

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

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RESPONSE

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Limited new material has become available since previous research responses were provided in September and October 2009 (see RRT Research & Information 2009, *Research Response ZWE35535*, 8 October - and Fast Track requests *ZWE35557* of 7 October 2009; and *ZWE35492* of 22 September 2009).

However, the following reports and publications have not previously been provided and may be of interest:

Country information on Zimbabwe in the CIA Factbook, updated on 30 September 2009, describes the economic situation and provides social statistics relating to the demographics of the population, and various health indicators. The Factbook also provides background

information on the recent parliamentary and presidential elections, and the subsequent conflict over the results and power-sharing agreement that was reached in February 2009:

Robert MUGABE, the nation's first prime minister, has been the country's only ruler (as president since 1987) and has dominated the country's political system since independence. His chaotic land redistribution campaign, which began in 2000, caused an exodus of white farmers, crippled the economy, and ushered in widespread shortages of basic commodities. Ignoring international condemnation, MUGABE rigged the 2002 presidential election to ensure his reelection. The ruling ZANU-PF party used fraud and intimidation to win a two-thirds majority in the March 2005 parliamentary election, allowing it to amend the constitution at will and recreate the Senate, which had been abolished in the late 1980s. In April 2005, Harare embarked on Operation Restore Order, ostensibly an urban rationalization program, which resulted in the destruction of the homes or businesses of 700,000 mostly poor supporters of the opposition. President MUGABE in June 2007 instituted price controls on all basic commodities causing panic buying and leaving store shelves empty for months. General elections held in March 2008 contained irregularities but still amounted to a censure of the ZANU-PF-led government with significant gains in opposition seats in parliament. MDC opposition leader Morgan TSVANGIRAI won the presidential polls, and may have won an outright majority, but official results posted by the Zimbabwe Electoral Committee did not reflect this. In the lead up to a run-off election in late June 2008, considerable violence enacted against opposition party members led to the withdrawal of TSVANGIRAI from the ballot. Extensive evidence of vote tampering and ballot-box stuffing resulted in international condemnation of the process. Difficult negotiations over a power sharing agreement, allowing MUGABE to remain as president and creating the new position of prime minister for TSVANGIRAI, were finally settled in February 2009 (Central Intelligence Agency 2009, *The World Factbook – Zimbabwe*, 30 September <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html> – Accessed 13 October 2009 – Attachment 1).

A *BBC News* country profile on Zimbabwe dated 3 August 2009 similarly describes the power-sharing agreement between President Robert Mugabe and Prime Minister Morgan Tsvangirai following disputes and violence over the election results, and also provides some background information on the country's socio-economic conditions:

For years [Zimbabwe] was a major tobacco producer and a potential bread basket for surrounding countries.

But the forced seizure of almost all white-owned commercial farms, with the stated aim of benefiting landless black Zimbabweans, led to sharp falls in production and precipitated the collapse of the agriculture-based economy. The country has endured rampant inflation and critical food and fuel shortages.

Many Zimbabweans survive on grain handouts. Others have voted with their feet; hundreds of thousands of Zimbabweans, including much-needed professionals, have emigrated.

Aid agencies and critics partly blame food shortages on the land reform programme. The government blames a long-running drought, and Mr Mugabe has accused Britain and its allies of sabotaging the economy in revenge for the redistribution programme.

The government's urban slum demolition drive in 2005 drew more international condemnation. The president said it was an effort to boost law and order and development; critics accused him of destroying slums housing opposition supporters.

Either way, the razing of "illegal structures" left some 700,000 people without jobs or homes, according to UN estimates.

...President: Robert Mugabe

Under a power-sharing deal signed with the opposition in September 2008, President Mugabe remains head of state, head of the cabinet and head of the armed services.

...Prime Minister: Morgan Tsvangirai

Morgan Tsvangirai was sworn in as prime minister in February 2009, following months of wrangling over a power-sharing agreement originally signed in September 2008.

A final accord on power-sharing was reached in January, after Mr Tsvangirai returned to Zimbabwe following an absence of more than two months for fresh talks with President Mugabe.

Earlier negotiations had faltered after the MDC accused Mr Mugabe's Zanu-PF of keeping the most powerful ministries – including the one that controls the police – to itself.

In a speech after his inauguration, Mr Tsvangirai called for an end to human rights abuses and political violence. He also pledged to do all in his power to help alleviate the suffering of Zimbabweans.

Mr Tsvangirai is a former union leader who helped found the Movement for Democratic Change in 1999.

