing harm to people or crops in rural areas where traditional religious practices are strong. **[2b][20b][2d]**

6.236 There is some tension between the Government and indigenous churches because of the churches' opposition to Western medical practices that result in the reduction of avoidable childhood diseases and deaths. Some members of indigenous churches believe in healing through prayer alone and refuse to have their children vaccinated. **[2b][2d]**

Sanctions & Commonwealth Suspension

6.237 At a meeting with the European Union (EU) in Brussels in January 2002, Foreign Minister Stan Mudenge was warned that Zimbabwe faced a freeze on non-humanitarian aid and targeted EU sanctions over its deteriorating human rights record. The EU gave Zimbabwe a week to agree to five demands: an end to political violence, allowing election observers, freedom of the media, an independent judiciary and the end of illegal land occupations. **[20d][4h]**. No reassurances on these points had been received from the Zimbabwean Government a week later. **[4h]**. The EU subsequently imposed a travel ban against leading figures in the Zimbabwean Government, including Cabinet Ministers, senior ZANU-PF officials, army generals, heads of parastatal organisations, senior civil servants and businessmen connected with the Government. The persons were also the subjects of an US travel ban. **[4g][9s]**.

6.238 On 12 February 2003 the EU voted to roll over their sanctions against Zimbabwe for another 12 months. However, despite the roll over of sanctions, which includes a travel ban on the ZANU-PF hierarchy, the French invitation to Mugabe to come to Paris for a Franco-African summit remain in effect. **[3cb]**. Additionally, the US imposed an assets freeze on Mugabe and 76 other ZANU-PF officials. Additionally this means that US citizens are forbidden from doing business with the 77 listed officials. **[20h]**.

6.239 In late March 2002, Zimbabwe was suspended from the Council of the Commonwealth for one year after a three-man team, or Troika, comprising the Nigerian and South African Presidents and the Australian Prime Minister concluded that the presidential election had not been free and fair. The three leaders accepted the findings of the Commonwealth election observer team that the election was marred by a high level of politically-motivated violence and intimidation and that the result did not represent a free expression of the electorate's will. They urged the international community to respond to the economic situation in Zimbabwe, especially food shortages, and stated that the Commonwealth would continue to engage with Zimbabwe. **[3ba][9n]**. The Troika reconvened in September, half way through Zimbabwe's suspension, to review the situation. However, the group could not agree on any further measures at this time. Mugabe failed to turn up to the meeting. **[3bc]**

6.240 On 17 March 2003, Don McKinnon the Commonwealth Secretary-General stated that after consulting with virtually all Commonwealth Heads of Government, it was decided to continue the suspension of Zimbabwe until the meeting of the Heads of Government in Nigeria in December of that year. **[56]**. A report by Don McKinnon, written in March 2003 to facilitate the review of the suspension of Zimbabwe from its councils, was leaked to the media in mid April. The report condemns the Zimbabwean government, saying that it has made no attempts to address the concerns raised by the organisation, such as systemic violence, oppressive legislation and the lack of independence in the voting process. It continued, saying that the political, economic and social situation had deteriorated since March 2002. McKinnon stated that all attempts to engage with Mugabe, directly or indirectly, resulted in failure and all offers of assistance had been rejected. **[10w]**.

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ANNEX A

Chronology of Events

1890 - British Colony of Southern Rhodesia established; subsequent influx of white settlers, mainly from United Kingdom and South Africa

1953 - Southern Rhodesia united with Northern Rhodesia and Nyasaland, also British territories, to form the Central African Federation (CAF)

1962 - white voters in Southern Rhodesia vote into power the Rhodesia Front party, committed to maintaining white rule and achieving independence from UK

1963 - UK dissolves CAF; Northern Rhodesia and Nyasaland granted independence by UK under majority rule administrations, as Zambia and Malawi respectively

1963 - black nationalist opposition splits and Zimbabwe African National Union (ZANU) led by Reverend Ndabaningi Sithole breaks away from Joshua Nkomo's Zimbabwe African People's Union (ZAPU)

1965 - Rhodesia Front Prime Minister Ian Smith makes illegal unilateral declaration of independence (UDI) for Southern Rhodesia from UK, renaming the territory Rhodesia

1976 - ZAPU and ZANU combine their military efforts in the Patriotic Front (PF) alliance

