

# ZIMBABWE

August to October 2002

**Voting ZANU For Food:**

**Rural District Council and Insiza Elections**



20<sup>th</sup> November, 2002

**PHYSICIANS FOR HUMAN RIGHTS / DENMARK**

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**Physicians for Human Rights, Denmark (PHR-DK) has published two previous reports on torture in Zimbabwe:**

- ***Zimbabwe 2002. The Presidential Election: 44 days to go.* Physicians for Human Rights, Denmark, 24 January 2002.**
- ***Zimbabwe: Post Presidential Election – March to May 2002. “We’ll make them run”.* Physicians for Human Rights, Denmark, 21 May 2002.**

### **Photograph 1: Cover**

The child on the front of this report is from an MDC supporting family in Midlands that allegedly has been consistently denied access to food, including to WFP donor food, on political grounds.

On 28<sup>th</sup> October 2002, the child was diagnosed as having kwashiorkor, a condition caused by protein- vitamin- and calorie deficiency.

This opinion was reached based on the following symptoms:

- distended abdomen
- oedema of dorsum of feet and hands
- flaky, discolouring skin
- sparse hair, beginning to straighten
- apathy

For full details of this case, see this report, page 26.

Note: the visible umbilical hernia is irrelevant medically speaking and is not linked to starvation.

## PHYSICIANS FOR HUMAN RIGHTS DENMARK

We are an independent group of Danish medical doctors (founded 1990) whose goal is to bring the skills of the medical profession to the protection of human rights. Members of PHR-DK have participated (in some cases as consultants to other NGOs) in fact finding missions to several countries such as Israel and The Occupied Territories, Chile, El Salvador, Guatemala, Venezuela, Turkey, Northern Ireland, Cyprus, Kuwait, Kenya, Romania, Uruguay, Lithuania, Latvia, Pakistani and Indian held Kashmir, Sri Lanka, Mexico, Nepal, Croatia, Bosnia, Thailand, The Philippines, Punjab, Kosova, Jamaica, and Zimbabwe.

PHR-DK co-operates with several other human rights organisations, notably IFHHRO (International Federation of Health and Human Rights Organizations).

### DOCUMENTATION OF TORTURE

This has been the purpose of *all* our missions. Mainly done by interviews with and medical examinations of torture victims, dead or alive.

We have, from time to time, co-operated with several NGOs in- and outside the countries in which we have worked, notably Physicians for Human Rights/USA (Health Care Situation in Kuwait during the Iraqi occupation), Human Rights Watch Asia (Kashmir), PHR/UK (investigation of long-term effects of acoustic shocks used by Soviet elite soldiers OMON during uprising in Lithuania), , FAST (Families Against State Terrorism, Jamaica), CCFS, CIFA (Centre for International Forensic Assistance), several NGOs in Israel and Occupied Territories (autopsies of Palestinians who died in Shabak custody), and OSCE (Kosova).

**Examples of missions:** Four fact finding missions to both Pakistani and Indian held Kashmir. Fact finding missions to Thailand (Burmese refugees) and to Punjab. A recent case (March 2002) was an investigation in Jamaica: seven young men had been shot dead by local special police ("Crime Management Unit"). A Danish forensic specialist observed the seven autopsies in Kingston and concluded that the cause of death was multiple gun shots and the manner of death homicide. July 2000: fact finding mission to Mexico where two non-violent AmerIndian environmental activists were examined while in prison. Conclusion: the two AmerIndians, Rodolfo Montiel Flores and Teodoro Cabrera Garcia, had suffered severe torture carried out by the army. They were released after the Foreign Ministry of Mexico contacted PHR/DK to have some information confirmed. January and May 2002: members of PHR/DK visited Zimbabwe and documented after-effects of severe physical torture: flogging with barbed wire leaving typical, absolutely unequivocal wounds.

Secretary: Olav M. Vedel, M.D.  
Volshojvej 12, DK 8240 Risskov, Denmark  
TEL + 45 86 21 07 40 Cellphone + 45 26 20 07 41  
E-mail: [omv@dadlnet.dk](mailto:omv@dadlnet.dk)

**Previous reports by PHR-DK on human rights violations in Zimbabwe are available at:  
[www.phrusa.org/healthrights/phr\\_denmark.html](http://www.phrusa.org/healthrights/phr_denmark.html)**

*“We would be better off with only six million people\*, with our own people who support the liberation struggle. We don’t want all these extra people”.*

**Didymus Mutasa: Zanu-PF Organising Secretary,  
10<sup>th</sup> August 2002**

**\*Zimbabwe has a population of 13 million**

*“By December, we estimate that 6.7 million Zimbabweans will be in need of food aid, but so far we only have food for 3.9 million ...*

*Food is coming in but it is not coming in fast enough ... Within two months many more people will be hungry. We are looking at the possibility of major famine, major death. And yet the government is still obstructing food deliveries. I don't know why they are doing it at this point. They are hurting their own people ...*

*Government officials confirmed to me that they will not allow those non-governmental organisations to distribute food aid for political reasons, because the government views them as loyal to the opposition party. I said that is unacceptable. They are major international organisations with fine reputations for non-partisan activity."*

**Tony Hall: US representative to the UN Food and Agriculture Organisation,  
commenting on the closure of donor feeding schemes in Binga; cited in *The Guardian, UK*, 17 October 2002.**

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## **Summary and Conclusions**

**The overriding conclusion of Physicians for Human Rights, Denmark (PHR-DK), based on our most recent findings, is that the political abuse of food is the most serious and widespread human rights violation in Zimbabwe at this time.**

### **Conclusions of previous reports**

This report is the third report in 2002 on torture in Zimbabwe written by Physicians for Human Rights, Denmark (PHR-DK). In January and May 2002, earlier reports concluded that mutilating torture was being practised by government supporters against the political opposition, and that perpetrators operated on the assumption of total impunity.

Our May report further documented a phenomenon last seen in Zimbabwe in 1984 – the political manipulation of hunger in some areas, to exclude from all routes of gaining staple food those labelled as opposition supporters.<sup>1</sup>

The January and May reports both reflected concern at the clamp down on the Zimbabwean judiciary, media and civil society and its impact on the flow of information on human rights abuses to the international community. In May we warned that in the Zimbabwean context, fewer formal reports about abuses did not indicate that fewer abuses were taking place. Rather it indicated that repressive legislation and a growing government campaign against independent voices had succeeded in decreasing the information flow.

### **Conclusions of current report**

***We document in this report that in the second half of 2002, torture and ill treatment beyond any doubt is still being practised by government supporters against their political opponents, in Zimbabwe. The fact that perpetrators continue not to care whether they torture people who can identify them, or whether their acts of torture or ill treatment leave marks that can easily be recognised as caused by torture, underlines a clear assumption on their part, of impunity.***

This assumption appears well founded: no prosecutions against perpetrators have been made in any of our documented cases of torture and ill treatment. This includes to date, no prosecution linked to any case from the January or May reports.

***Our current findings further reinforce our previous conclusion that there is a deliberate policy of torture and impunity by the authorities.***

***The current report documents that attacks on independent voices in the media, the judiciary and civil society have indeed continued, and are predicted to escalate yet further in the next few months, in the form of further repressive legislation, as well as attacks on individuals. Government officials, in the last few months, have ignored court rulings and condoned attacks on court officials who made rulings unfavourable to government. The appointment of a new Minister of Home Affairs appears to have coincided with an escalation of reported torture perpetrated by the police.***

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<sup>1</sup> Food was withheld from Matabeleland in 1984, during a severe drought. At this time, Matabeleland was the stronghold of the political opposition, Zapu.

**The most significant findings in this report relate to political abuse of food. We conclude that in the last four months, manipulation of food was directly related to elections. The threat of being deliberately starved by the Government if the opposition won votes, was used to profoundly influence vulnerable rural voters in recent elections in Zimbabwe.**

Abuse of government controlled “food for work” programmes and of sales from the government controlled Grain Marketing Board, were reported to us from 18 different districts and centres. This is indicative of a wide spread and deliberate strategy, in which opposition supporters are being denied the right to maize.

In all cases of problematic food distribution, those implicated in politically manipulating access to food, are Zanu-PF officials or supporters.

**Zanu-PF appears to be maintaining a situation where there is too little food in the country, by controlling all sales and imports.** Too little food is serving a dual purpose: it allows political control through controlling who accesses food; it facilitates the creation of a Zanu-PF dominated black market, thus enriching the Zanu-PF hierarchy.

**Strategies need to be found to dramatically increase the flow of food into the country, and to free it from government control, which is equivalent to partisan Zanu-PF control.**

**If it is not possible to increase non-partisan food supplies into the country, it is our opinion that starvation and eventually death, will occur along party political lines in Zimbabwe.**

**JOHANNESBURG, 20 November 2002**

# 1. Introduction

The intention of this report, as with the two previous PHR-DK reports this year, is to focus on patterns of human rights abuses in Zimbabwe, as observed by the authors, or as reported to them by victims and key informants. A task force from Denmark visited Zimbabwe and their findings are summarised here. This report covers the time period August to October 2002.

It is apparent that torture of opposition supporters and the political manipulation of food increased significantly in the weeks before and immediately after the Rural District Council elections of 28<sup>th</sup> and 29<sup>th</sup> September.<sup>2</sup> Abuse included destruction of houses and property both before and after the elections, as well as physical torture of individuals. Similar patterns of abuse were noted in relation to the Insiza parliamentary by-election of 26<sup>th</sup> and 27<sup>th</sup> October. This is in accordance with previous findings by ourselves and other commentators that political abuses are directly linked to elections, and that persons who are perceived to be supporters of the opposition Movement for Democratic Change (MDC) are the most likely victims of such abuses. Supporters of the ruling Zimbabwe African National Union – Patriotic Front (Zanu-PF) continue to be the most common perpetrators of political human rights abuses.<sup>3</sup>

Abuse of food has become an entrenched means of intimidating populations perceived as hostile to Zanu-PF. This is now more widely acknowledged than it was a few months ago, including within diplomatic and international circles.<sup>4</sup> The Zimbabwean government at times admits, and at other times denies, that this is an official or condoned policy.<sup>5</sup> This report documents incidents that point towards systematic control of who has the right to purchase food from the government controlled Grain Marketing Board (GMB). It further documents exclusion of perceived MDC supporters from the right to participate in government “money/food for work” schemes.

As in the May report, this report once more documents political abuse of donor food. While it must be clearly stated that by no means all, or even most, donor feeding schemes are being subjected to political manipulation, attempts by the Zimbabwean government to use donor food as a weapon to punish those supporting the opposition have become more blatant and widespread in the last two months, at the very same time that hunger has become more widespread.

This has resulted in a US Government official stating on 4<sup>th</sup> November 2002 that they would consider “very intrusive and interventionist measures to ensure food is delivered to all Zimbabweans who need it, regardless of political affiliation”.<sup>6</sup>

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<sup>2</sup> See current report and also: Amnesty International (AI), *Zimbabwe: Political violence intensifies ahead of September local elections*, 8 August 2002. AI, *Zimbabwe: government authorities intensify their campaign to silence dissent*, 2 September 2002. AI, *Zimbabwe: orchestrated campaign targeting opposition intensifies in the run up to local elections*, 11 September 2002. AI, *Zimbabwe: violence mars rural district council elections*, 1 October 2002. AI, *Zimbabwe: Appeal to President Mbeki on African Day of Human and Peoples’ Rights*, 21 October 2002. ZHR NGO Forum monthly reports showed a reduction in reported political violence during June 2002, which then escalated ahead of rural elections.

<sup>3</sup> See all refs cited in previous note, as well as current report.

<sup>4</sup> *Zimbabwe: the politics of national liberation and internal division*. International Crisis Group 17 October 2002, Harare and Brussels; *Food as a weapon*. Dr Keith Martin, M.D., M.P. OP-ED submission to House of Commons, Canada, 31 October 2002; see also op cit PHR-DK, 21 May 2002

<sup>5</sup> see comment by Tony Hall on page 2 of current report for apparent government acknowledgement, November 2002.

<sup>6</sup> Mark Bellamy, Dep Sec of State for African Affairs, US State Dept, quoted in *The Washington Post*, 2 November 2002. See also statement on Page 2 of current report, by Tony Hall.



## **2. Structure of the report and approach towards compiling material**

Comprehensive information on the causes of the current famine and its status are well covered in other available reports<sup>7</sup>. Furthermore, there have been several statements and extensive reports released nationally and internationally, evaluating political and economic events in Zimbabwe.<sup>8</sup> The current report does not seek to duplicate this information available elsewhere.

- We comment on the continued erosion of democracy and the rule of law, based on information available from media and other reports, including key informant interviews by the authors.
- We provide an overview of some aspects of the Rural District Council elections and the Insiza parliamentary by-election, highlighting generally available information on the destruction of property, political manipulation of food, and use of violence, in the context of these elections.
- We conducted in-depth interviews with a range of people claiming political abuses, including denial of access to food, property loss and torture.
- We conducted field trips to observe for ourselves, claims regarding burning of properties and manipulation of food. We conducted clinical examinations of persons claiming torture.
- We conclude that our findings in the field, and our medical findings, are in keeping with general claims of a systematic policy of (a) the abuse of food, (b) the destruction of property and (c) physical torture, as integrated parts of the Zimbabwe government's approach to opposition supporters, and to rural election campaigns August to October 2002.

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<sup>7</sup> UN agencies including their Relief and Recovery Unit release regular situational update reports, the most recent at the end of October. The NGO Food Security Network, FOSENET, an alliance of 24 Zimbabwean NGOs, releases monthly updates summarising their collective information on the national food situation, entitled *Community assessment of the food situation in Zimbabwe*. The most recent is their October 2002 report.

<sup>8</sup> These include: International Crisis Group, op cit, 17 October 2002. AI, Urgent Actions of 5 and 8 August 2002, 13 and 17 September 2002. AI, Press releases, op cit, on 8 August, 2 and 11 September 2002. AI, statements, op cit, 1 and 21 October 2002. Lawyers Committee for Human Rights, New York, *Independent lawyers and judges targeted in Zimbabwe*, statement 22 August 2002, ZHRNGO Forum, op cit.