As MDC leader he has faced intimidation, treason charges, physical assault and at one stage was charged with plotting to kill Mr Mugabe.

...All broadcasters transmitting from Zimbabwean soil, as well as the main newspapers, are state-run and toe the government line.

...A range of draconian laws and institutions, along with prison sentences for “publishing false news”, are used to clamp down on critical comment. Journalists who fail to register with a government body risk imprisonment (‘Country Profile: Zimbabwe’ 2009, *BBC News*, 3 August http://news.bbc.co.uk/2/hi/africa/country_profiles/1064589.stm – Accessed 12 October 2009 – Attachment 2).

A report prepared by the Immigration and Refugee Board of Canada in May 2009 describes the treatment of MDC members after the signing of the government's power-sharing agreement in September 2008, and treatment of MDC members after the swearing-in of the coalition government in February 2009:

An article published in the Harare Tribune reports that, in 2008, political violence perpetrated by the Zimbabwe African Union Patriotic Front (ZANU-PF) killed more than 200 supporters of the Movement for Democratic Change (MDC) across the country (23 Feb. 2009).

Treatment of MDC members after the signing of the September 2008 power-sharing agreement

According to an Amnesty International (AI) article of 15 September 2008, [AI English version] “Zimbabwe's President Robert Mugabe ... signed a power-sharing agreement with the leaders of the two formations of the Movement for Democratic Change, Morgan Tsvangirai and Arthur Mutambara” (see also HRW Jan. 2009 and Reuters 15 Sept. 2008). The agreement was signed on 15 September 2008 (AI Jan. 2009). According to Reuters, under the terms of the agreement, Robert Mugabe would remain president and the

ZANU-PF would be responsible for 15 portfolios; Morgan Tsvangirai would become prime minister and the MDC would be responsible for 13 portfolios; and Arthur Mutambara, leader of a dissident faction of the MDC, would be responsible for 3 portfolios (15 Sept. 2009).

According to Human Rights Watch (HRW), the signing of the power-sharing agreement, reached under the mediation of then-president Thabo Mbeki of South Africa, has done nothing to quell the political violence in Zimbabwe (HRW Jan. 2009; see also AI Jan. 2009). The agreement was weakened by disagreement over the distribution of ministries (HRW Jan. 2009; see also UN 13 Nov. 2008 and AI Jan. 2009). An article published by AI indicates that the MDC and the ZANUPF could not agree on the distribution of the main ministries (Home, Defence, Foreign Affairs, and Economy) (Jan. 2009).

According to Zimbabwe Lawyers for Human Rights (ZLHR), in September 2008, opposition group members were the victims of 1,300 acts of violence, including rapes and killings (UN 13 Nov. 2008). In addition, HRW reports that from October to December 2008, 43 MDC members and human rights activists were “arbitrarily arrested” and detained (HRW 15 Jan. 2009; see also AFP 4 Mar. 2009). According to the same HRW report, the detainees told their lawyers that they had been “subjected ... to beatings and other torture” (15 Jan. 2009). In addition, they were “forced to make false confessions” to participating in various “acts of sabotage, banditry and terrorism” and to recruiting people to overthrow the government (HRW 15 Jan. 2009). Further information on these cases could not be found among the sources consulted by the Research Directorate.

An article published by the United Nations (UN) Integrated Regional Information Networks (IRIN) reports that Nelson Chamisa, a spokesperson for the MDC, accused President Mugabe of “launching another wave of attacks” against the MDC (UN 13 Nov. 2008). The MDC spokesperson stated that “ZANU-PF militias...were re-establishing torture camps and using them as a base for their attacks on MDC supporters” following Mugabe’s defeat in the 29 March 2008 general election (ibid.). Chamisa also stated that on 27 October 2008, more than 30 MDC supporters were attacked at a settlement near Harare and that on 30 October 2008, in Mashonaland West province, the homes of the MDC leaders were raided and nine MDC officials were arrested (ibid.). According to an officer in the Zimbabwe National Army, who refused to be identified, “senior army officials had been deployed to rural districts, where they had virtually taken charge of all operations previously handled by local government officials,” including the distribution of food and seed, allegedly depending “on loyalty to ZANU-PF” (ibid.).