1979 - Ian Smith's administration concludes an 'internal settlement' with some black nationalists; Bishop Abel Muzorewa becomes first black Prime Minister of 'Zimbabwe-Rhodesia'

12/1979 - Lancaster House constitutional conference in London, attended by all parties including the PF produces independence settlement for Rhodesia; whites to be guaranteed 20 seats in new 100-seat parliament

2/1980 - Robert Mugabe's ZANU-PF party wins 57 out of 80 'common roll' seats and Nkomo's PF (ZAPU) wins 20 seats; Bishop Muzorewa's UANC party wins only 3 seats and Rhodesia Front wins all 20 seats reserved for whites

18.4.1980 - Independence of Zimbabwe - Robert Mugabe of ZANU-PF becomes Prime Minister and Reverend Canaan Banana becomes President, with ceremonial duties only

1982-87 - insurgency in Matabeleland; Government sends mainly Shona Fifth Brigade to quell dissent - thousands killed during *Gukuruhundi* pacification campaign, causing resentment of Government by the Ndebele

1987 - reconciliation between ZANU-PF and ZAPU ends Matabeleland conflict; ZANU-PF and ZAPU merge, keeping ZANU-PF name; reserved seats for whites abolished; Prime Minister Mugabe becomes executive President

1988 - amnesty proclaimed in Matabeleland, leading to rapid improvement in security; Edgar Tekere expelled from ZANU-PF for persistent denunciation of party leadership and policies

1989 - Edgar Tekere founds Zimbabwe Unity Movement (ZUM) in opposition to ZANU-PF

3/1990 - Mugabe wins Presidential election, polling 2.03 million votes against ZUM's Edgar Tekere's 413,840; ZANU-PF wins 117 of the 120 contested seats in parliamentary elections, with ZUM taking 20% of the vote and two seats

8/1990 - Joshua Nkomo becomes Vice-President, in addition to existing Vice-President Simon Muzenda

1994 - ZUM merges with Bishop Muzorewa's UANC; Muzorewa forms United Parties grouping later in year

4/1995 - ZANU-PF wins decisive victory in general elections, although eight opposition parties boycott polls - ZANU-PF takes 118 seats and Sithole's ZANU-Ndonga two

10/1995 - Sithole charged with conspiracy to assassinate Mugabe

3/1996 - Mugabe wins Presidential elections with nearly 93% of the vote, but turnout less than 32%

7/1997 - criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee

12/1997 - Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal

11/1998 - Banana convicted on 11 charges of sexual assault, sentenced to ten years' imprisonment in 1/1999 - most of the sentence suspended but Banana to serve a minimum one-year in prison

7/1999 - Vice-President Joshua Nkomo dies

5/2000 - Former President Canaan Banana ordered to serve a year in prison for sexually assaulting a male bodyguard

6/2000 - MDC wins 57 of 120 directly-elected seats in parliamentary elections marred by a violent campaign, perpetrated mainly by Government supporters against the opposition MDC and white farmers that leaves 37 people dead

11/2000 - ZANU-PF holds Marondera West in by-election

2000 - Reverend Ndabaningi Sithole, leader of ZANU-Ndonga, dies

1/2001 - ZANU-PF wins Bikita West in by-election from MDC; campaign marred by violence

1/2001 - Canaan Banana reportedly released from prison

4/2001 - 6/2000 election results in Buhera North, in which ZANU-PF's candidate was declared the winner over MDC leader Morgan Tsvangirai, and in Hurungwe East nullified by High Court; by-elections pending

7/2001 - ZANU-PF holds Bindura in by-election with increased majority; violent campaign and MDC candidate detained by police

9/2001 - MDC wins Bulawayo mayoral elections with landslide majority; ZANU-PF holds Makoni West and Chikomba parliamentary seats in by-elections with increased majority - results emphasise rural-urban political divide

3/2002 - President Mugabe re-elected President for six-year term in controversial election following a violent campaign; EU and USA apply selected sanctions against the Zimbabwean Government and officials; Zimbabwe suspended from Commonwealth for one year because of election fraud and violence
- Introduction of the Access to Information and Protection of Privacy Act.

28-29/9/2002 - local council elections. Won by ZANU-PF after a campaign condemned by rights groups. ZANU-PF are also victorious in the Hurungwe West by-election, but similar criticisms are levelled at the ruling party.