### **3. Erosion of democracy**

#### **3.1 Historical background: key events August to October 2002**

The last two years in Zimbabwe have seen a rapid decline in the rule of law and the functioning of democratic institutions. The May PHR-DK report predicted that this trend would continue. Furthermore it predicted that as repressive legislation against the media took effect, the government would turn more attention on trying to silence independent voices in civil society.

The following is a brief summary of some of the key events that illustrate that the undermining of all democratic freedoms and voices has indeed continued.<sup>9</sup>

##### **Undermining of the courts and the judiciary**

- The physical assault of a magistrate in Chipinge and the destruction of property belonging to an attorney in Chipinge on 16<sup>th</sup> August 2002. The attack on Mr. Walter Chikwanha was carried out by war veterans in retaliation for the fulfilment of his duties as a magistrate. Mr. Langton Mhungu, a local lawyer, was then pursued by the same group, who vandalized his car in apparent retaliation for his representation of clients belonging to the opposition Movement for Democratic Change (MDC).
- The physical assault on magistrate Godfrey Gwaka in Zaka, Masvingo Province, on 26<sup>th</sup> August. He was dragged from his courtroom and stabbed by suspected war veterans after a ruling which released MDC supporters without charge.
- Defiance of a high court ruling made on 17<sup>th</sup> July 2002 against cabinet minister Patrick Chinamasa. He was sentenced to three months in jail for contempt of court. The Supreme Court subsequently overturned this ruling.
- Detention at midnight of the by-then retired high court judge responsible for the initial ruling against Chinamasa. This three-day detention of Justice Blackie was widely condemned as an act of vendetta by government. The UN rapporteur on the independence of judges and lawyers commented that, "When judges can be arrested, detained and charged on trumped up facts for exercising their judicial functions, then there is no hope for the rule of law in such countries."
- The government defied a Supreme Court order to hand over a complete version of the voters' roll as used in the 2002 presidential election, which the MDC had requested as part of their appeal against the election outcome. To date, 8 months after the election, the MDC still does not have a copy of the voters' roll.
- The International Commission of Jurists (ICJ) in late September criticised the government for refusing to allow them to send a fact finding delegation into Zimbabwe to investigate threats against the judiciary and lawyers.

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<sup>9</sup> See all AI releases, op cit; LCHR, New York, op cit; ICG, op cit. Also Legal Resources Foundation website, [www.lrf.co.zw](http://www.lrf.co.zw), for reports on defiance of court rulings and attacks on legal officials in 2002.

## **Undermining of Parliament**

- Parliament once again in September had its Standing Orders and Rules suspended in order to allow the government to fast track further amendments to the Land Acquisition Bill. This was after several commercial farmers had successfully challenged their evictions in the high court.

## **“De facto” impunity for perpetrators of politically motivated violence<sup>10</sup>**

- The previous trend of failure of police to arrest and prosecute perpetrators of “political” crimes continues: human rights groups report that it is not possible for victims to open cases or bring their persecutors to justice; this is in accordance with information given by victims in this report (see all cases in this report and the two previous reports by PHR-DK in 2002).
- Evidence that those who committed “political” human rights violations before the general election in 2000, have continued to do so without police restraint, until the present.
- Impunity has been consolidated for the State by obscuring its hand in politically motivated violence: the war veterans and now the “youth militia” are increasingly the agents enforcing the violent policies of ZANU-PF.

## **Undermining of freedom of the press and of expression**

- On 29<sup>th</sup> August, one of two independent radio stations in Zimbabwe, “Voice of the People”, was destroyed in a midnight bomb explosion.
- A total of 18 journalists have been arrested and charged since July this year under the Access to Information and Protection of Privacy Act (AIPPA). Geoffrey Nyarota, who is editor of the only independent daily paper, the *Daily News*, currently faces 6 charges under the act.
- Further repressive amendments to the AIPPA are in the process of being forced through parliament and will further undermine the rights of journalists.
- In terms of the AIPPA, all media houses have been forced to apply for registration at the discretion of a government appointed board.
- Zanu-PF supporters including militia and war veterans continue to attack vendors selling copies of the *Daily News* in small rural business centres in many districts in Mashonaland and Manicaland.
- The International Federation of Journalists stated in late September that Zimbabwe was among the most dangerous countries in the world for journalists.

## **Undermining of non governmental organisations (NGOs)**

- On 29 August, Dr Frances Lovemore of Amani Trust was arrested and detained overnight on charges of publishing falsehoods. Amani Trust works with victims of torture and Dr. Lovemore was accused of falsely saying that youth militia raped MDC supporters in their camps.
- Amani Trust and the Zimbabwe Human Rights Non Governmental Organisations Forum (ZHRNGO forum) were accused of “creating cases of political violence” that had not occurred, and were threatened by the Minister of Home Affairs with unspecified action. The Amani Trust

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<sup>10</sup> The pattern of impunity in Zimbabwe has been documented in the May PHR-DK report, by LRF, op cit, and Amnesty International, June 2002 and 21 October 2002, op cit.

was also accused of being “British sponsored” and MDC aligned, in multiple media releases in government papers and on radio and state television.

- On 13 September the government published a notice advising NGOs to register in terms of section 6 of the PVO Act or stop operating. Concern was expressed in NGO circles and by Amnesty International that this is an ominous move aimed at greater legal control of NGO activities.
- On 22 September, 10 priests arrested in February 2002 for praying on the pavement for their detained colleague, will after all be charged under the Public Order and Security Act (POSA).
- On 22 September, the National Pastors Conference alleged that the government is harassing and torturing pastors for offering spiritual services to perceived MDC supporters.
- “On 13 November, the government published a list of NGOs which allegedly threaten national peace and security. On the same day, Patrick Chinamasa, the Minister of Justice, Legal and Parliamentary Affairs made statements in parliament accusing Amani Trust, a leading Zimbabwean human rights and service organisation which appears on the list, as well as other organisations, of destabilizing the country. The Minister of Public Service, Labour and Social Welfare, July Moyo reportedly told parliament that organisations such as Amani Trust which are not registered under the Private Voluntary Organizations (PVO) Act would be forced to close their offices or face arrests.”<sup>11</sup>
- “The government also reportedly discredited the political violence reports produced by the Amani Trust. The research findings of Amani Trust on human rights violations in Zimbabwe are consistent with Amnesty International's own investigations and those of other international humanitarian and human rights organizations. Amnesty International believes that these allegations are part of government efforts to discredit and undermine the work and reputation of Amani Trust. Amani Trust appears to have been specifically targeted by the government because of its meticulous documentation of human rights abuses.”<sup>12</sup>

### **Attacks on teachers**

- *Teaching them a lesson: A report on the attacks on Zimbabwean teachers*, ZHRNGO Forum, 23 September 2002. This report documents a policy of attacks on teachers, particularly in rural schools, affecting those perceived not to support the ruling party. The 238 individually documented violations in the report include unfair dismissal, assault, torture, abduction, and the political closure of 29 schools, during an 18 month period.
- At least 13 teachers were reported as not reporting for duty in Masvingo and Manicaland provinces when schools reopened in September 2002. According to the Progressive Teachers' Union of Zimbabwe (PTUZ), this is because of “rampant intimidation and assaults” by war veterans and Zanu-PF youths. During the school holidays, 3 teachers reported assault and others reported death threats.
- At the beginning of the new term, teachers in Matabeleland South including a headmaster, reported being forced by “war veterans” to leave their schools because they are opposition party supporters. The four affected schools are all in Gwanda North, an MDC stronghold.
- 70 schools in Binga were forced to close as all teachers were forced to attend a Zanu-PF campaign rally on 6 September, ahead of the rural district council elections. Notes sent to headmasters warned them to identify teachers who did not attend the meeting at Binga business centre.

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<sup>11</sup> AI, *Zimbabwe: government steps of harassment of human rights defenders*, 16 November 2002.

<sup>12</sup> Ibid.

- 2 October 2002: PTUZ called for a nationwide strike to demand higher pay for teachers, who now earn less than soldiers. They also appealed for an end to harassment of teachers.
- The General Secretary of the PTUZ, Raymond Majongwe, was arrested on Thursday 10<sup>th</sup> October and held in prison for 4 days. During this time he was severely tortured.<sup>13</sup> He was released and then re-detained on 16<sup>th</sup> October 2002.
- The strike went ahead in spite of government threats on 8<sup>th</sup> October, and on 15<sup>th</sup> October 2002, the Public Service Commission dismissed 627 secondary school teachers in Harare and Bulawayo. In 3 schools in Harare and one in Bulawayo, this has left entire schools with no staff at all. Pupils are only weeks away from writing final examinations.
- 17<sup>th</sup> October 2002: South African Democratic Teachers Union releases a press statement, *Recognise Workers' Rights in Zimbabwe; Stop Harassment of Teachers and their Union Leaders*, condemning the attacks and unfair dismissals in Zimbabwe.
- 21<sup>st</sup> October 2002: 25 teachers from Gwanda North who fled their schools after political threats, report that at a meeting with 2 senior government officials, they were told their safety could only be guaranteed if they supported Zanu-PF. Abednico Ncube, Deputy Minister of Foreign Affairs is reported as having said: "If you want to be in politics, join Zanu-PF because it is the government. If you want to join another party, wait until it is in government."
- 4 November 2002: it is reported that the Organising Secretary for Matabeleland PTUZ, Innocent Moyo, was a few days' earlier severely assaulted by police officers in Bulawayo Central Police Station, sustaining facial injuries and suspected broken rib.

### **Destruction of homesteads**

- During October and November 2002, the task team from PHR-DK conducted field visits to areas where it had been alleged that properties had been destroyed, or threatened with destruction, in the wake of the RDC elections This included Binga, Filabusi, and Esigodini in Matabeleland North and South.

In all cases, the team found that homesteads had been destroyed as reported by victims, or in the media (photographs 2-4, following page). In Esigodini, a farm compound was entirely razed by war veterans in the process of a farm invasion, displacing approximately 100 farm workers. Three homesteads in Binga and one in Filabusi were visited by us. They were destroyed, according to the victims, in retribution for voting MDC in the Rural District Council elections.

There have been reports from other districts of similar property burnings in the wake of the RDC elections, although it was not logistically possible to confirm all cases with field visits.

As one example of several sworn statements made by persons who had their houses burnt down, see affidavit by Q, Annex 1, page 57.

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<sup>13</sup> personal interview and media reports

*Photographs 2 and 3: homesteads belonging to 2 different duly elected MDC Rural District Councillors in Matabeleland North, burnt down by Zanu-PF supporters in October 2002.*



*Photograph 4: twenty-seven goats were burnt to death in this hut in October 2002. They belonged to an MDC supporter in Binga, Matabeleland North, whose property was destroyed by Zanu-PF supporters after election results were announced [personal interviews].*



## 3.2 The Rural District Council and Insiza elections as events triggering politically motivated violence

A brief overview of the nationwide Rural District Council (RDC) elections, and the Insiza Parliamentary by-election, is given here. This is in order to contextualise the following sections in this report, which will give specific instances illustrating the destruction of property, the manipulation of food, and use of torture that occurred during the campaign period and in the aftermath of these elections.<sup>14</sup>

The last two years in Zimbabwe have shown that it is in the rural areas of Zimbabwe where Zanu-PF retain most of their support. In the elections of 2000 and 2002, including several municipal elections, urban centres nationwide voted overwhelmingly for MDC<sup>15</sup>. In 2000, in Matabeleland rural and urban areas, 21 out of 23 parliamentary seats were won by MDC. According to a report entitled ‘*Report on Local Authority Election 28-29 September 2002*’, by the Zimbabwe Electoral Supervisory Network (ZESN), “To ZANU PF the election was conceded to be a battle for supremacy and political space. As a ruling party, its aim was to consolidate power at all levels of governance starting from central to local governance using any means at their disposal.”

It has also become apparent over the last two years of documented human rights abuses, that the rural areas remain most vulnerable to political intimidation; throughout 2002, attacks by war veterans and youth militia have occurred systematically, particularly in rural Zanu-PF stronghold areas such as Mashonaland and parts of the Midlands.<sup>16</sup>

The Rural District Council elections set for September 2002 were considered key by Zanu-PF, who needed to hold these areas to compensate for the erosion of their control in urban areas.

*A particularly key reason for wanting to control the rural areas politically at this time is the strategic role being played by Rural District Councillors in the sale and distribution of GMB food, and control over who is eligible for government “Money/ Food For Work” programmes. We will document in the following section, how abuse of food sales is, in some instances, enriching Zanu-PF officials at the rural level, while simultaneously depriving MDC supporters of food.*

### **RDC: Nomination and campaign processes**

During the process of nomination for this election, it was clearly indicated that Zanu-PF intended to maintain its dominance of all Rural District Councils.

MDC held primary elections and intended to field candidates in all wards. However, out of 1,397 contested seats, MDC candidates were only able to register their nominations in 646 wards nationwide.

*Before a single vote had been cast, Zanu-PF had a clear majority of seats.* MDC protested that the grounds of prevention from nomination were incorrect or illegal in the vast majority of cases.

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<sup>14</sup> The current summary is based on media reports, key informant interviews and statements released by international commentators including Amnesty International and the International Crisis Group. The advance copy of a report entitled: *Report on Local Authority Election 28-29 September 2002*, by the Zimbabwe Electoral Supervisory Network (ZESN), Harare, October 2002, was also used.

<sup>15</sup> The exception to this is the Kadoma mayoral election, won by Zanu-PF but condemned by MDC as fraudulent.

<sup>16</sup> Previous PHR-DK reports, op cit; ZHRNGO Forum reports, op cit.



