

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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

Questions

- 1. What is the treatment of supporters of the Movement for Democratic Change?**
- 2. What is the treatment of members of the armed forces who are known to be members or sympathisers of the Movement for Democratic Change?**
- 3. Please provide information on the treatment of people who have passed state secrets to the opposition, including use of the Official Secrets Act.**

RESPONSE

- 1. What is the treatment of supporters of the Movement for Democratic Change?**

The US State Department Report for 2005 reports on the treatment of MDC supporters:

There were reports of three political killings during the year by the government or ruling party supporters and one killing by opposition supporters. Individuals targeted for harassment, torture, and killing tended to be active members of the opposition or high-level ZANU-PF members in disfavor with the ruling party. The government routinely used selective violence to achieve its political objectives. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.

...

During the year there were multiple reports of politically motivated kidnapping committed by ZANU-PF supporters and one reported kidnapping committed by MDC supporters. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by pro government factions. Abductees were often tortured. The government often did not investigate abductions and torture of MDC supporters.

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Human rights groups reported physical and psychological torture perpetrated by government supporters. The Zimbabwe Human Rights NGO Forum reported 135 cases of torture during the first 11 months of the year. National youth training camps were a source of ruling party-directed youth militia forces, which were deployed to harass and intimidate suspected MDC

supporters with impunity. There were reports of indoctrination against political opposition (see section 5).

Security forces were involved in incidents of political violence, including instances where soldiers and persons in military uniforms beat civilians, particularly in areas suspected of heavy support for the opposition.

...

Although there was less violence associated with the March parliamentary elections than in previous elections, throughout the year persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, continued to be singled out for assault or intimidation by ruling party supporters. There were some reports of retribution against MDC supporters after the March elections. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes (US State Department 2006, *Zimbabwe Country Reports on Human Rights Practices – 2005*, 8 March – Attachment 1).

The UK Home Office noted the decline in interest in the MDC, sourced from the *Zimbabwean*:

11.58 ...The article went on to note that the government was increasing surveillance in an attempt to identify new sources of political opposition following what it believes has been the effective neutralisation of the MDC. [99a] (p1-2)

On the section about the MDC, the Home Office report notes:

17.16 The Economist Intelligence Unit reported in its 'Zimbabwe Country Profile: 2006' that:

"The MDC was until recently the main opposition party. Although most of its support is in urban areas, it is also popular in Matabeleland in the south and Manicaland in the east. Despite its success in the 2000 parliamentary election the party has faced a huge political challenge, as the government has made a concerted effort to undermine its parliamentary representatives: many were harassed by the security forces and periodically arrested on spurious charges. Faced with such harassment and unable to organise mass demonstrations against the government under the country's repressive security laws, the party struggled to repeat its performance of 2000 in the 2005 parliamentary elections. This prompted a major debate within the party, about whether contesting elections and engaging in democratic opposition made any political sense, given the country's repressive political climate." [24e] (p13)

The Report goes onto comment on the split within the MDC following the Senate elections in 2005:

17.21 The Institute for War and Peace Reporting (IWPR) noted on 16 November 2005 that President Mugabe's decision to create a 66-member Senate had effectively split the MDC into pro and anti camps concerning its participation in the senate elections. [77k] (p1) Keesing's News Digest for November 2005 noted that the faction opposed to participation in the elections, is "... led by MDC president Morgan Tsvangirai, and a second faction that contested the polls is led by secretary general Welshman Ncube." [124]

In addition the UK Home office reported on the infiltration of the MDC by the Central Intelligence Organisation:

17.27 ZimOnline reported on 21 October 2005 that the Central Intelligence Organisation (CIO) had infiltrated the Movement for Democratic Change (MDC). The article noted that "Intelligence minister Didymus Mutasa has said state secret agents are working hard to

manipulate divisions rocking Zimbabwe's main opposition Movement for Democratic Change (MDC) party to accelerate its collapse, ZimOnline has learnt. Sources who attended the meeting said Mutasa described bitter wrangling in the MDC over whether the party should contest the senate election as a godsend that the state's spy Central Intelligence Organisation (CIO) had to exploit to the full. 'My boys (CIO spies) are on it big time. This is a God-given opportunity and if we fail to destroy them (MDC) this time, then we might never ever get another chance like this. My ministry will not miss this opportunity,' a source quoted Mutasa as having told his colleagues. According to sources, Mutasa did not give details of what state intelligence operatives were doing to fuel division in the MDC but said he only indicated that huge resources including large quantities of money had been set aside to be used to infiltrate the opposition party and buy off some of its feuding senior leaders." [49s] (UK Home Office 2007, *Country of Original Information Report*, 8 January Attachment 2)