22/10/2002 - Learnmore Jongwe, MDC MP and spokesperson dies in Harare prison.

10/2002 - Last of Zimbabwe's troops are withdrawn from DRC.

3/2/2003 - The trial of Tsvangirai, Ncube and Gasela starts. They are charged with plotting to assassinate Mugabe.

17/3/2003 - Commonwealth continue sanctions until a reassessment takes place in December 2003.

18&19/3/2003 - National stayaway organised by the MDC. Deemed a success, which brought violent reprisals from the state and its agents.

29 & 30/3/2003 - By elections in Kuwadzana and Highfields. Both won by the MDC.

23-25/4/2003 - ZCTU strike over massive rises in the price of fuel.

2-6/6/2003 - Mass action organised by the MDC. The stayaway from work was widely observed, though no evidence of the mass demonstrations that were planned. Again, this resulted in a swift and violent response from the state and its agents.

6/6/2003 – Tsvangirai charge with treason. This means Tsvangirai has two charges of treason outstanding against him.

30-31/8/2003 - Council and Mayoral elections throughout much of Zimbabwe. Also, by elections in Makonde and Harare Central. ZANU-PF hold rural Makonde, and MDC hold the urban seat of Harare Central.

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ANNEX B

POLITICAL ORGANISATIONS

Zimbabwe African National Union-Patriotic Front [ZANU-PF] - governing party of Zimbabwe since independence in 1980; mainly Shona-based but includes Ndebele and whites, led by President Robert Mugabe; holds 61 of the 120 directly-elected seats in Parliament (by-elections pending in Buhera West and Hurungwe East, where ZANU-PF election wins overturned by High Court 4/2001) and, with Presidential appointees and Chiefs, effectively holds 91 seats out of 150 in total

Movement for Democratic Change [MDC] - official opposition since 6/2000 when it won 57 seats in Parliament (subsequently lost one seat in a by-election); formed 1999; multi-racial party with Shona, Ndebele and white MPs; led by Morgan Tsvangirai, former Secretary-General of Zimbabwe Conference of Trade Unions (ZCTU)

ZANU-Ndonga - formerly ZANU-Sithole, led by the late Reverend Ndabaningi Sithole until his death in 2000, won one parliamentary seat (Chipinge South) in 6/2000 elections

United Parties - led by Bishop Abel Muzorewa, former leader of UANC, founded 1994

Zimbabwe Union of Democrats [ZUD] - led by Margaret Dongo, MP for Harare South until June 2000; fielded 16 candidates in 6/2000 elections but did not win any seats

ZAPU [or ZAPU 2000] - a minor Ndebele-based party that contested, unsuccessfully, some seats in Matabeleland in the 6/2000 elections; split into two factions in run-up to 3/2002 presidential election

Conservative Alliance of Zimbabwe - successor to the Rhodesia Front, supported by sections of the white population

Liberty Party of Zimbabwe [LPZ] - minor Ndebele-based party led by Canaan Moyo; fielded 13 candidates in Matabeleland in 6/2000 elections but achieved very few votes; a breakaway group, which contested 9 seats in 6/2000, styles itself simply the Liberty Party

Zimbabwe African People's Union [ZAPU] - mainly-Ndebele party led by the late Joshua Nkomo that, with ZANU, fought white rule in the 1970s; merged with ZANU-PF in 1987

Rhodesia Front - governing party of Rhodesia to 1979, renamed the Republican Front after independence in 1980 and then the Conservative Alliance of Zimbabwe

Patriotic Front - alliance of Mugabe's mainly-Shona ZANU and Nkomo's mainly-Ndebele ZAPU that fought together against white rule in the 1970s

United African National Council [UANC] - former party led by Bishop Muzorewa, won three seats in pre-independence elections in 1980, merged with ZUM 1994

Zimbabwe Unity Movement [ZUM] - founded by ZANU-PF's former Secretary-General Edgar Tekere 1989, won two seats in Manicaland in 1990 elections, merged with UANC 1994

National Alliance for Good Governance [NAGG] - their leader, Shakespere Maya, contested the March 2002 Presidential election. The party also contested the Kuwadzana and Highfields constituency by elections in March 2003.

National Constitutional Assembly (NCA) - an umbrella group of civic organisations seeking democracy for all via a new constitution. Member organisations include the MDC, ZCTU, CCPJ, Red Cross Society and ZIMRIGHTS among many others. Formally launched on 31 January 1998.