Circumstances which prevented MDC candidates from registering included:

- War veterans besieged nomination offices making it impossible for MDC candidates to enter the offices and register (reported in Chegutu, Shamva, Murewa; see also clinical Case L in this report).
- War veterans and other Zanu-PF supporters threatened prospective candidates and their supporters with violence and denial of food, causing them to withdraw candidature (see affidavit following on Nkayi page XX, and entire section on food).
- Physical attack on lives and property of candidates, including murder of one person, Nikoniari Chibvamudeve. Violence caused the withdrawal of candidatures nationwide.
- Districts where political violence was indicated as marring the pre-registration and pre-election period included: Shurugwi, Chirumhanzu, Mberengwa West, Zvishavane, Tsholotsho, Nkayi, Hurungwi, Mberengwa East, Chimanimani, Gutu South, Gutu North, Bikita West, Zaka and Masvingo. All these areas reported assaults, property destruction and fleeing candidates.
- War veterans intercepted MDC candidates en route for the nomination offices and destroyed their completed applications. These included signatures by ten promoters, and it was not possible for candidates to replace the forms in time (reported to authors as occurring in Tsholotsho, for example).
- Last minute unpublished changes were made to ward boundaries, disqualifying prospective candidates (ZESN, op cit).
- Some candidates were arrested in the days prior to nomination ( ZESN, op cit).
- Government officials, allegedly deliberately, gave MDC candidates the wrong information as to the documentation needed for registration.
- Officials demanded documentation from MDC candidates not previously required in terms of the Act.

On 27<sup>th</sup> September 2002, the MDC placed an urgent application in the High Court, requesting the suspension of the elections, scheduled to begin the next day. They cited widespread violence and intimidation. However, the High Court ruled against them, saying the application was not urgent, and the election went ahead.

### **28<sup>th</sup> and 29<sup>th</sup> September: the RDC elections – “fear of hunger and fear of assault”<sup>17</sup>**

Zanu-PF won the vast majority of the 646 contested seats in the Rural District Council elections. The election days were typified by voter apathy, with some councillors being elected with between 100 and 200 votes in their wards. In Binga, a remote rural district in Matabeleland North, MDC won convincingly with 16 seats out of 21, but apart from this district, MDC seats were scarce and mainly restricted to parts of Matabeleland North and South. ZESN (op cit) comments: “Results were announced in the counting centres and have also been published in the print media. However it is of concern that not all the results have been published and the district results which were announced on ZTV on Wednesday 2 October do not tally. As such the official results remain the exclusive property of the Registrar-General’s office so far.”

- Some polling day violence was reported, including the abduction and severe assault of 4 named MDC polling agents in Masvingo.
- There were claims by MDC and by other unofficial observers that food was used to bribe voters on voting days. In Chimanimani, Roy Bennet, the MDC Member of Parliament, was arrested

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<sup>17</sup> ZESN, op cit, page 8, refer to voters as dominated by these two emotions during the voting process.



with two others and held for 2 days, after they witnessed maize packs being given only to those voters who agreed to vote as illiterates, in the immediate wake of their voting. ZESN (op cit) also comments in detail on the use of food to bribe voters on voting days.

- ZESN (op cit) comments on the high numbers of assisted voters nationwide : “some people ask for assistance so that they can tell polling agents who they want to vote for and therefore leave no doubt as to their support for a particular candidate or party.”
- ZESN (op cit) notes that some MDC candidates fled their constituencies and were not able to campaign at all, nor were they present during the voting process.

### **30<sup>th</sup> September to 15<sup>th</sup> October: retribution**

In the post RDC election phase, there were reports from around the country of attacks on MDC individuals and their property. Such attacks targeted those who had successfully, or unsuccessfully, stood for MDC in the elections, as well as MDC polling agents and nominators of candidates.

- In Mutasa District, “celebrating” Zanu-PF youths destroyed five homesteads all belonging to MDC supporters (names available).
- In Binga, the government suspended all donor food to starving school children. Officials were quoted as saying this was to punish the region for its strong MDC vote. The Catholic Church was ordered to stop its feeding, as were “Save the Children” and “Oxfam Great Britain”.
- The Catholic Bishop in Hwange was successfully pressured to close the Catholic Commission for Justice and Peace (CCJP) offices in Binga; this human rights organization was accused by government of having campaigned for the opposition.
- Three MDC families, two of whom had fielded candidates in the Binga elections, had their properties burnt down as a lesson to MDC (see photos 2 to 4 in this report).
- In a ward in Matabeleland, Zanu-PF supporters severely assaulted a winning MDC candidate and his wife after the election outcome (see Clinical Cases M and N in this report).
- In Bulilimangwe District, Ward 12, Zanu-PF supporters threatened a violent backlash after MDC won the seat here. Villagers were warned that there would be no food from the government to the ward because they had voted MDC.
- In Muzarabani District, the Zanu-PF MP reportedly evicted those considered to be MDC supporters from his district, in particular those originally from Masvingo.

### **The Insiza by-election**

The death of the MDC Member of Parliament for Insiza resulted in an October parliamentary by-election in this constituency. The campaign period was marred by widespread reports of violence by Zanu-PF supporters and the open political abuse of food, including donor food, by Zanu-PF.

#### **Reported violence:**

- An MDC official was shot in a police station, in front of police, by the Zanu-PF MP-candidate, Andrew Langa. (see Case C in this report for affidavits and photographs relevant to the incident).
- The victim and 11 MDC associates were subsequently charged with “inciting violence” against themselves, and the aggressor walked free. All these MDC officials were banned the right to enter Insiza until after the election, seriously undermining MDC’s capacity to campaign.
- Armed Zanu-PF militia fired on an MDC convoy 3 days before the election. Siyabonga Malandu Ncube, the MDC candidate, was in the convoy and went into hiding afterwards.

- He also reported that he had been stopped at a road block some time prior to the shooting and had been told by the police that he could not enter his own constituency. He was eventually allowed to enter, and 10 km later was ambushed by the armed militia.
- Hundreds of residents of Insiza were reported in the media to have fled ahead of the election after being accused of supporting MDC and being threatened with violence.
- Property was destroyed in the wake of the election in punitive actions.

### **Reported food abuse:**

- In mid-October, the World Food Programme (WFP) suspended food aid “until further notice” in Insiza District, citing political interference with WFP food ahead of the by-election. The WFP reported that Zanu-PF activists had seized 3 tonnes of maize being distributed by the Organisation of Rural Associations for Progress (ORAP) and had distributed it solely to Zanu-PF supporters, “in an unauthorised manner”.
- “Relief food distributions are not the place for any kind of political activity. WFP will only distribute its food on the basis of need and without regard to partisan affiliations,” WFP Zimbabwe Representative Kevin Farrell said. The agency said it was seeking urgent assurances from the authorities that a similar incident would not happen again. The food seized was the monthly ration for 6,780 people in two wards in the district.<sup>18</sup>
- On 22<sup>nd</sup> October, the MDC cancelled a rally in Insiza after they found Jonathan Moyo, the Minister of State for Information and Publicity, and Dr. Joseph Made, the Minister of Lands, Agriculture and Rural Resettlement, distributing maize seed at Mahole, the venue of the planned MDC rally. The rally was supposed to be addressed by Gibson Sibanda, the MDC vice-president, and MDC claimed the distribution of maize had been deliberately timed to coincide with the timing of their rally.

The election went ahead and Zanu-PF won the vote. Andrew Langa, who, in a politically motivated attack, is alleged to have shot a man in a police station days before the election, is now a Member of Parliament in Zimbabwe.

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<sup>18</sup> IRIN, 18 October 2002

## **4. Abuse of food as a political weapon**

**"Why do I get the impression, that I have to beg you to feed your people?"<sup>19</sup>**

The evidence we have gathered is limited, also geographically, covering only certain districts in the western half of the country which we visited. However, media and other reports indicate that political abuse of food, particularly of government controlled food, is to be found nationwide, and could affect tens of thousands of people, including small children.<sup>20</sup>

Furthermore, we acknowledge that it is not only opposition party supporters who are currently at risk of starvation. In all, more than half the nation does not have enough to eat. Those who are ill with HIV, the old and the orphaned are high risk groups, regardless of their political affiliation<sup>21</sup>. However, these groups are not being deliberately or systematically deprived of food by government, and are groups that in any famine situation would face a high risk of starvation, because of their already poor health and/or socio-economic status.

This chapter is focused on those groups *deliberately* excluded from access to food, by state agents and their supporters, for political reasons.

For the benefit of those not familiar with the mechanisms of access to food in Zimbabwe, the following summary is repeated, with slight modifications, from the May 2002 PHR-DK report.

There are three main ways of rural dwellers accessing maize at the moment. These are:

- 1. Government “food for work” programmes:** it is a long standing policy that in times of drought, families with no harvest and no money to purchase food should perform public labour, for example repairing rural roads, in return for food.
- 2. Purchasing of maize through the government controlled Grain Marketing Board (GMB):** all sales and movement of maize, including the price, remains entirely controlled by the government. GMB depots are found in all rural and urban districts, and in rural areas, are the only legal buying points for maize at this time. It should be added that the continued insistence of the government in maintaining total control of grain imports and sales has been repeatedly criticised by commentators both within and without Zimbabwe, including the UN, as it is one of the major reasons for the under-availability of maize in Zimbabwe at the current time.
- 3. Donor feeding schemes for high risk groups,** controlled to varying degrees depending on the district and the donor policy, by the donors themselves, the government, and the ruling party and its affiliates at ground level. This latter group include ZANU controlled rural district councils, traditional leadership, youth militia and war veterans.

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<sup>19</sup> Tony Hall, the special US Ambassador to the World Food Program, stated that he had asked July Moyo, the Minister responsible for food aid in Zimbabwe, this question in mid-October 2002.

<sup>20</sup> *Daily News* reports on alleged political abuse of food on: 3, 9, 18, 20, 21, 24 September 2002; 3, 14, 21, 28 October 2002; *SABC News*, 5 November 2002, *Washington file*, *US State Department*, 5 November Reports in *Daily News*, *Natal Mercury RSA*, and *News24 RSA*, 6 November 2002, *BBC News*, 7 November, *The Observer*, London, 10 November, all express concern at government abuse of access to food, to mention but a few reports on the issue.

<sup>21</sup> ICG, 17 October op cit; FOSENET, August /September, op cit.

*The first two maize access mechanisms are run entirely at the discretion of government employees, and are particularly open to political selectivity: in rural areas, and also some urban areas, only known Zanu-PF supporters are allowed to benefit.*

### **Control of sales**

A Zimbabwean commentator recently observed for himself and summarised the system being used to control GMB maize sales in small urban centres.<sup>22</sup>

- Maize was allocated by GMB in Bulawayo to this rural centre
- The District Administrator (DA) allocated the maize to three approved millers - all of which are under Zanu-PF control.
- The millers milled and packed the maize meal, which was sold at a wholesale price to the elected councillors in each ward.
- The councillors organised a distribution point in each ward (usually a school) and employed a few people to sell the maize meal at the retail price. The councillors retained the 20 per cent mark up on these sales.
- Only people who came from each ward and had written approval of the councillor or the DA were allowed to buy the maize meal.
- The two elected MDC councillors in the district were not included in the arrangements and all known MDC supporters were denied the right to buy food.

Other reports indicate confiscation of maize and other food stuffs at police road blocks around the country, ensuring that areas that have a deficit cannot be subsidised from other areas within Zimbabwe.

### **Control of food entering the country**

The government is currently actively preventing food from various sources from coming into Zimbabwe. Persons are limited to one bag of maize each on entering across the border. The MDC has had its direct imports impounded at the border for the past 6 weeks

### **Control of donor food entering the country**

Even credible donors, who have imported food into Zimbabwe in previous droughts without hindrance, have had their food embargoed at the border. The Catholic Church has had its direct imports blocked. CAFOD have been stopped from bringing in 1000 tonnes for the Bulawayo diocese, allegedly because the government intensely dislikes the Archbishop of Bulawayo, Pius Ncube who is an outspoken critic of the government. Oxfam<sup>23</sup> Great Britain has also been prevented from playing a role in food imports, as has the UNDP, which proposed funding direct private sector imports.

Brian Macgarry, a Jesuit priest currently trying to import maize for his parish, comments on the arduous process of trying to get permission to bring in food.

“To import maize, you need to go through a 14 stage process, with officials able to delay or stop you at almost any stage, and then, if you clear all those hurdles there is still the danger that a local warlord will dislike some of the people you try to feed.”<sup>24</sup>

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<sup>22</sup> Zimcivinfo, *Zimbabwe update*, 2<sup>nd</sup> week November 2002: quoting Eddie Cross.

<sup>23</sup> Personal interview, October 2002.

<sup>24</sup> Ibid.

## **The black market**

In addition, there is a fourth and widely reported way of accessing maize countrywide now, which is via the black market. According to our information and according to other reports, the black market is mostly controlled by Zanu-PF officials, from the level of RDC councillors, to Cabinet Ministers and politburo members.<sup>25</sup>

The monopoly by Zanu-PF on all food sales via the GMB has a double benefit to the ruling party: control of food sales can be used to starve the opposition, thereby undermining their political support, while simultaneously enriching those Zanu-PF officials who sell maize on the black market.

## **Abuse of donor food in Insiza and Binga**

Political abuse of donor food in these two districts has been well documented in the media. Donor food was stopped by war veterans in Binga after the Presidential elections. The situation took six weeks to resolve. In October, Save the Children feeding was stopped in Binga, as was church feeding, to punish the region for voting strongly for MDC in the RDC elections. To date, 6 weeks later, the situation remains unresolved. As this is one of the poorest districts in Zimbabwe, where thousands of people are now on the point of starvation, this political interference with food must be condemned.

In Insiza, the WFP stopped ORAP donor feeding programmes after Zanu supporters hijacked 3 tonnes of maize and distributed it in an “unauthorised manner”, ahead of the by-election there. To date, 20<sup>th</sup> November, feeding by WFP has not resumed in Insiza. Once more, it is thousands of genuinely hungry people who are paying the price for political abuse by government supporters.