The UK Home Office then summarised this material in its Operational Guidance Note:

3.6.2 Treatment. Since the party was formed in 1999, many MDC activists have been subjected to restrictions on their freedom of expression, political intimidation, assault, arbitrary arrest and detention, imprisonment, torture, kidnapping, rape and murder. This treatment has mostly been perpetrated by the Government, the security forces, ZANU-PF activists and youth and war veterans groups. Historically, such treatment has escalated around the time of general, presidential and by elections, although the expected violence did not materialise in the run-up to the latest parliamentary elections in 2005, perhaps because ZANU-PF calculated that opposition supporters were already sufficiently cowed by years of intimidation.¹⁵ (UK Home Office 2006, *Operational Guidance Note Zimbabwe v2.0*, 13 January – Attachment 3)

An ally of the MDC, the Trade Unions, is conducting strikes in Zimbabwe:

A wave of strikes in Zimbabwe is making the threat of a "crippling" general strike by the country's largest union federation largely academic, as current industrial action or threats of more to come are already bringing the scenario to pass.

The Zimbabwe Congress of Trade Unions (ZCTU), which has often been in the vanguard of protest against President Robert Mugabe's ZANU-PF government, is taking a back seat, while a whole swathe of society, including doctors, nurses, teachers, university lecturers and tobacco industry workers have embarked on strike action, and miners, government employees and students are on the brink of doing so.

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Although the ZCTU, an ally of the opposition Movement for Democratic Change (MDC) party, has been a fervent critic of Mugabe, disillusionment with the ZANU-PF government's handling of the economy is spreading among government employees.

('The economy has become the government's main opposition' 2007, *IRIN News*, 7 February,

http://www.irinnews.org/report.asp?ReportID=57554&SelectRegion=Southern_Africa&SelectCountry=Zimbabwe – Accessed 14 February 2007 – Attachment 4).

IRIN News reported that many pro-democracy activists, as well as ordinary people were fleeing to South Africa:

A faith-based rights NGO, Solidarity Peace Trust, which works with Zimbabwean refugees, said intense lobbying had made South African home affairs officials more sensitive to the plight of asylum seekers. "We are receiving more positive feedback, which has encouraged more people to apply," noted Selvan Chetty, a spokesman for the trust.

He said while a significant number of asylum seekers were pro-democracy activists, "there are many more who are ordinary Zimbabweans, who have either been beaten up or affected by

state-sponsored campaigns such as Operation Murambatsvina (Drive out Filth)” (‘SOUTH AFRICA: More Zimbabweans seek asylum’ 2006, *IRIN News*, 21 June, http://www.irinnews.org/report.asp?ReportID=54080&SelectRegion=Southern_Africa&SelectCountry=south%20africa – Accessed 14 February 2007 – Attachment 5).

Human Rights Watch in its report on the suppression of dissent published in November 2006 recorded one activist’s experience:

Human rights activists also report that medical practitioners sometimes find it difficult to prove cases of assault and torture. One activist interviewed by Human Rights Watch said:

In the past few years I have been beaten and mistreated by the police many times. The last time, I was coming from a meeting with colleagues about the evictions when I was arrested in Mbare and taken to the police station and beaten by the police who accused me of belonging to the opposition. I was released without charge on the next day. I didn’t go to the hospital or the police.

An activist described to Human Rights Watch the methods used by the authorities:

My colleagues and I went on a demonstration in Harare in July. A hundred and twenty-eight of us were arrested and then released after spending four days in custody. The charges were dropped. Soon after that I received a phone call from a person who refused to be named. He told me to stop working with the NCA as it would only bring me trouble and then he hung up. I later found out that some of my other colleagues also received similar phone calls. None of us know who they were but it is obvious. This is what these intelligence people do.