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ANNEX C

PROMINENT PEOPLE

- **Robert Gabriel Mugabe** - Shona, first Prime Minister of independent Zimbabwe 1980-87, first executive President 1987 to present, leader of governing ZANU-PF party

- **Morgan Tsvangirai** - Shona, President of opposition MDC, previously Secretary-General of Zimbabwe Conference of Trade Unions (ZCTU) and onetime ZANU-PF party official

- **Gibson Sibanda MP** - Vice-President of MDC and leader of MDC MPs in Parliament

- **Simon Vengayi Muzenda** - ZANU-PF, one of two Vice-Presidents of Zimbabwe

- **Joseph Msika** - ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Joshua Nkomo after his death in 1999

- **Professor Jonathan Moyo MP** - Ndebele, ZANU-PF Minister of State for Information & Publicity

- **Professor Welshman Ncube MP** - Ndebele, Secretary-General of MDC, MP for Bulawayo North and Secretary-General of the party

- **David Coltart MP** - white Zimbabwean, prominent human rights lawyer, MDC MP for Bulawayo South and Shadow Justice Minister

- **Chenjerai 'Hitler' Hunzvi MP** - leader of war veterans in farm occupations, elected as ZANU-PF MP for Chikomba in 6/2000; died in 6/2001

- **Ian Douglas Smith** - Prime Minister of colonial Southern Rhodesia in 1960s, illegally declared independence (UDI) of Rhodesia from UK in 1965, PM until 1979

- **Joshua Nkomo** - Ndebele, leader of ZAPU until party's merger with ZANU-PF in 1987, Vice-President of Zimbabwe 1990 until his death in 1999

- **Reverend Canaan Banana** - first, non-executive, President of Zimbabwe 1980-1987; sentenced to a year in prison in 2000 for sexually assaulting a male employee, Released from prison January 2001

- **Bishop Abel Muzorewa** - Prime Minister of "Zimbabwe-Rhodesia" under power-sharing 'internal settlement' in 1979, former leader of UANC, leader of United Parties since 1994, United Methodist Church's Bishop of Zimbabwe

- **Reverend Ndabaningi Sithole** - former leader of ZANU, latterly leader of small ZANU-Ndonga party, died 2000

- **Margaret Dongo** - leader of Zimbabwe Union of Democrats (ZUD), MP for Harare South until lost seat in 6/2000 elections

- **Edgar Tekere** - former ZANU-PF Secretary-General, expelled from party 1988 for denouncing plans for one-party state, founded opposition Zimbabwe Unity Movement 1989 and unsuccessfully challenged Mugabe for Presidency in 1990

- **Tarugarira Wilson Khumbula MP** - ZANU-Ndonga MP for Chipinge South, the only MP not from ZANU-PF or MDC elected in 6/2000

- **Border Gezi** – Former ZANU-PF Minister for Youth, Gender and Employment Creation. Initiated the National Youth Service programme. The members/graduates of which are sometimes called Border Gezi's, or Green Bombers or Taliban.

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ANNEX D

PARLIAMENTARY ELECTION RESULTS JUNE 2000

[AVAILABLE IN HARD COPY ONLY - see source document [7]]

Note:

- Marondera West was held by ZANU-PF in a by-election in November 2000

- Bikita West was won by ZANU-PF from the MDC in a by-election in January 2001

- Bindura was held by ZANU-PF in a by-election in July 2001

- Makoni West was held by ZANU-PF in a by-election in September 2001

- Chikomba was held by ZANU-PF in a by-election in September 2001

- In April 2001, the High Court overturned the results in Buhera North and Hurungwe East, both declared ZANU-PF victories in June 2001; by-elections are pending in both constituencies

- In January 2002, the High Court overturned the result in Seke, which was declared an MDC victory in June 2000.

- Hurungwe West was held by ZANU-PF in September 2002.

- Insiza was won by ZANU-PF in October 2002

- Kuwadzana was held by the MDC in March 2003

- Highfield was held by the MDC in March 2003

- Makonde was held by ZANU-PF in August 2003

- Harare Central was held by the MDC in August 2003

- Other seats that have been nullified by the High Court as of 21 January 2003 are:
- Mutoko South
- Chiredzi North
- Gokwe North
- Gokwe South

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ANNEX E

MDC CANDIDATES & MPs, JUNE 2000 & MDC LEADERSHIP & SHADOW CABINET

MDC CANDIDATES & MPs, JUNE 2000

57 seats were won by the MDC in the June 2000 parliamentary elections. All MDC candidates are listed below in order of constituency, with those elected MPs underlined and in Italics. A list of all MDC MPs, in alphabetical order of surname, follows.