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<sup>25</sup> ICG report, 17 October, *ibid*, plus interviews following in this chapter

## **5. Results of interviews and field visits to districts to investigate allegations of political abuse of food August to November 2002**

*All interviews and field visits took place from August to November 2002. The cases summarised here represent interviews with more than 100 people who, during this period, reported denial of access to food on political grounds to the authors.*

### ***Interviews and findings***

We conducted in-depth interviews with a range of people claiming politically-motivated denial of access to food. When individuals claimed systematic food abuse in their areas, where politically possible, we conducted field trips to establish whether one person's story was being corroborated by others in a particular area.<sup>26</sup>

Some claims made to us could not be verified from more than one source. Where possible written documentation was asked for, but it is clear that most statements advocating withholding of food from people on political grounds, are made verbally to largely illiterate rural civilians. Hard evidence of official government attitude is therefore difficult to find. Some individuals provided extensive documentation from victims, indicating that possibly thousands of persons in their district were victims of political food abuse. In some instances, victims made sworn statements in the presence of the authors.

Information included in this chapter is limited to those claims where we felt there was a high probability that the reports were true, based on the fact that multiple persons, interviewed from the same area but at different points in time and space, were indicating a similar pattern of abuse to us. We would observe whether several testimonies agreed on (a) time, (b) place, (c) events, (d) perpetrators and victims named, in order to assess whether various testimonies were corroborating each other. Interviews were frequently video-taped. We also videoed the nutritional status of children, household food supplies, and preparing of indigenous fruits to supplement diets. This may provide a reference for repeat visits over time, to note any deterioration in these factors.

Abuse convincingly reported to us included manipulation of all routes to food, including FFW schemes, purchasing of food from the GMB, and the nature of the maize black market at rural level. Reports also indicated that in some areas, abuse of donor food takes place.

All interviewees reported that they had been denied food for political reasons, some being supporters of the Movement for Democratic Change, the dominant opposition party in Zimbabwe, and others being assumed to be so. In all cases, the manipulation of food was by government officials or Zanu-PF activists. All interviewees agreed to the publishing of their evidence, on guarantee of anonymity. Permission was given for the use of the photograph of the child on the title page.

In this report, all interviewed persons are anonymous. Districts are indicated, but exact location of incidents is omitted, to protect interviewees and their families from reprisals.

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<sup>26</sup> The authors were careful to minimise risk for rural civilians who might be victimised if seen talking to outsiders.

## 5.1 Case examples by district

### 1. Nkayi District: GMB and FFW

Informants on food abuse in Nkayi numbered 30 over 3 months. One key informant conducted his own field information gathering exercise, and presented the authors with written documents from 18 key individuals, including one of the few pieces of written evidence from a perpetrator.

Lists were compiled by people resident in the wards and submitted to the authors in August – not all are clearly dated however.

***TOTAL: 1,437 people alleging human rights violations related to food/food for work in terms of access denied on political grounds.***

The longer accompanying notes explain that MDC people are being excluded from “food for work” programmes, or are not being paid for their work. They also implicate war veterans and Zanu-PF supporters or officials as the culprits preventing MDC members from accessing food.

This discrimination seems to be policy, judging by some of the notes accompanying the lists, which include a note written by Councillor LN of Nkayi. He is a Zanu-PF councillor and his note clearly orders political discrimination against MDC, even recommending they have the size of their fields reduced, as by voting MDC they demonstrated they “don’t want land”.<sup>27</sup> This note further states that food should only go to Zanu-PF and that MDC should “go stay with their whites and their Tsvangirai”.

In two cases accompanying notes explain that MDC people are told they cannot benefit from the government. They also indicate that war veterans and Zanu-PF are refusing MDC people access to GMB grain and even to commercial stores (see Annex 2).

### **Sworn statement – Nkayi**

On 25<sup>th</sup> October 2002, a sworn affidavit was made in the presence of one of us and a commissioner of oaths. The following is a summary.

- The affidavit relates how a prospective MDC candidate for the RDC elections in Nkayi was forced to withdraw after relentless intimidation, against himself and his wife, including threatening home visits by war veterans.
- It further relates how even after pulling out of the election, he was threatened in the wake of the elections.
- This has resulted in him having to leave his home, being deprived of his livelihood, and *also being deprived of his right to purchase food.*
- The original affidavit lists the full names and ID numbers of individuals from 27 other families in this one ward of Nkayi who *were removed from FFW programmes in October, after the RDC election.*
- They were accused of being MDC.

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<sup>27</sup> This note was handed to one of the authors from a reliable source, with a plausible story of how it was obtained. For full version of this note and more detail of the lists, see Annex 2, Page 58.

- These same families have further been threatened that their fields will not be ploughed by RDC tractors as their fields are “government land”, and they do not support government.

## **Opinion**

From evidence to hand, political abuse of food in Nkayi, appears to have been continuous since the outcome of the Presidential election in March, until the present. The dominant ways of accessing maize in the district appear to be through Grain Marketing Board (GMB) sales or through “food for work” (FFW).<sup>28</sup> Both are reported to be widely politically manipulated.

## **2. Bubi District: GMB and FFW**

Bubi District in Matabeleland North was visited by the authors three times during August 2002, and 21 interviews were carried out in the ward on an individual basis. This was in response to information that in some wards, systematic political abuse of FFW and GMB sales was taking place.

The interviews indicated the following:

In June, there was a delivery of GMB food to a particular ward. This was only the second delivery to this ward this year. The local Zanu-PF councillor SN allowed around 90 known Zanu supporters to purchase maize at the government controlled price. He then refused to sell the remainder to “MDC families”, and took the maize, which was a substantial number of bags (reported as close on one truckload) to his home.

This Zanu-PF councillor thereafter sold the maize at extortionist prices to the community members, at up to 10 times the government controlled price. This councillor also on one occasion swapped two 50 kg bags of maize, for a live beast from an MDC supporter. The maize has a controlled price value of Z\$1,100 and the beast an estimated sale value of Z\$15,000.

In this same ward, it was reported that 114 community members took part for FFW during June and July. However, when the payment came for the work, in August, only 27 known Zanu supporters received payment, and 87 known MDC supporters received **no** payment. However, their money was nonetheless signed for. One interviewee who had seen the signed list reported that the same signatures appeared repeatedly opposite multiple names. Interviewees were very bitter at having performed hours of work for no pay.

Other interviewees from neighbouring wards reported being denied the right to take part in FFW schemes, because they were considered to be MDC members. One female interviewee reported how she had been allowed to do FFW before the presidential election. However, she was an MDC polling officer during the election period, since when she has been thrown out of the FFW scheme.

## **Opinion**

Twenty-one testimonies given independently from two wards in this district were found to be consistent with one another. They indicate systematic withholding of food from MDC supporters by

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<sup>28</sup> As the WFP is continually expanding its programme, there could be donor feeding in some wards of Nkayi at the time of writing this chapter.



the same few named Zanu-PF officials in their area. This manipulation occurs both through the FFW schemes and through control of who can purchase from GMB. Several statements corroborated the existence of a maize black market controlled by Zanu-PF officials.

### **3. Other districts and urban centres: GMB**

We have had consistent reports on the political abuse of GMB sales in the following districts and urban centres: Hwange, Lupane, Binga, Nkayi, Matobo, Bulilimangwe, Bulawayo, Gwanda South, Mberengwa East, Gokwe, Zhombe, Kwekwe, Gutu, Masvingo Central, Masvingo South, Zaka.

In *each* of these districts or centres, between 3 and 10 individual face to face interviews were conducted with persons from that area. In all cases, people report that they as alleged MDC supporters have been denied the right to purchase maize from GMB. In many cases, those reporting abuse of food access did so in the context of reporting other human rights abuses, such as torture or property loss. All cases interviewed in Chapter 6 of this report, related instances of political food abuse in their areas, in addition to their physical abuse.

In some instances, people are denied access to GMB and FFW by name; in a small rural area, people's political affiliations are known. This can mean being thrown out by name at public meetings to discuss food distribution, as in Example 2 following, or it can mean having your name left off a list of approved buyers that is used by those in charge of GMB sales.

In the larger centres including urban centres such as Masvingo, and in some suburbs of Bulawayo, it is reported that people have to produce a Zanu-PF card in order to buy food. Furthermore, some GMB distribution points insist on old Zanu-PF cards: those purchased since the presidential election are assumed to have been bought for pragmatic reasons, in order to get maize, and not to reflect genuine loyalty to the ruling party.

In Kwekwe, a small urban centre, it has been reported that the GMB sells direct to Zanu-PF councillors, who then sell the maize through their own shops, but only to known Zanu-PF supporters. In Masvingo South district, the PHR task team personally observed youth militia in charge of GMB sales. They also observed for themselves, these militia refusing to sell maize to a known MDC supporter, and then giving two bags of maize to two policemen, more or less simultaneously.

### **Opinion**

The reports are consistent from all these regions, which include districts and urban centres from 5 provinces. The reports come from a multitude of informants, both male and female, young and old, educated and less educated. What those being denied food have in common, is their affiliation, real or imagined, to the MDC. The fact that these reports are similar and from individuals who are widespread in distance and time, indicates a high likelihood that the claimed pattern of abuse is taking place.

### **4. Midlands - abuse of donor food**

The previous PHR-DK report documented instances of political abuse of donor food in some rural districts. Recent statements and three visits during October indicate that the political abuse of food continues, although it reportedly now affects fewer wards. This has been indicated by ten different informants, and confirmed by on-site visits to homesteads.

### **Example 1:**

The child on the front of this report is from an MDC supporting family in Midlands that allegedly was consistently denied access to food, including to World Food Programme (WFP) food, on political grounds. The mother allegedly has had to surrender her affiliation to MDC in order to get on to WFP feeding lists in order to save the life of this child and her 8 other children. For medical findings on this child, see page 2 of this report.

#### **Interview with mother of child**

The mother DD has 9 children under the age of 12 in her household. She was an active MDC supporter before the Presidential elections and has had trouble accessing food all year as a result. Shortly before the RDC elections, she realised that her food situation was desperate. She realised that her children were in serious danger of starving to death and she did not know what to do. She realised that MDC was not in a position to help, and that as long as she remained an MDC supporter, she would not get food, because that is what everyone in her ward has repeatedly been told by Zanu-PF officials.

She has tried repeatedly during 2002 to get on to WFP feeding lists and was told by the local community leaders responsible for drawing up lists, that she was not eligible as she was MDC. The kraalhead named T came to her home and told her she had to surrender her MDC cards if she wanted to benefit from World Food Programme donor food. This was shortly before the Rural District Council elections.

DD said she was made to carry her MDC card to the kraalhead's place to publicly surrender her card there and buy a Zanu-PF card. Immediately on doing this, she was declared as now being eligible for WFP food, and was placed on to their feeding lists.

The photograph of her youngest child was taken a few days after she had surrendered her right to support the political party of her choice, in order to save the lives of her children.

### **Example 2:**

#### **MDC supporters expelled from WFP meeting, by Zanu-PF officials**

We received multiple reports, including from eye witnesses, of events at a meeting held in a Midlands district on 14<sup>th</sup> October 2002, called to revise the list of beneficiaries for WFP donor food.

These reports, given both by those personally named, and also by eye witnesses not forced to leave the meeting, consistently claim that 10 known MDC supporters, most of whom had represented MDC in an official capacity during the recent RDC elections, were called out by name and forced to leave the meeting. This was done by Zanu-PF officials before the arrival of WFP officials, who may have remained ignorant of what had just happened. This underlines the way in which Zanu-PF out-manoeuvres WFP officials at times, ensuring that WFP is not always aware that their food lists are being manipulated.

- The process of being forced to leave was designed to create maximum humiliation for those named. Two Zanu-PF officials (names given) announced that they would call out those people

who supported MDC and who were therefore not eligible for food from the WFP donor programme.

- The names were called out one at a time. On being called, that person was told to stand and then leave the meeting while everybody else watched.
- Once one person had entirely left the group, then the next name would be called and the next person would have to leave.
- Ten persons, several of them elderly women, were put through this embarrassing process. We personally interviewed 4 people who were subjected to this experience, as well as other observers.
- In one case, a woman was ejected from the meeting but her husband was not: he surrendered his MDC cards and purchased a Zanu-PF card shortly before the RDC elections in order to get on to WFP food lists. However, his wife refused absolutely to surrender her MDC cards. She was therefore publicly labelled as an outcast, while he watched. The fact that the politicisation of food has reached the point of discriminating husband from wife is particularly regrettable.

### **Example 3:**

On 25<sup>th</sup> October 2002, a sworn affidavit was made in the presence of one of the authors, giving further detailed background on the abuse of WFP food in this same Midlands district. It further indicates denial of access to borehole water on political grounds, a type of discrimination previously documented in the May PHR-DK report, as occurring in this same district.

The interviewee recounted in his affidavit and in person how:

- An impartial committee democratically elected in his ward to compile WFP food lists was “sacked” by Zanu-PF officials ahead of the RDC elections, and was replaced with an entirely Zanu-PF committee, which allegedly removed MDC names from the food lists. He is among those sacked.
- “Pungwes”<sup>29</sup> were held at night and Zanu-PF officials used as part of their campaign strategy, the threat that those who voted MDC would not receive WFP food.
- 3 names are given of people who surrendered MDC cards to get their names on to WFP lists
- 12 more names are given of families still denied food, allegedly because they are MDC
- The interviewee is facing eviction orders, on the basis that he is an “MDC criminal”.
- The interviewee was on spurious grounds denied the right to vote on the first day of voting in the RDC elections, although he was eventually allowed to vote the following day.
- The interviewee witnessed voters being routinely pressured to vote as “illiterates” with the “help” of Zanu-PF officials, thus ensuring that these votes were for Zanu-PF.

### **Opinion**

Informants from one ward of one district in the Midlands gave consistent reports about abuse of donor food in their area. Four eye witnesses gave identical accounts of MDC supporters being thrown out of a WFP meeting by Zanu-PF officials. The fact that persons interviewed at different times and places gave consistent and detailed accounts of events, indicates a high probability that the claimed events took place.