Another person described the authorities following him in a car:

If you look behind you and see that a car has been following you for days, or the phone keeps ringing and someone is telling you they will kill you it is bad. The family also suffers. My wife is always on tenterhooks because of my work. If she just sees a car she doesn’t know parked outside of our house she is scared (Human Rights Watch 2006, “*Zimbabwe: You Will be Thoroughly Beaten*” *The Brutal Suppression of Dissent in Zimbabwe*, November – Attachment 6).

In relation to universities, the US State Department reports that:

CIO personnel took faculty and other positions and posed as students at the University of Zimbabwe to intimidate and gather intelligence on students who might protest government actions. Approximately five students were suspended or expelled during the year for political activity (see section 2.b.) (US State Department 2006, *Zimbabwe Country Reports on Human Rights Practices – 2005*, 8 March – Attachment 1).

2. What is the treatment of members of the armed forces who are known to be members or sympathisers of the Movement for Democratic Change?

The Armed forces (particularly the Army) are reported as playing an increasing role within the state:

11.34 Noting the increased power and influence of the armed forces in everyday life in Zimbabwe, the Economist Intelligence Unit in its Zimbabwe Country Report, dated October 2006, stated that Mugabe, who is increasingly fearful for his safety, following an eventual handover of power in 2008 or 2010, is relying more and more upon the armed forces to govern the country. “All key decisions are now made either by the president or through the Zimbabwe National Security Council (ZNSC), whose membership includes many current and former senior military officers...” [24g] (p1)

11.35 Noting the rise of the military in every aspect of Zimbabwean life, the Institute for War and Peace Reporting (IWPR), in a report dated 31 May 2006, posed the question “Is the Army taking over?” The report noted that:

“Senior military officers have in recent months been appointed to top posts in public institutions, including state-run companies, the central bank and the judiciary, as the armed forces increase their influence over civilian affairs. The officers’ upward march has been so swift that it has taken the public by surprise. The latest appointment was of an army general to be the country’s top tax collector, overseeing the running of the Zimbabwe Revenue Authority, ZIMRA (UK Home Office 2007, *Country of Original Information Report*, 8 January - Attachment 2).

The International Crisis Group identified the increasing concerns the Government had of opposition support within the armed forces:

Economic difficulties are also taking a toll on the security services, raising suspicions that the government may not be able to rely on rank and file soldiers if large protests materialise. In April 2006, soon after the MDC threatened mass action and began to talk about the impact of failed government policies on the security services, a 150 per cent increase in army and police salaries and significant raises for civil servants were announced. These turned out less than promised, however. Soldiers received Z\$21 Million (\$210) instead of Z\$27.2 million (\$272); teachers received just under Z\$31 million (\$310) instead of Z\$36.5 million (\$365).⁷³ (International Crisis Group 2006, *Zimbabwe: An Opposition Strategy*, 24 August – Attachment 7).

In late 2005 the Army began to take over some farms. The *BBC* report also commented on the dissatisfaction within the Army:

In an attempt to rescue his failing programme of land redistribution, Zimbabwe’s President Robert Mugabe is trying to involve the army in a “command agriculture” programme. “Instructions have already been passed onto battalion commanders,” a Zimbabwean army major told the BBC. Five years after Mr Mugabe ordered the seizure of the white-owned commercial farms, agricultural production has halved. Mr Mugabe has admitted that the people to whom he gave some 4,000 farms have some responsibility for the country’s current problems. “Mugabe is now saying that the people who are on the farms are opposition supporters and that they are sabotaging the country. He says the army must take over,” the major said.

...

Many soldiers and other officials have already been given land individually under the land reform programme.

...

“Our wages have not gone up in a year,” the major says. “The soldiers cannot afford the most basic food stuffs. Soldiers are really pissed off.”

Will there be a mutiny in the army?

“No,” he replies. “Government informers are everywhere in Zimbabwe, including in the army.

“The soldiers want to rebel, but it is impossible.” (Roberts, S. ‘Zimbabwe army ‘moves onto the land’ 2005, *BBC News*, 16 December, <http://news.bbc.co.uk/2/hi/africa/4534716.stm> – Accessed 15 February 2007 – Attachment 8).

3. Please provide information on the treatment of people who have passed state secrets to the opposition, including use of the Official Secrets Act.