MDC candidates June 2000 by constituency:

HARARE

BUDIRIRO	*Gilbert MUTIMUTEMA*
CHITUNGWIZA	*Fidelis MHASHU*
DZIIVARASEKWA	*Edwin MUSHORIWA*
GLEN NORAH	*Priscilla MISIHAIRAMBWI*
GLEN VIEW	*Paul MADZORERE*
HARARE EAST	*Tendai Laxton BITI*
HARARE CENTRAL	*Michael Theodore Hayes AURET*
HARARE NORTH	*Getrude Bavier Lottie STEVENSON*
HARARE SOUTH	*Gabriel CHAIBVA*
HATFIELD	*Tapiwa MASHAKADA*
HIGHFIELD	*Munyaradzi GWISAI*
KAMBUZUMA	*Willias MADZIMURE*
KUWADZANA	*Learnmore Judah JONGWE*
MABVUKU	*Justin MUTENDADZAMERA*
MBARE EAST	*Tichaona Jephta MUNYANYI*
MBARE WEST	*Donemore Sasi MAKUVAZA*
MUFAKOSE	*Paulina MPARIWA*
ST MARY'S	*Job SIKHALA*
ZENGEZA	*Tafadzwa Basilo MUSEKIWA*

BULAWAYO

BULAWAYO N.E.	*Welshman NCUBE*
BULAWAYO SOUTH	*David COLTART*
LOBENGULA	*Fletcher DULINI*
MAKOKOBA	*Thokozani KHUPHE*
MPOPOMA	*Milton GWETU*
NKULUMANE	*Gibson SIBANDA*
PELANDABA	*Jeffrey KHUMALO*
PUMULA-LUVEVE	*Esafu MDHLONGWA*

MANICALAND PROVINCE

BUHERA NORTH	Morgan TSVANGIRAI
BUHERA SOUTH	Stephen Seven MAAMBIRE
CHIMANIMANI	*Roy Leslie BENNETT*
CHIPINGE NORTH	*Messias MATEWU*
CHIPINGE SOUTH	Elijah MAGAA
MAKONI EAST	Nicholas MUDZENGERERE
MAKONI NORTH	Valentine Tinodyanavo ZISWA
MAKONI WEST	Elisha Remus MAKUWAZA
MUTARE CENTRAL	*Innocent Tinashe GONESE*
MUTARE NORTH	*Giles MUTSEKWA*
MUTARE SOUTH	*Sydney MUKWECHENI*
MUTARE WEST	Tambaoga NYAZIKA
MUTASA	*Evelyn MASAITI*
NYANGA	*Leonard Ringisai CHIREWAMANGU*

MASHONALAND CENTRAL PROVINCE

BINDURA	Elliot PFEBVE
GURUVE NORTH	Allan McCORMICK
GURUVE SOUTH	Gift CHIMANIKIRE
MAZOWE EAST	Shepherd Leonard MUSHONGA
MAZOWE WEST	Biggie Township CHIGONERO
MOUNT DARWIN NORTH	Ephraim Hondo PFEBVE
MOUNT DARWIN SOUTH	Godfrey Donnie MUMBAMARWO
MUZARABANI	Timoth MUKWENGWE
RUSHINGA	Joel MUGARIRI
SHAMVA	Joseph MASHINYA

MASHONALAND EAST PROVINCE

CHIKOMBA	Peter KAUNDA
GOROMONZI	Leonard Chiutsi MAPURANGA
HWEDZA	Pearson TACHIVEYI
MARONDERA EAST	Didymus MUNENZVA
MARONDERA WEST	Shadreck CHIPANGURA.
MUDZI	Israel KARONGA
MUREHWA NORTH	Musarurwa MUDZINGWA
MUREHWA SOUTH	Ward NEZI
MUTOKO NORTH	Gents CHINOMONA
MUTOKO SOUTH	Derek MUZIRA
SEKE	*Tumbare MUTASA*
UZUMBA MARAMBA PFUNGWE	Bonomali MARERE