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<sup>29</sup> All night rally at the village level, which was a typical campaign strategy used by ZANU during the 1970s civil war.

## 5.2 Conclusions

- **Over the last three months, many first and second hand testimonies were collected about politically discriminatory practices against MDC supporters affecting all avenues of access to food, including GMB sales, FFW programmes, and food distributed by international NGOs.**
- Interviewees were from 18 districts and urban centres from 5 provinces. Their testimonies were consistent over time and place, indicating a pattern of political manipulation of food that is widespread, in particular in relation to government controlled maize through GMB and FFW.
- **Manipulation of food was directly related to elections; the ruling party openly threatened vulnerable rural communities with starvation if Zanu-PF was not elected.**
- Manipulation of donor food was detailed by ourselves in one district only, although media reports indicate at least two other districts where such manipulation occurs.
- **In all cases of problematic food distribution, those implicated in politically manipulating access to food are Zanu-PF supporters;** such abuse of power is not limited to war veterans, youth militia and elected councillors, but includes headmasters, businessmen, chiefs and traditional leadership.
- In the cases of selective feeding practices brought to its attention during October 2002, the international donor is in the process of intervening to end the discriminatory practice.
- However, it is clear that this scheme has been discriminatory for months without the donor being aware. **This points to a need for a revised monitoring system on the ground.**
- Monitoring should include verification that villagers on the feeding lists all qualify as high risk, and are not selected on party political lines. This will imply contact with key informants from the local community other than the Zanu-PF dominated leadership. In communities split through the middle, political neutrality can only be achieved by including in discussions, those identified as “enemies of the state”, including opposition party representatives and civil society.
- **Zanu-PF appears to be maintaining a situation where there is too little food in the country, by controlling all sales and imports.** Too little food is serving a dual purpose: it allows political control through controlling who accesses food; it facilitates the creation of a Zanu-PF dominated black market, thus enriching the Zanu-PF hierarchy.
- **Strategies need to be found to dramatically increase the flow of food into the country, and to free it from government control, which is equivalent to partisan Zanu-PF control.**
- **If it is not possible to increase non-partisan food supplies into the country, it is our opinion that starvation and eventually death, will occur along party political lines in Zimbabwe.**

## **6. Results of examinations of individuals exposed to human rights violations in Zimbabwe, August to November 2002**

*All interviews and examinations took place from August to November 2002. The cases summarised here represent only a fraction of approximately 80 people who, during this period, reported ill treatment or torture to the authors.*

### ***Interviews and findings***

All examinations were carried out in the following manner: the history of torture or ill treatment (a) is compared to the examinee's description of ensuing symptoms (b) and the results of the clinical examination (c). In each individual case, it is appraised whether there is consistency between these three elements (a-c), thereby on medical grounds assessing the validity of the statements of torture.

The exception is Case C, where case details were compiled with permission from two affidavits made by those involved in the case, in one instance an eye-witness, and in the other instance the surgeon who operated on the victim.

All examinees agreed to be interviewed and examined with a view to publishing evidence of violence committed during the period August to October 2002. Furthermore they agreed that photographs of their injuries could be published as long as their faces were not exposed. Permission was given for the use of the photograph of the child on the title page.

In this report, all examined persons are anonymous, and exact location of incidents is omitted, to protect interviewees and their families from reprisals. The exception to this is Case C, which received media attention and which is already in the public domain.

*In the following case descriptions, "Present Violence" summarises the accounts the examinees gave to us.*

All examinees reported that they had been attacked for political reasons, some being supporters of the Movement for Democratic Change, the dominant opposition party in Zimbabwe, and others being assumed to be so. Some were reportedly attacked as part of a general repression of their community.

It was considered too risky to approach supporters of the ruling party to get information about possible human rights abuses committed by the political opposition; documentation of such violations has been done before.

The definition of torture in the *UN Convention against torture and cruel, inhuman or degrading treatment or punishment* was used:

*"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/ her or a third person*

*information or a confession, punishing him for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”*

## **6.1 Case presentations**

### **Case A**

**Male MDC supporter assaulted by the police together with others, in a police station  
[see Case B for another account of the same incident]**

Date of incident: 9 October 2002  
Place of incident: Rural district business centre, Matabeleland North  
Date of interview: 11 October 2002

#### **Personal history**

Interviewee is a rural farmer in his thirties, and is **an active member of the MDC**.

#### **Present violence**

On 9 October 2002 at around 7 pm, the interviewee passed through the rural business centre on his way home from work. He went into S Trading store to buy some food when 3 men entered; one was in Support Unit police uniform and the other 2 were recognized as “war veterans” who work at the Zanu PF offices. The policeman had a gun. One of the others had a long baton stick, the other a short baton and a sjambok.

The one in uniform grabbed the interviewee by the belt and lifted him up, ordering him to leave his groceries, which were stolen by one of the many youth militia nearby. The 3 led him to a police vehicle some 10 metres away. In the vehicle there were about 4 men, known to the interviewee as MDC supporters.

In the police vehicle, the interviewee also recognised the Officer In Charge of the local police post and 2 others. They demanded his ID card, handcuffed his hands behind his back and pushed him into the vehicle. They drove around looking for others for about 10 km. They found and bullied an old man who was travelling in a donkey cart towards T, after which they returned to the business centre. Here, the vehicle stopped for a policeman, who had a local MDC activist with him whom the interviewee recognized as T; he had been beaten severely on the head and was bleeding. His shirt was blood-soaked. He was forced into the vehicle with the others.

The police then drove to the Charge Office. They told the interviewee and others to remove shoes, belts and other clothing. The police took the interviewee into a storeroom and told him to lie face down, after which they used big baton sticks to assault him. He was beaten on the back for some minutes, after which he was beaten on the soles of both feet. He was handcuffed behind the back during the beating, and felt his arm being lacerated with a sharp object, but as he was face-down, he could not see the instrument used. The interviewee was then told to sit down with the others, and a policeman called Mr T then hit on the head, all of those seated. He took his baton stick and poked them all hard in the abdomen.

The interviewee was then handcuffed with his left hand to N, and they were ordered to bark like dogs and crawl on hands and knees for some 500 metres to the cells. The police followed the two, kicking them all the way back to the cells. The police assaulted them with sticks again as they got into the cells.

Overnight, there were 8 MDC supporters in the one cell, lying without blankets on the concrete floor. They received neither food nor water for the 20 hours they were in the cells.

The next morning at 11 am, the 8 were taken one at a time to the Criminal Investigations Department (CID) offices. The interviewee was asked which political party he supported and he claimed not to support any, and was accused of lying; the police said they knew he was an MDC supporter. The interviewee was beaten again with a baton stick by a policeman who also put the interviewee's head between his knees and hit him on the back with a fist.

After further intimidation, including being forced to sing songs and to sit in the sun, the 8 were released. They were told to remain in the region of that business centre and never to go to outlying rural areas, in case they were campaigning for MDC.

### **Present health and psychological observations**

The interviewee reports pain in the chest, pelvic area, left index finger, and soles of feet. He further reports that since the assault 2 days ago and until the morning of the day of examination, his urine has been red in colour. He is lucid and gives a clear account, but is anxious and angry about the assault on himself and his colleagues.

### **Physical findings**

*Torso:* Some tenderness on palpation of left hypogastrium, no guarding. Lower spine and both renal areas, left more so than right, painful on percussion.

*Left forearm:* Dorsal aspect of left forearm: 6 cm long, curved uninterrupted laceration. Superficial, clean, serrated.

*Left index finger:* Swollen, reduced mobility in middle and proximal joints; 1 cm long, full thickness of skin laceration over lateral aspect of middle joint, a clean, gaping wound; painful on movement.

*Left and right wrists and forearms:* Lacerations encircling both wrists.

*Soles of feet:* Sensitive to touch.

*Urine:* Macroscopically clear.

### **Medical opinion**

The statement of torture, the reported symptoms and the clinical findings are consistent with one another. The lacerations on the wrists are in accordance with the report of the interviewee having been cut with a sharp instrument while face down in handcuffs, and the tenderness in the renal area and lower spine is consistent with beatings to the back (the history of blood in the urine ties in with this, but it could not be found any more, on examination). The sensitive soles are in accordance with beatings to them.

The aspect of lacerations, none of which are encrusted, is consistent with a time frame of less than two day old lesions, and in accordance with the history.

The clinical findings, in particular the open lesions, highly corroborate the interviewee's story of torture.

## Case B

### **Male MDC supporter assaulted by police together with others, in a police station**

Date of incident: 9 October 2002  
Place of incident: Rural district business centre, Matabeleland North  
Date of interview: 11 October 2002

#### **Personal history**

Interviewee is a rural farmer in his thirties and is **an active MDC member**.

#### **Present violence**

On Wednesday 9 October 2002 the interviewee reports having spent the day at the local rural business centre looking unsuccessfully for maize meal. At around 7 pm the interviewee was met by 3 youth militia in civilian clothing. They are known to the interviewee as they were operating in his area during the presidential campaign – one name given. This named youth militia is referred to as being now involved in selling grain at the local GMB depot. They were not carrying any visible weapons, but were in the company of a local Support Unit policeman in riot gear with a baton stick. One of the militia blocked the interviewee's way and asked for his ID card. He did not have it, but the named militia identified the interviewee. The policeman poked the interviewee in the stomach with his baton stick which was very painful.

The policeman accused the interviewee of being one of those who whistle at the terminus at night and said he should be taken to the police station [this is a reference to the fact that MDC youth commonly blow whistles as part of their campaigning strategy].

He was taken to a white twin cab, with "Zanu PF" painted on it. He was ordered to sit in the back. The interviewee recognized three people in the car – names given. They are known to the interviewee as from Criminal Investigations Department (CID) and from the police. They drove around for about 30 minutes, looking for others, before meeting a police vehicle. In the vehicle there were 3 policemen. There was also HM [client A], T, I, H, D and L. They were handcuffed in twos while HM had his hands cuffed behind his back. Both vehicles drove to the police station, where the men, now numbering eight, were made to take off clothing and shoes and were taken one at a time to a nearby store-room. This was almost empty except for a baton stick and a sjambok which was used to beat them.

Interviewee B was the third to go into the small room. He was led by one policeman and found 2 others in the store room, all wearing police uniforms. They made him lie face down on the floor, and told him not to move while he was beaten. He was then beaten with a sjambok, and later with a baton stick under both feet and on his the back. The 3 policemen took turns at beating him. The beating lasted for some 10 minutes. He was handcuffed throughout.

After the beating, he was put with the two others who had been beaten earlier. They were ordered to bark like dogs. B reports being handcuffed to A (see previous account) and being forced to crawl to the cells, a distance of some 500 metres away. They were beaten with baton sticks on their backs while on all fours all the way to the cells. Before they opened the gates, the police ordered them to stand. The police then slapped them once on the face, but if they ducked, they got slapped again. The interviewee was slapped twice at the same time. The police also hit them on the toes with baton sticks.



Eight men slept in one small cell without any blankets, food or water. The interviewee states that he did not sleep that night because of his pain, the cold weather and the hardness of the floor.

In the morning, a policeman [named] told the interviewee to produce an MDC card. The interviewee denied having an MDC card or supporting the MDC. He was immediately contradicted by another policeman [named] and a member of the Central Intelligence Organisation (CIO). The latter slapped him on the face, accusing him of supporting the MDC. The interviewee protested that he used to support the MDC but did not do so any longer.

The policemen warned the interviewee that he should not be seen with his co-accused and told him if he associated with those in the MDC he would be shot or locked up for the rest of his life.

He was ordered to the Charge Office and from there was taken to the same room where he had been assaulted on the previous night, and he was once more assaulted on the back, 3 times. All those in detention were then ordered to sing and sit in the sun, before finally being released. On release they were issued another warning not to support the MDC.

The interviewee reports that it took them a long time to walk home as they were in great pain. He arrived at his home after taking 3 hours to walk 4 km. His grandfather gave him money to go to Bulawayo to get treatment.

### **Present health and psychological observations**

The interviewee moves with discomfort and his feet are sensitive when walking or standing. He reports pain on both feet and on his back.

He furthermore reports insomnia and lack of appetite. He is anxious and very angry about having been beaten for no reason.

### **Physical findings**

*Torso:* No visible lacerations; darkening of skin and sensitivity to touch in the lumbar region.

*Left wrist:* No lesion; sensitivity to touch.

*Lower limbs*

*Left knee:* Patchy abrasions (very superficial) below left knee. 1 cm x 1 cm scabbed lesion, just below tuberositas tibiae.

*Right knee:* Below tuberositas tibiae, 1.6 cm x 8 mm dry scab on irregular lesion. Below right patella 5 cm x 5 cm dry scab on irregular lesion.

*Sole of left foot:* Haematoma in stripes.

*Sole of right foot:* Endphalanx of second toe, plantar aspect, has confluent haematoma in 3 stripes.

Distal and medial aspect of hallux, haematomata in stripes plus one blow at base of hallux filled with blood. Skin over heads of metatarsals I and II with blue discolouration. Towards the arch of foot and heel a discoloration, almost circular, 5 mm in diameter.

### **Medical opinion**

The statement of torture, the reported symptoms and the clinical findings are all consistent with one another. The sensitivity in the lumbar region is in accordance with having been beaten by a blunt instrument. Sensitivity in the wrist is in accordance with being forced to crawl while handcuffed to another, and the scabs on the knees further corroborate this history.

The visible haematomata to the soles of both feet are highly corroborative of beatings to the soles with a blunt instrument. The state of the injuries is consistent with a time frame of less than two days since trauma, in accordance with the history.

The clinical findings, in particular the haematomata of the feet, place the interviewee's story of torture beyond reasonable doubt.

### **Opinion of cases A and B assessed together**

The fact that two interviewees, interviewed and examined separately from one another, gave close to identical accounts of events, and revealed similar clinical findings, further corroborates the claims of torture of multiple victims in the same police station, in the same night.