The US State Department report identified that the Official Secrets Act could be used to prosecute former and current public servants:

The Official Secrets Act and the Public Order and Security Act (POSA) grant the government a wide range of legal powers and give extensive powers to the police, the minister of home affairs, and the president to prosecute persons for political and security crimes that are not clearly defined.

...

An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons (US State Department 2006, *Zimbabwe Country Reports on Human Rights Practices – 2005*, 8 March – Attachment 1).

An example of this was the arrest of several high ranking ZANU-PF Officials:

State prosecutors confirmed on Thursday that Philip Chiyangwa, a businessman and senior member of the ZANU-PF party, had been charged under the Official Secrets Act.

The state-owned newspaper *The Herald* also reported the arrest on similar charges of Zimbabwe's new ambassador to neighbouring Mozambique, Godfrey Dzvairo; the ZANU-PF external affairs director, Itai Marchi; and Tendai Matambanadzo, an official at a local commercial bank (Mapenzauswa, S. 'Four face spy charges as Zimbabwe powerplay heats up' 2005, *Reuteurs*, 1 January, <http://www.smh.com.au/news/World/Four-face-spy-charges-as-Zimbabwe-powerplay-heats-up/2004/12/31/1104344983174.html?from=moreStories> – Accessed 13 February 2007 – Attachment 9).

Three of them were subsequently convicted and jailed:

The three informants, convicted of breaching Zimbabwe's Official Secrets Act, were this week sentenced to between five and six years in prison by a regional magistrate in the capital, Harare.

Zimbabwe's ambassador-designate to Mozambique, Godfrey Dzvairo, was slapped with an effective six years behind bars, while ZANU-PF director for external affairs Itai Marchi and former Metropolitan Bank company secretary Tendai Matambanadzo were each jailed for five years. Philip Chiyangwa, a ZANU-PF legislator and President Robert Mugabe's nephew, is awaiting trial on similar charges ('Spy case a sign of historical tensions with Pretoria' 2005, IRIN News (United Nations), 9 February, <http://www.irinnews.org/print.asp?ReportID=45474> – Accessed 13 February 2007 – Attachment 10).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office <http://www.homeoffice.gov.uk/>

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

Non-Government Organisations

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

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

International News & Politics

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

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

Search Engines

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

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

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

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

List of Attachments

1. US State Department 2006, *Zimbabwe Country Reports on Human Rights Practices – 2005*, 8 March.
2. UK Home Office 2007, *Country of Origin Information Report*, 8 January.
3. UK Home Office 2006, *Operational Guidance Note Zimbabwe v2.0*, 13 January.
4. ‘The economy has become the government’s main opposition’ 2007, *IRIN News*, 7 February, http://www.irinnews.org/report.asp?ReportID=57554&SelectRegion=Southern_Africa&SelectCountry=Zimbabwe – Accessed 14 February 2007.
5. ‘SOUTH AFRICA: More Zimbabweans seek asylum’ 2006, *IRIN News*, 21 June, http://www.irinnews.org/report.asp?ReportID=54080&SelectRegion=Southern_Africa&SelectCountry=south%20africa – Accessed 14 February 2007.
6. Human Rights Watch 2006, “*Zimbabwe: You Will be Thoroughly Beaten*” *The Brutal Suppression of Dissent in Zimbabwe*, November.
7. International Crisis Group 2006, *Zimbabwe: An Opposition Strategy*, 24 August.
8. Roberts, S. ‘Zimbabwe army ‘moves onto the land’’ 2005, *BBC News*, 16 December, <http://news.bbc.co.uk/2/hi/africa/4534716.stm> – Accessed 15 February 2007.
9. Mapenzauswa, S. ‘Four face spy charges as Zimbabwe powerplay heats up’ 2005, *Reuteurs*, 1 January, <http://www.smh.com.au/news/World/Four-face-spy-charges-as-Zimbabwe-powerplay-heats-up/2004/12/31/1104344983174.html?from=moreStories> – Accessed 13 February 2007.
10. ‘Spy case a sign of historical tensions with Pretoria’ 2005, *IRIN News* (United Nations), 9 February, <http://www.irinnews.org/print.asp?ReportID=45474> – Accessed 13 February 2007.