MASHONALAND WEST PROVINCE

CHEGUTU	Philemon THAMBATSHIRA

CHINHOYI	Silas MATAMISA
HURUNGWE EAST	Richard CHAZA
HURUNGWE WEST	Tsvangwa KANHEMA
KADOMA CENTRAL	*Austin Wilson MUPANDAWANA*
KADOMA EAST	Richard Emmanuel MOYO
KADOMA WEST	Edward NGOMA
KARIBA	Lucas Gombe SIGOBOLE
MAKONDE	Robert RUZIVO
MHONDORO	*Hilda MAFUDZE*
ZVIMBA NORTH	Hamilton GOMBA
ZVIMBA SOUTH	Titus NHEYA (murdered December 2001 - see Section 3.43)

MASVINGO PROVINCE

BIKITA EAST	Edmore MARIMA
BIKITA WEST	*Amos Munyaradzi MUTONGI* (died November 2000 - seat won by ZANU-PF in subsequent by-election)
CHIREDZI NORTH	Moses MARE
CHIREDZI SOUTH	Patrick Tsumele alias MAPENGO
CHIVI NORTH	Bennard CHIONDENGWA
CHIVI SOUTH	Alex Elias MASHAMHANDA
GUTU NORTH	Chrispen Zvouno MUSONI
GUTU SOUTH	Rensom MAKAMURE
MASVINGO CENTRAL	*Silas Joseph MAN'ONO*
MASVINGO NORTH	Joseph MUTEMA
MASVINGO SOUTH	Zachariah Isaac RIOGA
MWENEZI	Luciah MASEKESA
ZAKA EAST	Ratidzo Richard MUGWAGWA
ZAKA WEST	Charles MUSIMIKI

MATABELELAND NORTH PROVINCE

BINGA	*Joel GABHUZA*
BUBI-MGUZA	*Jacob Thabani MATSHAZI*
HWANGE EAST	*Cephas NYONI*
HWANGE WEST	*Jealous SANSOLE*
LUPANE	*David MPALA*

MATABELELAND SOUTH PROVINCE

BEITBRIDGE	Seyiso MOYO
BULILIMA-MANGWE N.	*Moses Mzila NDLOVU*
BULILIMA-MANGWE S.	*Edward Tshotsha Moyo MKHOSI*
GWANDA NORTH	*Paul Temba NYATHI*
GWANDA SOUTH	Paulos Matjaka NARE
INSIZA	*George Joe NDLOVU*
MATOBO	*Lovemore MOYO*
NKAYI	*Abednico BHEBHE*

TSHOLOTSHO	*Mtoliki SIBANDA*
UMZINGWANE	*Nomalanga Mzilikazi KHUMALO*

MIDLANDS PROVINCE

CHIRUMANZU	Gideon MAKUMBE
GOKWE CENTRAL	Edson NYATHI
GOKWE EAST	Timothy MADZORI
GOKWE NORTH	Sibangani MALANDU
GOKWE SOUTH	Lameck MUYAMBI
GOKWE WEST	Edgar SITHOLE
GWERU RURAL	*Renson GASELA*
GWERU URBAN	*Timothy Lancaster MUKAHLERA*
KWEKWE	*Blessing CHEBUNDO*
MBERENGWA EAST	Sekai HOLLAND
MBERENGWA WEST	Mufandaedza HOVE
MKOBA	*Stanley Bethel MAKWEMBERE*
SHURUGWI	Lucia Gladys MATINENGA
SILOBELA	*Abednico Mathe MALINGA*
ZHOMBE	Anna MTISI
	Farai MARUZANE

MDC MPs as at June 2000 [in alphabetical order of surname]:

AURET Michael Theodore Hayes	Harare Central (retired. By election won by MDC in August 2003)
BENNETT Roy Leslie	Chimanimani
BHEBHE Abednico	Nkayi
BITI Tendai Laxton	Harare East
CHAIBVA Gabriel	Harare South
CHEBUNDO Blessing	Kwekwe
CHIREWAMANGU Leonard Ringisai	Nyanga
COLTART David	Bulawayo South
DULINI Fletcher	Lobengula
GABHUZA Joel	Binga
GASELA Renson	Gweru Rural
GONESE Innocent Tinashe	Mutare Central
GWETU Milton	Mpopoma
GWISAI Munyaradzi	Highfield
JONGWE Learnmore Judah	Kuwadzana
KHUMALO Jeffrey	Pelandaba
KHUMALO Nomalanga Mzilikazi	Umzingwane
KHUPHE Thokozani	Makokoba
MADZIMURE Willias	Kambuzuma
MADZORERE Paul	Glen View
MAFUDZE Hilda	Mhondoro
MAKUVAZA Donemore Sasi	Mbare West
MAKWEMBERE Stanley Bethel	Mkoba
MALINGA Abednico Mathe	Silobela