Treatment of MDC members after the swearing-in of the coalition government in February 2009

In February 2009, after months of deadlock, the party in power and the opposition reached an agreement to form a coalition government (Le Potentiel 7 Feb. 2009). The new government was sworn in on 13 February 2009 (nouvelobs.com 13 Feb. 2009) and took office the same day (AFP 13 Feb. 2009). Sources state that, on its first day in office, the government had to deal with the arrest of White MDC leader Roy Bennett, whom sources indicate had been appointed either Deputy Minister of Agriculture (Reuters 13 Feb. 2009) or Secretary of State for Agriculture (nouvelobs.com 13 Feb. 2009). According to an MDC press release cited by Reuters, the police charged Bennett with [translation] “treason” (Reuters 13 Feb. 2009). An article published by Agence France-Presse (AFP) reports that the police fired shots into the air and used dogs to disperse MDC supporters who were demonstrating for Bennett’s release at the police station in Mutare, located 400 kilometres from Harare (13 Feb. 2009). Other sources report that Livingstone Chipadze, a magistrate who ordered Bennett’s release, was arrested in early March (BBC 12 Mar. 2009; AFP 6 Mar. 2009). According to AFP, Magistrate Chipadze was arrested for abuse of office for [translation] “having authorized the release of Bennett after a court had granted him a conditional release” (6 Mar. 2009).

The Institute for War and Peace Reporting (IWPR), an international not-for-profit network that works to promote “free and fair media” (IWPR n.d.), reports that in February 2009, about 30 members of the MDC “charged variously with attempting to either destabilise the government or oust President Robert Mugabe” were still in detention at Chikurubi prison, near Harare (ibid. 13 Feb. 2009).

In a 16 February 2009 press release, AI called on the African Union and the UN [AI English version] “to investigate human rights violations committed by Zimbabwe’s security forces during the current transitional period.” According to Simeon Mawanza, AI’s Zimbabwe expert:

[AI English version]

“A number of events that have taken place since the swearing in of a new government in Zimbabwe suggest that there is a force within the Zimbabwean security forces, that continues ordering violations of human rights as a method of dealing with people they do not like.” (AI 16 Feb. 2009)

A 24 February 2009 article published by AI reports instances of [AI English version] “torture” and other abuse inflicted on three prisoners who are members of the MDC. According to the report, the three were being held on [AI English version] “allegations of either recruiting youth to undergo military training or bombing of police states and railway lines” (AI 24 Feb. 2009). Although two of them have been hospitalized, they were at risk of being returned to Chikurubi Maximum Security Prison without receiving the appropriate medical care; and one detainee had not been taken to hospital, even though a court had ordered that he be examined (ibid.).

Sources state that on 14 March 2009, Admire Mukorera, a member of the MDC and deputy mayor of Mutare, was arrested because “his vehicle was used in political violence” (VOA 14 Mar. 2009; ZimOnline 16 Mar. 2009).

According to HRW, the acts attributed to ZANU-PF supporters against the MDC were carried out “with almost absolute impunity” (Jan. 2009; see also Harare Tribune 23 Feb. 2009). The Harare Tribune reports that MDC supporters called on the coalition government to take measures against human rights abusers (23 Feb. 2009) (Immigration and Refugee Board of Canada 2009, *ZWE103119.FE – Zimbabwe: Whether members of the Movement for Democratic Change were arrested and abused by the authorities after the signing of the power-sharing agreement in September 2008 and after the inauguration of the coalition government in February 2009*, 15 May – Attachment 3).

Human Rights Watch’s annual report published in January 2009 outlines the extensive violence and abuse that occurred following the March 2008 elections; widespread attacks on MDC supporters; evidence of impunity for politically motivated crimes; and Zimbabwe’s humanitarian crisis, including food shortages and widespread disease and HIV infection (Human Rights Watch 2009, *World Report 2009 – Zimbabwe*, January – Attachment 4).

A Human Rights Watch report published in November 2008 provides further detail regarding police inaction in cases of political violence, claiming that “[s]erving police officers told Human Rights Watch that between April and July 2008, police across Zimbabwe were issued with specific instructions not to investigate or arrest ZANU-PF supporters and their allies implicated in political violence”. On the other hand, the report claims that [p]olice have arbitrarily arrested and detained hundreds of MDC leaders and activists” (Human Rights Watch 2008, *“Our Hands Are Tied” : Erosion of the Rule of Law in Zimbabwe*, November, pp. 1-2 – Attachment 5).