### **Case C: Darlington Kadengu and eleven others**

**MDC campaign official involved in by-election to elect a new Member of Parliament in Insiza district, shot in the back by the Zanu-PF candidate, in a police station in front of police. The victim and eleven others with him were subsequently charged with "public violence", while the aggressors have remained at large. The Zanu-PF candidate, who allegedly fired the gun, has in fact since become the duly elected Zanu-PF Member of Parliament for Insiza.**

*This incident has been well publicised and is now a matter before the courts. The name of the injured campaign manager and of some other individuals involved have therefore not been removed from the account of events, although others have. The account of events is extracted from 2 sworn affidavits, one of which was placed before the High Court on 22<sup>nd</sup> October 2002 and is therefore a matter of public record. This affidavit is by an eye witness to events in Filabusi; the eye witness is an Alderman to the City of Bulawayo of 11 years' standing. The other affidavit is by the surgeon who operated on Darlington Kadengu. Photographs included were taken by the operating surgeon.*

Date of incident:	15 October 2002
Place of incident:	Filabusi Police Station
Date of medical examination:	17 October 2002

### **Summary of eye witness account of the shooting: full affidavit is available**

On Tuesday 15 October a vehicle left Bulawayo heading for Filabusi for MDC campaign purposes. The car contained posters, t-shirts and Z\$ 5 million in cash. Those in the car noticed they were being followed by two other vehicles, one of which overtook them and blocked their path about 7 km from the MDC campaign centre in Insiza. Three occupants wielding guns disembarked from the front vehicle [car model and registration given], and became threatening. Those in the MDC campaign vehicle picked up stones, but realised these would be useless against guns, and fled away from the road.

They observed the armed men removing all the campaign material including the Z\$5 million from their vehicle, load it into their own vehicle and leave. The MDC officials returned to their car and reported the theft at the nearest police station, who referred them to Filabusi police station. They arrived there around midnight and began making a report. One of those present recognised one of the two vehicles that had been involved in the theft, which had no number plates, passing by. People disembarked from

this vehicle and pulled down MDC campaign posters near the police station. The police were informed that this was happening.

Three of the MDC campaign party trailed the car without number plates, but then fled back to the police station, reporting that they had been shot at. Within minutes, the same car without number plates approached the police station at high speed and everybody fled into the police Charge Office.

The Zanu-PF candidate, Andrew Langa, was witnessed shooting the MDC official Darlington Kadengu in the back with a gun, right in the police Charge Office and in front of the police. An MDC election agent, Wilson Phiri, was assaulted in front of the Officer-in-Charge by the Zanu-PF election agent, Mr Hove. The police station erupted into chaos. Reinforcements were called in from other police stations, and the police advised the MDC officials that they should stay in police detention for their own safety: the Zanu-PF group had proven ready to shoot somebody in the police station, so any MDC official leaving the station that night could face a sorry fate. The police spoke at length to those in the Zanu-PF campaign group, but refused to speak to the MDC group. The shot and wounded person was not allowed to leave the station overnight, but was transferred the next day to Filabusi and then Gwanda hospitals.

In the morning on 16<sup>th</sup>, Andrew Langa returned and warned the MDC officials against campaigning: the theft of materials was simply a warning and worse would follow. Langa's group deflated all tyres on the MDC campaign vehicles parked outside, and threatened to burn the cars. They further threatened to "separate the head from the neck" of the sworn witness. All threats and the vandalism to the vehicles was in full view and hearing of police officers.

When the MDC officials were advised that a docket would be opened, they assumed this was a docket against Andrew Langa. However, it became apparent that they themselves were the accused. At 4 pm on the 16<sup>th</sup>, they were placed in police cells. At 11 pm they were driven to Gwanda police station where they were verbally harassed by police and then locked up in cells. On 17<sup>th</sup> October, they were taken before Gwanda Court, paid bail and were released. They were not advised of the charges they were facing and made no warned and cautioned statement. Part of the bail conditions forbade the accused, all of whom are key MDC officials, from returning to Insiza, thus severely undermining MDC campaign activities ahead of the by-election there on 26<sup>th</sup> and 27<sup>th</sup> October 2002.

### **Statement by the operating surgeon, including his medical findings**

"The Daily News reported on 17<sup>th</sup> October 2002 the wounding of MDC agent, Darlington Kadengu, apparently by the Zanu-PF candidate, Andrew Langa, intent on shooting his way into parliament. That this occurred within a police station, and the victim was subsequently arrested is hardly credible.

- Mr Kadengu was ferried from Filabusi via Gwanda to Bulawayo, where he was noted to be in stable condition with no neurological deficit, and no respiratory problems.
- There was a 7 cm linear laceration on the lower left back opposite the 10th rib.
- An attempt had been made in Gwanda to extract a shotgun pellet which was noted on anteroposterior and lateral chest radiographs. These show the metallic foreign body, entirely

consistent with a shotgun pellet, lying just inferior to the left 10th rib approximately in its mid-portion.

- No pneumo- or haemothorax is noted. Lung fields are normal.
- Following discussion with Mr Kadengu, it was resolved to attempt to search for and extract the said foreign body, with the reservation that sometimes this is either not possible or would involve excessive dissection to be indicated.
- Operation was carried out in the prone position under lignocaine local anaesthesia, with added sedation using 10 mg medazolam intravenously. The wound was extended superiolaterally by 5cm, after location of the position of the foreign body by the radiographs available. No foreign body could, however, be palpated in the position described.
- Image intensification radiology in theatre subsequently demonstrated that the foreign body was lying behind the 10th rib inside the chest. Extraction would involve opening the pleura, which was not considered justified. The wound was closed in layers.
- The condition of the patient post-operatively was fully conscious, and haemodynamically stable, breathing quietly on room air.

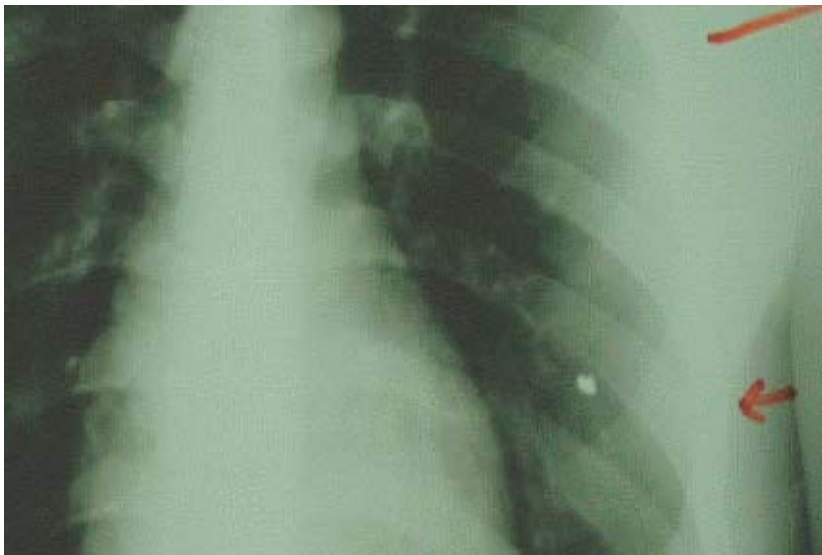
Attached are photographs taken in theatre of (a) the wound, (b) the anteroposterior chest radiograph.”

M.H.C, MA, MBBS, FRCS, FACS, FCS(ECSA).  
Consultant Specialist Surgeon

*Photograph 5: the wound photographed by the surgeon who subsequently operated on Case C.*



*Photograph 6: the chest x-ray of Case C, showing the metallic foreign body behind the 10<sup>th</sup> rib.*



## **Cases D, E, and F**

### **Assault of 3 civilians, 2 female, 1 male, in the same vehicle at police road block, and then at a police station**

Date of incident: 18 August 2002  
Place of incident: Rural district in Matabeleland North, at road block and police station  
Date of interview/s: Interviewees D and E were examined briefly on 20 August and in detail on 2 September 2002.  
Interviewee F was examined on 28 August 2002.

### **Personal history**

The 3 interviewees are husband, wife and sister-in-law. They are office workers with tertiary education and are in their forties.

### **Present violence**

The interviewee E runs a rural business in addition to his white collar work in town. He signed a lease with the Forestry Commission for the use of the land for his store, and this lease expired at the end of 2001. He continued to operate the store, until the police brought it to his attention that he needed to renew the lease. He was also fined \$5,000.

On 18<sup>th</sup> August, E, together with his wife, his two children aged 5 and 10, his sister and brother in law, and 2 other men, went by E's vehicle to the local rural police station. E was on his way to town and wished to pay his fine and anticipated no problems in doing this.

However, when he entered the police station, another sergeant was on duty, who became highly abusive of E. He said that he wanted to imprison E, and fine him more money. He was also abusive of E for not being able to speak Shona, but only Ndebele.

E argued with the police officer for a while, and then decided to leave the police station and return to pay the fine another day, when the previous officer was on duty. He got into his vehicle and drove off, without hindrance. However, about 9km further down the road, a police vehicle came rushing up behind them, with sirens going, and forced them off the road nearly causing an accident.

E stopped the car and while the engine was still running, he, his wife and his sister and brother in law were dragged out of the car and beaten. This was in front of the two small children, aged 5 and 10, who cried in panic at seeing their parents assaulted and forced into the police car.

The three were assaulted by 6 police officers, using booted feet, fists and police batons. They were placed in handcuffs and taken back to the police station in the police vehicle. Here the assaults continued, in the Charge Office.

Case F, female, reported that the wives of the police officers were in the station, and they cheered their husbands on to beat them harder. Case D, female, reported the use of baton sticks, booted feet and hands against her. She reported 3 baton sticks broke across her body during the assault. She has suffered much pain over the body for many days. Case E, husband of D, was similarly assaulted, but not quite so seriously as his wife, and has suffered pains in various parts of the body.

Case F, sister-in-law to D, was assaulted at the same time, and reports blows to her head and body. After the assaults, E was placed in a police cell meant for one person, with 4 other men. They received no food and no water for 24 hours until their release. E was also denied his right to medical attention and a lawyer, which he asked for.

D and F were placed in a guarded room for 24 hours. They received no food, no medical or legal attention, although they were able to draw water from a tap outside their room. After release they received medical attention from the family practitioner.

### **Case D: wife of E**

The interviewee was unable to submit to full examination due to the severe pain and psychological discomfort in the immediate wake of the assault, so was examined in detail 15 days after the assault. She was examined briefly in her private practitioner's room on 20<sup>th</sup> August. The injuries seen at this time were recorded in more detail on 2<sup>nd</sup> September. The x-ray of the left hand was seen on 20<sup>th</sup> August.

### **Present health and psychological observations**

Lucid, fully orientated woman, giving a clear account. However, speaking of the event and being examined is obviously traumatic for her. While she wants her case recorded and wants prosecution of those who beat her, she is very anxious and upset about the events.

She also expresses much anger and anxiety about the fact that her two small children were forced to witness violence against her and her husband, and that they then spent a terrifying day, not knowing where their parents were or what had happened to them. She is concerned that they might need counselling.

### **Physical findings**

#### *Head*

*Upper face:* Linear bruise below left lower eyelid. Healing.

*Jaws:* Tender painful masseter muscles at both angles of jaws. Teeth and jaws normal. Movement normal.

*Chest:* No visible injury on soft tissue. Some tenderness on breast bone (manubrium). Tender on "springing" ribs.

#### *Upper limbs*

*Right arm:* Shoulder tip has diffuse, heavy bruise, about 5 cm x 4 cm, with poorly defined edge. At posterior lateral surface of the upper third of right forearm, a healing, 1 cm x 5 cm oblique bruise, and on posterior medial surface, a healing bruise, 2 cm x 5 cm.

*Left arm:* At upper outer third of upper arm, a healing bruise, 6 cm x 8 cm.

Over radial head of left forearm, a D-shaped bruise, healing, 5 cm x 4 cm.

*Left hand:* In below-elbow plaster of paris cast at date of examination. Seen on 20<sup>th</sup> August 2002 in the family doctor's room; then swollen and tender along the hypothenar part of hand and painful, tender, swollen base to 5<sup>th</sup> finger.

*X-ray report of left hand: 20<sup>th</sup> August 2002*

*5<sup>th</sup> left proximal phalanx:* Closed comminuted fracture (3 fragments), not into joint. Good position.

*5<sup>th</sup> left metacarpal:* Simple closed fracture, good position.

X-ray film seen, examined and findings agreed with the family doctor's on 20<sup>th</sup> August 2002.  
Plaster of paris cast applied on 20<sup>th</sup> August 2002.

#### *Lower limbs*

*Left buttock:* Diffuse area of swelling and tenderness, centrally. Bruising of skin and subcutaneous tissue, black in colour, irregular edge. 12 cm x 12 cm.

*Right buttock:* Skin bruise, 9 cm x 3 cm, with irregular edge; healing.

*Left thigh:* Anterior aspect, diffuse area of bruising of skin and subcutaneous tissue. Irregular, ill-defined edge, about 10 cm x 15 cm. Laterally, bruising of skin, 2cm x 14cm, black. Just above knee, antero-laterally, skin bruise, black, 10cm x 2cm.

*Right thigh:* 3 black/yellow bruises, 10 cm x 2 cm, 10 cm x 2 cm, 9 cm x 2 cm. On the outer mid-thigh, bruising, 5 cm x 5 cm, healing.

### **Medical opinion**

The injuries and features observed and recorded above are consistent with severe trauma to both arms, right shoulder, left hand, both buttocks and both legs around the time indicated. Heavy multiple blows with wide blunt instruments were likely used.

There is consistency between the description of severe ill treatment, the described symptoms and the clinical findings. The lesions, markings and tenderness are all compatible with two week old injuries, and their high number and location are highly consistent with the statement of assault.

### **Case E**

Examined 2 weeks after assault, as his wife was not ready to be examined prior to this.