MAN'ONO Silas Joseph	Masvingo Central
MASAITI Evelyn	Mutasa
MASHAKADA Tapiwa	Hatfield
MATEWU Messias	Chipinge North
MATSHAZI Jacob Thabani	Bubi-Mguza
MDHLONGWA Esafu	Pumula-Luveve
MHASHU Fidelis	Chitungwiza
MISIHAIRAMBWI Priscilla	Glen Norah
MKHOSI Edward Tshotsha Moyo	Bulilima-Mangwe South
MOYO Lovemore	Matobo
MPALA David	Lupane
MPARIWA Paulina	Mufakose
MUKAHLERA Timothy Lancaster	Gweru Urban
MUKWECHENI Sydney	Mutare South
MUNYANYI Tichaona Jephta	Mbare East
MUPANDAWANA Austin Wilson	Kadoma Central
MUSEKIWA Tafadzwa Basilo	Zengeza
MUSHORIWA Edwin	Dzivarasekwa
MUTASA Tumbare	Seke (result overturned by High Court January 2002)
MUTENDADZAMERA Justin	Mabvuku
MUTIMUTEMA Gilbert	Budiroro
MUTONGI Amos Munyaradzi	Bikita West (died November 2000 - seat won by ZANU-PF in subsequent by-election)
MUTSEKWA Giles	Mutare North
NCUBE Welshman	Bulawayo North East
NDLOVU George Joe	Insiza
NDLOVU Moses Mzila	Bulilima-Mangwe North
NYATHI Paul Temba	Gwanda North
NYONI Cephas	Hwange East
SANSOLE Jealous	Hwange West
SIBANDA Gibson	Nkulumane
SIBANDA Mtoliki	Tsholotsho
SIKHALA Job	St Mary's
STEVENSON Gertrude (Trudy) Bavier Lottie	Harare North

[source - Government of Zimbabwe: official Website - see source document [7]]

MDC LEADERSHIP & SHADOW CABINET

(This information supplements that at Section 5.9 - 5.10)

Leadership of the MDC:

President	Morgan Tsvangirai
Vice-President	Gibson Sibanda MP

Secretary-General	Welshman Ncube MP
Deputy Secretary-General	Gift Chimanikire
Chairman	Isaac Matongo
Treasurer	Fletcher Dhulini

Shadow Cabinet:

The MDC announced a 16-member Shadow Cabinet in September 2002. The Shadow Cabinet Ministers, all MPs, are:

Industry & Commerce	Milton Milford Gwetu
Lands, Agriculture and Natural Affairs	Renson Gasela
Legal & Constitutional Affairs	David Coltart
Education & Sport	Fidelis George Mhashu
Public Service, Labour & Social security	Pauline Mpariwa
Foreign Affairs	Moses Mzila Ndlovu
Health & Child welfare	Blessing Chebundo
Budget, Finance & Economic planning	Tapiwa Mashakada
Security & Defence	Giles Mutsekwa
Home Affairs	Tendai Biti
Local Government & National Affairs	Gabriel Chaibva
Transport	Hilda Mafudze Suka
Mines & Tourism	Joel Gabhuza
Environment & Tourism	Edwin Mushoriwa
Gender Youth and Culture	Evelyn Masaiti
Energy transport & Communication	Silas Mangono

[13d].

Committee of Secretaries,

Secretary General	Welshman Ncube
Economics	Tendai Biti
Youth Assembly	Nelson Chamisa
Information & Publicity	Paul Themba Nyathi
Labour and Social Security	Pauline Mpariwa
Security/Defence	Dr A.T. Mudzingwa
International Relations	Sekai Holland
Policy and Research	Trudy Stevenson
Finance	Fletcher Dulini Ncube
Lands, agriculture and natural resources	Nicholas Mudzengerere
Organising	Esaph Mdlongwa
Election Directorate	Remus Makuwaza
Education	Fidelis George Mhashu
Health	Blessing Cheboundo
National Integration & Reconciliation	Gladman Mhlambeni

Transport, logistics & Welfare	Thokozani Khupe
Discipline	Gibson Sibanda
Women's desk	Lucia Matibenga

[13d].