In addition, a Human Rights Watch report on the humanitarian consequences of political repression in Zimbabwe claims that a widespread cholera outbreak is the result of both the failure of Zimbabwe's health care system, and "the calculated disregard for the welfare of Zimbabweans by the ruling [ZANU-PF] party". The report describes in further detail the ruling party's continuing repression of the political freedoms and civil rights of the Zimbabwean population and the impact this has on human rights in the country:

Zimbabwe is in a humanitarian crisis that is the result of a political crisis. A cholera epidemic has—as of January 12, 2009—left over 39,000 people infected and at least 2,000 dead, with the disease spreading to neighboring countries. This marks both the collapse of Zimbabwe's healthcare system and the calculated disregard for the welfare of Zimbabweans by the ruling party, the Zimbabwe African National Union – Patriotic Front (ZANU-PF). The country is experiencing the sharpest rise in infant mortality in its history, and maternal mortality rates have tripled since the mid-90s. Meanwhile, over five million Zimbabweans face severe food shortages and are dependent on international aid. Making matters worse, ZANU-PF's repeated political interference in the work of humanitarian agencies and its attempts to conceal the extent of the disaster have severely hampered international efforts to help tackle these multiple crises.

ZANU-PF's longstanding assault on political freedoms and civil rights lies at the heart of Zimbabwe's humanitarian crisis. While political violence, enforced disappearances, and arbitrary detentions by the government of President Robert Mugabe peaked in the weeks leading up to the run-off presidential elections in June 2008, they have continued to the present as ZANU-PF uses repression to back its dubious claim to power. Over 40 supporters from the Movement for Democratic Change (MDC) and human rights activists have "disappeared" or been arbitrarily detained since November 2008. ZANU-PF controlled police units continue to violently break up peaceful protests, and routinely arrest and harass MDC activists (Human Rights Watch 2009, *Crisis without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe*, January, p. 3 – Attachment 6).

However, a news article dated 1 October 2009 describes a recent decision by Zimbabwe's Supreme Court to drop all charges of banditry against Jestina Mukoko, a journalist and human rights campaigner who was abducted, detained and tortured in 2008, which many suspect was a result of "her work of collating the litany of human rights abuses committed against political activists, unionists and civil society members by President Robert Mugabe's ZANU-PF government". The decision by the Supreme Court has been hailed as a glimmer of hope "in a country emerging from the depths of despair":

Jestina Mukoko's abduction, detention and torture in 2008, and the subsequent dropping of all charges by a full bench of Zimbabwe's Supreme Court on 28 September 2009, is serving as a timeline in a country emerging from the depths of despair into the first glimmer of hope.

Mukoko, a single mother, journalist and human rights campaigner, became a cause célèbre for both local and international human rights organizations, with her personal ordeal seen as a representation of the state's repression and its contempt for the rule of law.

The Supreme Court said in its judgment: "The court unanimously concludes that the state, through its agents, violated the applicant's constitutional rights protected under the constitution of Zimbabwe to an extent entitling the applicant to a permanent stay of criminal prosecution associated with the above violations."

Mukoko was charged with banditry, but many believe her work of collating the litany of human rights abuses committed against political activists, unionists and civil society members by President Robert Mugabe's ZANU-PF government – which held power before the current

unity government – ensured that she would occupy the same dank prisons and suffer the same beatings as those whose stories she had documented.

After the judgment she told IRIN: “I came out of this experience not a bitter person, but a better person; better in the sense that I was able to understand what fellow Zimbabwean activists had been going through all this time.”

In 2008 Zimbabwe was trapped in a vortex of political violence, widespread hunger, hyperinflation and keenly contested elections that threatened to end Mugabe’s nearly three decades of rule.

Morgan Tsvangirai, leader of the opposition Movement for Democratic Change (MDC) and now prime minister, withdrew from the second round of the presidential poll – after narrowly failing to win the first round outright – in protest over the deaths of scores of activists, and the torture of hundreds if not thousands more.

Mukoko, head of the Zimbabwe Peace Project, a non-governmental organization that detailed human rights abuses such as gang rape and political violence allegedly perpetrated by the security forces, patiently transcribed the harrowing experiences of those who survived while they recuperated in hospitals or safe houses, fearing further arrests.

The international community, including African election monitors, declared Mugabe’s uncontested presidential victory as hollow. On 15 September 2008, ZANU-PF and the MDC signed a power-sharing agreement, but it was only enacted in February 2009 with the formation of the unity government. The intervening months were marked by increased reports of state violence, meticulously documented by Mukoko.

“I am so relieved to know that the charges against me have been dropped, but I think the victory was only possible because of the support from the international community, fellow journalists and colleagues in civic society, and human rights defenders,” she told IRIN (“ZIMBABWE: Jestina Mukoko – “Not bitter, but better”” 2009, *IRIN News*, 1 October <http://www.irinnews.org/Report.aspx?ReportId=86392> – Accessed 13 October 2009 – Attachment 7).