### **Present health and psychological observations**

Lucid, fully orientated man giving a clear account. He expressed great concern for his wife who was more severely assaulted than himself and was angry about the attack. He intends to press legal charges against the police.

He also expressed much anger and anxiety about the fact that her two small children had been forced to witness violence against her and her husband, and that they had then spent a terrifying day, not knowing where their parents were or what had happened to them. He was concerned that they might need counselling.

### **Physical findings**

*Right shoulder and arm:* A tender, boggy spot in the supraspinatus area, ill defined. A few bruises on the ventral aspect of the lower third of forearm. Small circumferential linear scar (3 cm) of wrist.

*Left hand:* Tenderness of entire middle finger. 3<sup>rd</sup> metacarpal/proximal phalangeal joint swollen. No evident fracture, full range of movement.

*Right knee:* Indurated, boggy, tender area in the popliteal fossa. 4 cm x 2 cm.

*Left hip:* Indurated, tender, swollen area of the subcutaneous fatty tissue with ill defined edges, approximately 10 cm x 5 cm.



## **Medical opinion**

Above injuries are consistent with blows to the body (upper limbs, trunk and lower limbs). The marks on the right wrist are consistent with having been handcuffed in the recent past. There is full agreement between the timing and description of torture, the described symptoms and the clinical findings. The injuries are highly consistent with the statement of assault.

### **Case F: female, relative of D and E**

Examined on 28 August 2002

#### **Present health and psychological observations**

The interviewee is experiencing some pain which is slowly resolving at 10 days. She is generally quiet, with normal affect. She is lucid and clearly concerned for the health of her sister and brother-in-law.

#### **Physical findings**

##### *Head*

*Scalp:* Boggy area in left temporal region, roughly circular, difficult to define beneath the hair, approximately 10 cm diameter. Slightly tender.

*Face:* A healing linear bruise approximately 3 cm under the left lower eyelid, slightly swollen. Not tender.

##### *Back*

*Mid Back:* In central lower neck and mid scapular region, fading bruises, not swollen, not tender, ill-defined, covering about a hand's breadth in area.

*Left deltoid region:* Heavy, irregular, resolving subcutaneous bruising with black/yellow colouring; somewhat swollen, highly evident.

*Left front thigh:* Heavy oblique linear subcutaneous bruising with black/yellow coloring. Swollen, approximately 5 cm wide x 12 cm long, highly evident, resolving.

## **Medical opinion**

The injuries are highly consistent with the given history of heavy blows to the body with broad, blunt object some 10 days prior to this examination. There is full agreement between the description of assault, the described symptoms and the clinical findings.

### **Cases G and H**

#### **Two MDC youths assaulted by police after accusation of theft**

Date of incident: 1 August 2002  
Place of incident: Rural district, Midlands Province  
Date of interview: 23 August 2002

## **Personal history**

Both interviewees are male, single, rural farmers in their twenties.

## **Present violence**

The interviewees were picked up by 2 Support Unit policemen while at a funeral near their rural homes. The names of the policemen are known to the interviewees. The police accused the two of stealing some turkeys from a neighbour.

Interviewee G reports that he was kicked on the left front side of his knee, and on the left side of his chest. He was furthermore whipped on his back and on his left shoulder with the buckle of a policeman's uniform belt. He was handcuffed by his right wrist to his friend H's left wrist. The two were made to walk approximately 9 km from home to the Zimbabwe Republic Police (ZRP) station at the rural business centre, accompanied by ZRP uniformed constables. The police jerked them along the route, causing wrist injuries to both handcuffed wrists.

Interviewee H reports being kicked with booted feet and beaten with sticks on his back and chest, as well as having wrist injuries caused by the handcuffs cutting into his wrist while being beaten and pulled along. He also reports being forced to walk 9 km to the police station.

It is the perception of the interviewees that the beatings were related to politics. This perception is based on the fact that when the police beat them, they stated that the people of their area were MDC and should be made to suffer. The two were released without charges being laid against them, which they claim further points to political harassment; if they had really been suspected of theft, they should have been charged.

## **Case G**

### **Present health and psychological observations**

The interviewee was examined 22 days after the reported assault.

He reports pain in his left flank when working or bending, and chest pain at night especially after heavy work (e.g., digging) or in cloudy weather. He did not experience these pains prior to the assault. He complains of constant pain in the right wrist and joint at night. He also has a cough with white sputum, no haemoptysis.

He has normal affect, but is resentful of the assault and what he perceives as its political motivation.

### **Physical findings**

*Back:* 2 scars, both of similar size and shape. Left shoulder tip: irregular, E-shaped, superficial scar, 3.5 x 10 cm. Over left mid-scapular area, irregular, L-shaped scar 3.5 x 10 cm.

*Right Wrist:* Moderate tenderness of distal radius and ulna. Linear, healing, circumferential marks around a narrow part of wrist.

*Left knee:* Some superficial healing scars of the skin on patella and at insertion of patellar ligament to tibia.

### **Medical opinion**

The statement of assault, the reported symptoms and the clinical findings are consistent with one another. The observed injuries are in keeping with the given history of two blows to the back and left

shoulders with a sharp object and blunt trauma to left knee. Abraded skin around wrist is in keeping with being beaten and pulled in handcuffs. All injuries are at a stage of healing consistent with injuries inflicted between 10 to 30 days prior to examination.

## **Case H**

### **Present health and psychological observations**

The interviewee was examined 22 days after the reported assault.

He reports chest pains and pains all over the body when working or walking. He claims this is from being kicked with booted feet. He coughs up white sputum at times – no blood in sputum. He is free of pain at night.

His left hand is painful when he uses it. He has a deep pain in the bones of his wrist.

His affect is normal and he reports no sleep problems or headaches.

### **Physical findings**

*Torso:* Slight general tenderness on manual rib compression, slight tenderness of lower breastbone (xiphisternum).

*Left hand:* Normal shape, movement and strength; no muscle wasting. Normal sensation except for pricking intermittent pain from wrist to fingers.

*Left wrist:* Healing linear scar, 7 cm long x between 0.8 and 1 cm wide, around narrow part of the wrist – incomplete circumferential scar. Slight tenderness of distal radius and ulna.

### **Medical opinion**

The statement of assault, the reported symptoms and the clinical findings are consistent with one another. The observed injuries are in keeping with the given history of blunt trauma with moderate force to the central chest. Abraded skin at left wrist is in keeping with being beaten and pulled in handcuffs. All injuries are at a stage of healing consistent with having been inflicted between 10 to 30 days prior to examination.

## **Case J**

### **Physical and psychological ill treatment of an NGO project officer involved in civic education in M Province, by Zanu-PF officials and war veterans**

Date of incident: 10 September 2002

Place of incident: A communal living area in M Province

Date of interview: 13 September 2002

### **Personal History**

Trainer in civic education for local NGO, middle aged, female.

### **Present violence**

The interviewee states that she was in a rural district on 10 September 2002 where she was supposed to conduct a training workshop for members of her NGO, dealing with constitutional rights. There were 30 participants. At around 10.00 am, 2 trucks, one labelled Zanu-PF and another written DDC (District Development Council), arrived and then departed. One of the workshop conveners became anxious, as he knows that NGOs are regarded with suspicion in rural areas, and said the workshop should be ended and everyone should leave at once.

The interviewee states that she proceeded shortly thereafter to the main road some 3 km away, but there she was accosted by a well known local war veteran called M and 2 others in a vehicle. M insisted on the interviewee accompanying the 3 of them in their vehicle, saying that she wanted to turn Zimbabwe into a colony and that she was anti Zanu-PF. The interviewee was forced to accompany the 3 to the Zanu-PF headquarters.

She was taken into an office where there was a bench, a table and a chair. In the office she noticed MDC scarves and MDC T-shirts, which she assumed had been confiscated. A man named H and a middle aged woman interrogated her. H told her that she was going to die and that her soft legs were going to turn black.

The register of participants, payment forms and the list of district and local committee members was confiscated as well as the constitution, leaflets and a notebook which had the names and phone numbers of people that the interviewee had met. H demanded to know why the interviewee was in that district. The interviewee was told that Zimrights (Zimbabwe Human Rights), NCA (National Constitutional Assembly), ZCTU (Zimbabwe Congress of Trade Unions) were anti-governmental and that she was pro-MDC, but disguised as an NGO.

One of those present told the interviewee that she should not be a heroine, because that would lead to her death. Twenty four others came in and asked the interviewee the same questions about her presence in the district.

She was taken to a place on a river bank, where she was threatened with death. She reports seeing many footprints, human faeces and blood coloured pools in the riverbed.

She was made to sit on a bench during the interrogation and the back of her head was repeatedly banged against the wall behind her.

One war veteran came with a plank that had nails stuck on it and told the interviewee to put her feet on it. She said that she was a diabetic and that any injuries would lead to complications in healing. She had some relief from a SiNdebele speaking person who dealt less harshly with her and gave some helpful advice on how to respond. However, she was forced to stand on the plank, but managed to do so with extra care and not to put a lot of pressure on the nails. She had punctures to her feet, but there was no bleeding.

The 24 present forced her to sit with legs outstretched and put cushions on her thighs. About five of them then started treading on her thighs with booted feet. They told her the cushion was to avoid leaving distinct marks on her skin. They were singing “Hondo Yeminda”<sup>30</sup> during the stamping. They did this for several minutes. She reports that she felt nauseated, in addition to her other physical pain.

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<sup>30</sup> This song is the trade mark song associated with the land invasions of the last two years.

On opening the flip chart that the interviewee was using at the training centre they realized that she had written “\$31 000 for projects”, and they accused her of campaigning for the MDC. The interviewee told them that this was for projects for people in that district and at that time they stopped harassing her. They wanted to know how they could access the money and she told them that if she survived, then they could get the money.

A police officer from the next office was called in. His name is EZ [address given]. They then ordered the interviewee to write a statement that they had taken her to Zanu-PF offices and that they had not tortured her either mentally or physically and that nothing had been taken from her. The interviewee signed the statement together with one war veteran and the police officer who also stamped the letter. The statement remained with the war veterans.

The interviewee was escorted at around 3.00pm to the local business centre, where she was forced to buy 4 litres of opaque beer, soft drinks and food for about 20 war veterans.

The interviewee then boarded a taxi which had about 20 passengers in it. The war veterans also entered the bus and ordered everyone to sing “Hondo Yeminda”.

She reported her harassment at M Police Central, but the police kept referring her to the next person and then the next, because they felt the case was too sensitive. An inspector M eventually opened a complaint (file number and crime report numbers given). The following day the same inspector recorded statements from her. On leaving the district, the interviewee noted that she was being followed by a well-known Central Intelligence Organisation (CIO) who is also a notorious war veteran, known for his violence (car registration given).

The following day the interviewee visited her doctor, who was scared to deal with her in view of a circulating document which talks about the invasion of Ndebele homes and denying them education in order to destroy them.

### **Present health and psychological observations**

The interviewee feels pain and stiffness all over the body, especially in the neck and arms. She reports some pain in the abdomen. She states that she has a headache and painful eyes. She further reports a stiff right jaw and discomfort on opening her mouth. She has a painful bruise over the inner left arm over the site of a “Norplant” insertion (contraceptive implant). She has pain in the soles of her feet.

The interviewee is very angry and weepy and feels that she has lost her identity. She feels violated. She also feels very cold all the time, and reports that she is smoking too much. She is wondering whether she is going mad. She reports that she has loss of appetite, insomnia, and is very fearful; she keeps doors and windows closed and locked, and believes the Shonas are going to destroy the Ndebeles.

### **Past Medical History**

Mild diabetes, managed by diet only for 30 years. She has palpitations needing treatment. She is asthmatic.

## **Physical findings**

*Head:* Extreme tenderness over the whole occipital and occipito-parietal area. No wounds or break in the skin. Somewhat boggy feeling subcutaneously. Very tender posterior neck muscles.

*Face:* Tender over the right jaw and cheek. Rest of face normal.

*Left upper arm:* A tender bruise over the upper mid medial surface of the arm overlying the visible and palpable insertion scar (of Norplant implant).

*Right upper arm:* Some slight muscle tenderness.

*Thighs:* Both anterior thighs slightly swollen and very tender to palpation.

*Right foot:* On plantar aspect of 3<sup>rd</sup> and 4<sup>th</sup> toes, two punctate marks over heads of proximal phalanges. All toes tender to palpation.

*Left foot:* Three punctate marks in the inner arch of the foot. A shallow abrasion with subcutaneous bleeding over the first metatarso-phalangeal joint. All toes tender to palpation.

## **Medical opinion**

The injuries observed are consistent with blows to back of head with blunt or plane object (consistent with head banging). The observed tenderness of neck, arms and thighs is consistent with pressure and rough handling. The observed punctate marks on the feet are consistent with light pressure of sharp objects.

There is agreement between the description of physical ill treatment, the described symptoms and the clinical findings. The markings and tenderness are compatible with few days old injuries, and are consistent with the statement of assault. The obvious psychological trauma exhibited by the interviewee is a corroborative indicator of the claimed psychological intimidation and assault.

## **Case K**

**Assault of MDC supporter by war veterans during rural district council election campaign.**  
*The same interviewee was a victim featured in the May PHR report: this is his second political assault this year.*

Date of incident: 6 September 2002

Place of incident: Rural district, Matabeleland North

Date of examination: 10 September 2002

## **Personal history**

Elderly communal farmer, married, 5 children. He was assaulted and had property destroyed in late March, in the wake of the presidential elections this year.

## **Present violence**

Interviewee states that on the 6<sup>th</sup> September around 2.00 pm, B came to his home and told him that there was a meeting at S school to discuss who should stand as the Zanu-PF candidate in the forthcoming council elections. There was some disagreement over who the candidate should be, among the Zanu supporters present. The meeting ended around 3 pm, and those present went to the

shops. The interviewee was having a beer, when M came to him and said people wanted to see him (several names given).

The interviewee feared foul play, and indeed as he stood up, another man, J, hit him in the face with the back of an axe. He sustained two blows to the right temple with the blunt side of a metal axe. He fainted for some time. While prone he thinks he sustained blows to face with fists and boots. He knows and can name the perpetrators (at least three from a crowd of 8 men).