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ANNEX F

MDC POLICIES & PARTY SYMBOLS & SLOGANS

MDC POLICIES

(This information supplements that at Section 4.9. See hard copy of source documents **[12a]** and **[12b]** for full MDC manifesto and policy press release of 26.2.2001)

The MDC has identified five main priority policy areas:

1. Restoring economic stability, economic growth and job creation:
- rationalise government expenditure, cutting ministerial posts from 52 to 15
- broaden the tax base and reduce tax evasion
- privatise parastatal businesses
- tackle debt burden
- stabilise the currency, promoting exports through tax incentives
- discourage non-essential imports
- a social contract, covering pricing policy, incomes and employment policy

2. "People-driven" land reform:
- acquire 6-7m ha of land for resettlement
- acquire under-utilised, derelict, multiple-owned and corruptly acquired land
- set up a non-partisan Land Commission, involving all interest groups
- create basic infrastructure in all rural areas - roads, water, clinics, schools

3. Accountable and transparent government, and fighting corruption:
- clear separation of powers
- independence of the judiciary
- executive accountable to Parliament
- a Bill of Rights, based on fundamental freedoms in international treaties
- free and regular elections at all levels using proportional voting
- set up a Corruption Commission to monitor working of government and officials

4. A "People's Constitution":
- repeal Presidential power to directly appoint 20 MPs
- repeal Presidential power to amend electoral laws without Parliament's consent
- fair system of financing of political parties and media coverage
- more open government
- decentralise central government functions and powers
- a National Integration & Justice Commission to resolve ethnic and racial issues
- strengthen the powers of traditional leaders, in partnership with elected institutions
- reverse direct government control of the media
- establish an independent Media Commission
- deregulation of the airwaves

5. Health:
- set up a National Health Board to integrate health standards
- AIDS to be declared a national emergency, tackled with an AIDS strategy
- guarantee district hospitals in all urban and rural areas

[Source – MDC Website – see source documents [12a] & [12b]]

MDC SYMBOLS & SLOGANS

The MDC's symbol is an open hand, palm outstretched. The party's slogan during the June 2000 parliamentary election campaign was "Chinja Maitiro, Maitiro Chinja" in Shona and "Guqula Izenzo, Izenzo Guqula" in Ndebele. The closest English translation is "Now is the time, fight for change, support the Movement".

(See source document **[12e]** for an illustration of the symbol - hard copy only)

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ANNEX G

CABINET LIST, AUGUST 2002

President Mugabe

Vice-President: Msika
Vice-President: Muzenda died in September 2003. As yet he has not been replaced.

Ministers and Ministers of State:

Special Affairs in the President's Office:	John Nkomo
Lands, Agriculture & Rural Resettlement:	Dr Joseph Made
Defence:	Dr Sydney Sekeramayi
Environment & Tourism:	Francis Nhema
Justice, Legal & Parliamentary Affairs:	Patrick Chinamasa
Transport & Communications:	Witness Mangwende
Local Government, Public Works & National Housing:	Ignatius Chombo
Finance & Economic Development:	Herbert Murerwa
Health & Child Welfare:	David Parirenyatwa
Home Affairs:	Kembo Mohadi
Foreign Affairs:	Stan Mudenge
Public Service, Labour & Social Welfare:	July Moyo
Higher & Tertiaty Education:	Swithun Mombeshoro
Education, Sports & Culture:	Aeneas Chigwedere
Energy & Power Development:	Amos Midzi
Mines & Mining Development:	Edward Chindori-Chininga
Rural Resources & Water Development:	Joyce Mujuru
Youth Development, Gender & Employment Creation:	Elliot Manyika

Industry & International Trade:	Samuel Mumbengegwi
State Enterprises & Parastatals:	Paul Mangwana
Information & Publicity:	Prof. Jonathan Moyo
Small & Medium Enterprises Development:	Sithembiso Nyoni
Science & Technology Development:	Olivia Muchena
Land Reform Programme:	Flora Bhuka
National Security:	Nicholas Goche

[Source - IRIN News - see source document [10g]]

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ANNEX H

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