Further country information is provided in the US Department of State human rights report released in February 2009, which particularly outlines the human rights situation in Zimbabwe, based on events occurring in 2008:

The government continued to engage in the pervasive and systematic abuse of human rights, which increased during the year. The ruling party’s dominant control and manipulation of the political process through violence, intimidation, and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions increased. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces refused to document cases of political violence committed by ruling party loyalists against members of the opposition. Prison conditions were harsh and life threatening. Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued. The government continued to evict citizens and to demolish homes and informal marketplaces. The government continued to use repressive laws to suppress freedoms of speech, press, assembly, association, academic freedom, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition. A nearly three-month ban on the activities of nongovernmental organizations (NGOs) exacerbated food

insecurity and poverty. After the ban was lifted, security forces, war veteran groups, and provincial governors continued to interfere with NGO operations, hampering food distributions. Tens of thousands of citizens were displaced in the wake of election-related violence and instability, and the government impeded NGOs' efforts to assist them and other vulnerable populations. The following human rights violations also continued: violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Zimbabwe*, 25 February, Introduction – Attachment 8).

Similarly, Amnesty International's annual report published in 2009 describes the human rights situation in Zimbabwe based on events in 2008:

The human rights situation in Zimbabwe deteriorated sharply in 2008 with an unprecedented wave of state-sponsored human rights violations, perpetrated mainly by security forces, war veterans and supporters of the Zimbabwe African National Union (ZANU-PF) after elections in March. At least 180 people died as a result; thousands were injured while tens of thousands were displaced in rural areas and had to seek refuge in urban centres. Many people were left in need of emergency shelter, food aid and medical treatment after they were targeted ahead of the run-off presidential election in June.

The economy continued to decline making it very hard for a large part of the population to access food, healthcare and education. According to the UN, more than five million people were in need of food aid by the end of 2008. Victims of the 2005 mass forced evictions continued to live in deplorable conditions (Amnesty International 2009, *Amnesty International Report 2009 – Zimbabwe* <http://www.amnesty.org/en/region/zimbabwe/report-2009> – Accessed 12 October 2009 – Attachment 9).

A UK Home Office report published in March 2009 also provides general country information on Zimbabwe, including the economic conditions, land reform policies, the parliamentary/presidential elections held in 2008, political violence following the elections, the human rights situation, freedom of political expression, freedom of speech and the media, freedom of religion, freedom of movement, treatment of ethnic groups and minorities, the situation for women, the health care system, and employment (UK Home Office 2009, *Country of Origin Information Report – Zimbabwe*, 25 March – Attachment 10).

List of Sources Consulted

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US Department of State <http://www.state.gov/>

Non-Government Organisations

International Crisis Group <http://www.crisisgroup.org/>

Amnesty International <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

United Nations (UN)

ReliefWeb

International News & Politics

BBC News <http://news.bbc.co.uk/>

AllAfrica <http://allafrica.com/>

IRIN News <http://www.irinnews.org/>

iAfrica <http://iafrica.com/>

Region Specific Links

Zimbabwe Situation <http://www.zimbabwesituation.com/>

ZW News <http://www.zwnews.com/>

Zim Daily <http://www.zimdaily.com/>

New Zimbabwe <http://www.newzimbabwe.com/>

Zimbabwe News <http://www.zimbabwenews.com/>

Zim Online <http://www.zimonline.co.za/>

Change Zimbabwe <http://www.changezimbabwe.com/>

Manica Post <http://www.manicapost.com/>

Zimbabwe Independent <http://www.thezimbabweindependent.com/>

The Zimbabwe Times <http://www.thezimbabwetimes.com/>

The Zimbabwean <http://www.thezimbabwean.co.uk/>

The Herald <http://www.herald.co.zw/>

Topic Specific Links

Movement for Democratic Change <http://www.mdc.co.zw/>

Search Engines

Google <http://www.google.com/>

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. Central Intelligence Agency 2009, *The World Factbook – Zimbabwe*, 30 September <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html> – Accessed 13 October 2009.
2. ‘Country Profile: Zimbabwe’ 2009, *BBC News*, 3 August http://news.bbc.co.uk/2/hi/africa/country_profiles/1064589.stm – Accessed 12 October 2009.
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10. UK Home Office 2009, *Country of Origin Information Report – Zimbabwe*, 25 March.