When he regained awareness he heard the assailant saying that he should be killed. The interviewee drew his knife and as he stood up, he stabbed his attacker, who fled.

The police were called in and took the interviewee to N hospital where he stayed for three days until the 9<sup>th</sup> of September 2002. He was given painkillers at the hospital and was never seen by doctor. He recognized his assailants as Zanu-Pf supporters. The interviewee has been charged with assault because he stabbed one of his assailants. His assailants have not been charged with assault of the interviewee.

### **Present health and psychological observations**

The interviewee is lucid and gives a clear history; he is fully oriented in time and space. He feels pain on the right temporal region when opening his mouth during eating. The pain is not getting worse. He also states that he has dizziness and headaches at times. His vision is disturbed: he cannot see at all with the right eye since the assault. He feels dizziness and has a staggering gait which he says started after the beating incident. His sleep is disturbed since the assault. He is very anxious about events, in particular the pending assault case against him and the prospect of jail. When talking about the current assault and the one a few months ago, which included major property loss, he weeps openly. He is bitter that he has had to pay such a heavy price for expressing his preference for another political party.

### **Physical findings**

#### *Face*

*Right eye:* Subconjunctival bleeding and bleeding into anterior chamber of eye. Pupil not seen (possible iris damage). Vision: light detection only.

*Left eye:* Reduced vision (Snellen's chart 6/18)

*Right temple:* A boggy area above right ear with ill-defined edges, about 10 cm in diameter, somewhat tender. Skin intact.

*Above right eye:* Diagonally through eyebrow, a contused laceration, irregular edge, un-sutured. Partial thickness, 3 cm long. Early healing.

*Right cheek close to ear:* 2 lesions forming a linear irregular wound, partial thickness of skin, 2 cm long. Early healing.

*Right nostril:* Encrusted lesion, 4 mm x 2 mm, and un-encrusted lesion, 2 mm x 5 mm along rim of right nostril.

*Mouth:* Whole upper lip swollen, marked bruising evident. Left of centre on upper lip: contused area with lesion, 2 cm x 1 cm, partially encrusted.

*Central nervous system:* Somewhat slow speech. Walking with staggering gait, without loss of balance. No localizing signs. All reflexes intact and equal. Full power in all four limbs. Cranial nerves intact except for right eye.

*Old injuries noted:* Loss of tip of right middle finger. Healed scar across back of left hand near heads of metacarpals 2,3 and 4. A linear, oblique healed scar on antero-medial aspect of right knee, 4 cm x 1 cm. Left knee: A few small healed skin scars. No related disability.

## **Intervention**

Patient referred as an emergency to an Eye Unit for urgent treatment by ophthalmologist. Final assessment of disability can only be given when the condition/s stabilize.

## **Medical opinion**

Fresh injuries are consistent with history of trauma to head, right eye and face, with blunt rough object, using moderate force some 4 to 7 days prior to examination. There is full agreement between the description of ill treatment, the described symptoms and the clinical findings. The lesions on right eye, nose and upper lip are in a straight line with each other, consistent with one heavy blow across face with a heavy blunt object.

Fresh lesions, markings and tenderness are all compatible with few days old injuries, and their location and linearity are highly consistent with the statement of assault.

Ophthalmologist's report and follow up for several weeks after the injury shows poor prognosis for the right eye, which seems unlikely to regain any vision as a result of damage to the retina. The patient may also have suffered damage to the brain.

## **Case L**

### **Assault on MDC Rural District Council candidate on nomination day, Matabeleland North.**

Date of incident: 5 September 2002

Place of incident: Outside one Rural District Council nominations court in Matabeleland North

Date of interview: 11 September 2002

## **Personal History**

Married, with 3 surviving children. A retired man now residing in rural areas. Standard five level of education. Former Zapu supporter who joined MDC in 1999.

## **Present violence**

On the 5<sup>th</sup> September at about 11am the interviewee arrived at the N Rural District Council offices in order to register his nomination as a candidate in the rural district council elections. Mr K, the Zanu-PF councillor, insulted the interviewee, saying "the dogs have arrived, dogs that support whites. But now that we are here, they shiver, look at them." LT, a war veteran, came and said, "this is a white man's dog."

"Msathanyoko, Msunukanyoko, awulanqondo" (he insulted the interviewee, calling him by his mother's private parts).

At 20.00 hours on 5<sup>th</sup> September the interviewee finally left the nominations court, having registered his intention to stand for election. By the door, councillor K grabbed him by the collar and some Zanu-PF supporters held him from behind. The interviewee saw Mr LT approach from the side, and assault him on the head. He noted LT was carrying a stone. LT hit him again and he fell down with blood oozing from his head. Mr K then kicked the prone interviewee in the stomach, hips and back. This took place right outside the Nominations Court.



Before they could beat the interviewee further, two police officers who were accompanying the Registrar in charge of the Nominations Court came over towards the scene of the attack. The assailants then fled. The police took the interviewee in an MDC vehicle to hospital where he received five stitches. On the 6<sup>th</sup> he returned to N hospital, a medical report was made and handed over to him. He proceeded to the N police station where a docket was opened. The police said they were going to inform the interviewee about the court date. The doctor's report is in the hands of the police, attached to the docket.

On the 7<sup>th</sup> the interviewee went to M clinic where he was informed that Zanu-PF youth were looking for him to further assault him under the instructions of Mr K. The interviewee was further told that one of his neighbours had been beaten, and the local kraalhead had been threatened. These assaults and threats are the latest in a longstanding attack on traditional leaders perceived not to support Zanu-PF. According to the interviewee, the traditional leadership, which operates on a system of inheritance over generations, has been "dismissed" and replaced with a selected committee of political structure under Zanu-PF, revised every three months. He gave the names of 4 suspended traditional leaders, "dismissed" in July. 4 Zanu-PF supporters have been appointed in their place and are in charge of all activities which normally fall under the traditional leadership. Their main activity is to distribute maize and "money for work". The local chief has condemned this suspension of the kraalheads, but in vain.

### **Present health and psychological observations**

The interviewee is a lucid man in good general health. He is very angry about the treatment he has received and became agitated when relating his story. He is nervous about the possibility of further assault, and concerned about how he can conduct an election campaign in such an atmosphere.

### **Physical findings**

#### *Head*

*Left temple:* A shaved area just above the ear, about 15cm in diameter, with overlying gauze dressing. 2 wounds

- i. Horizontal, 5 cm long, irregular edged wound with surrounding contusion. Sutured with nylon (5 stitches), dressed with Gentian Violet, healing.
- ii. Vertical oblique, 2 cm long contused wound, partial thickness of skin, 4 cm posterior to first wound.

*Left hip:* A diffuse area of moderately swollen skin and subcutaneous tissue over central area of the hipbone (ilium), ill defined margins, approximately 12 cm diameter. Movement in both hips normal.

### **Medical opinion:**

There is full agreement between the description of torture, the described symptoms and the clinical findings. The position of the lesions on the head and their severity highly corroborate the description of assault, indicating:

- i. Blows (at least two) to head with blunt, moderately heavy object using moderate force.
- ii. Blow or blows to left hip with moderately heavy object, using moderate force.

### **Case M**

## **Assault of wife of elected MDC rural district councillor in Matabeleland North**

Date of incident: 12 October 2002  
Place of incident: Rural home in Matabeleland North  
Date of interview: 22 October 2002

### **Personal History**

Community health worker, married with 3 children.  
Secretary for local branch of MDC.

### **Present violence**

On 29<sup>th</sup> September 2002, her husband won the position of elected councillor for his ward in the RDC elections. He won his seat and she states that Zanu-PF were very angry about this. On 12<sup>th</sup> October 2002 she was outside her house washing, when she was attacked by a group estimated at 200 men and women. They were Zanu-PF district members with militia and local people.

Their group also assaulted her husband (Case Z ) who came out when she called for help. She was struck on the head, right elbow and the front of the chest and back. Stones, iron bars, knobkerries, logs and fists were used. She had some treatment at the local clinic (clinic records not seen).

The crowd also seriously vandalised the house, breaking 24 window panes and 3 metal doors. A TV set, kitchenware, and blankets were destroyed. Radio cassettes, food (maize meal and sugar) and money (estimated \$5 to 6000) were looted.

### **Present health and psychological observations**

The interviewee is lucid and articulate. She reports that she has headaches, insomnia, and some difficulty in breathing, but no cough. Other functions normal. She has been a well person, never previously seriously ill.

She becomes nervous when relating the story, and frequently covers her face with her hands. She also shows anxiety and stress when listening to her husband relating his story, and reports that she was preoccupied throughout the attack on herself with fears that her husband would be killed. She and her husband are still afraid to return to their home, for fear of further attacks, although they are determined to do so in order to fulfil their commitments to the constituency.

She is also very angry about the deliberate destruction of their material possessions, in particular the television, which is considered irreplaceable.

### **Physical findings**

*Head:* Sutured elliptical laceration, 3 cm long (3 stitches) in right occipital region of head. Semi-encrusted lesion, 1 cm x 3 mm, approximately 5 cm behind sutured lesion. Entire skull sensitive to touch.

*Neck and upper chest:* Multiple linear markings, from 7 cm to 1 cm in length and approximately 2 - 3 mm wide.

*Chest:* Clinically clear. Tender and spongy ribs. Central left chest: 4 cm long laceration, shallow, healing well, partial thickness (not sutured).

*Right arm:* Full thickness of skin elliptical laceration, 3 cm long, sutured with 3 stitches, over point of right elbow. Elbow very sensitive to touch. Multiple linear markings both above and below elbow, the longest being 15 cm long, with 3 others approximately 10 cm in length. All are approximately 2 mm wide.

*Left arm:* Wrist is tender, but no evidence of fracture. 2 linear markings, approximately 5 cm in length and 2 mm wide, above the elbow.

*Back:* Distinctive, half-moon shaped wound, consisting of 7 cm long semi-circular lesion, with 3 cm long vertical lesion off lower end, at level of 4<sup>th</sup> thoracic vertebra. Partial thickness, healing. Left middle back, one further lesion, depigmented, 3 cm by 2 cm, irregular in shape. 10 linear markings spread all over back, horizontally and diagonally, the longest being 30 cm, the shortest being 5 cm, and all between 2 and 5 mm wide.

Tender muscles of thighs and lower back, minor linear markings.

*Knees:* Irregular grazes. On left knee, one lesion approximately 2 cm long, 5 mm wide, with some subcutaneous tender bogginess.

## **Medical opinion**

The injuries seen are consistent with blows to the trunk and arms with blunt rough objects. The circular wound on the back could be due to a thrust with a circular object (a pipe for example). The injury to the left knee could be due to blows with rough blunt objects or fall on to rough surface.

There is consistency between the description of torture, the described symptoms and the clinical findings. The lesions, markings and tenderness are all compatible with few days old injuries, and their high number, location and linearity, are highly consistent with the statement of torture.

## **Case N**

### **Assault of elected MDC Rural District Councillor in Matabeleland North**

Date of incident: 12 October 2002  
Place of incident: Rural home in Matabeleland North  
Date of interview: 22 October 2002

### **Personal History**

Middle aged male, self employed, married with 3 children.  
MDC councillor elected on 29<sup>th</sup> September 2002 in Rural District Council elections.

### **Present violence**

On 29<sup>th</sup> September 2002, the interviewee won the position of elected councillor for his ward in the Rural District Council elections. He stood for the MDC, and Zanu-PF was very angry that he won this seat.

On 12<sup>th</sup> October 2002 at 14.00 hours, he was attacked by a group of (estimated) 200-300 Zanu-PF district members with militia and local people (some known to him; names recorded). They subjected him to challenges and insults of political nature. He was subjected to unprovoked attack as he left his house to answer the call of his wife EM, who was attacked first while she was washing plates outside.

He was taken some metres away to a thicket where stones, iron bars, knobkerries, logs and fist were used to beat his head, left arm and back. The assault, in the interviewee's assessment, lasted about 1 ½ hours.

He fainted and thinks he was left for dead. He was revived by a passer-by throwing water on him and was taken to the nearby clinic.

He had his head wounds sutured and was transferred from the clinic to the nearest hospital. His left arm and hand were x-rayed, and he was told he had two broken bones in his left arm (medical records not available at the time of examination).

### **Present health and psychological observations**

The interviewee is a lucid man, giving a clear history. He is slightly anxious, also at times angry, but controlled.

He reports aches and pains all over the body, and a temporary darkening in the colour of his urine. He has pain in his right eye and reports some dimming of vision. He has had no serious illnesses prior to the assault.

His sleep is disturbed by his physical discomfort and disturbing thoughts of his experience. His physical injuries also mean that in his assessment, he is not able to do a full-time job.

He is deeply concerned about the damage to his house (see Case Y for inventory of losses) and states the losses are irreplaceable. He is also anxious about the fact that his inability to work means loss of income, as does the fact that he is currently not feeling safe enough to return to his home area. He is unhappy about being away and has a strong sense of commitment to his constituency.

The interviewee is anxious and angry about having had death threats, and is very obviously deeply concerned about his wife and the assaults on her. He was witness to part of his wife's beating and resents that he could not save her from it.

### **Physical findings**

#### *Head*

*Eyes:* Right eye ball normal, pupil normal, infected right conjunctiva, possible early cataract. Left eye normal.

*Ears:* Old healed perforation in left eardrum; right ear normal.

*Top of head:* Healing irregular lacerations in left parietal, central, right parietal, and temporal areas, all approx 3 cm in length. Some boggy tissue in the subcutaneous tissue. All evidently treated.

*Back:* Small punctate healing wounds, on left back in posterior axillary line at level of 6<sup>th</sup> rib, and in nape of the neck.

*Chest:* Normal auscultation, but tender on springing ribs.

*Right arm:* 4 cm long, full thickness laceration over the head of the ulna, healing well.

*Left arm:* In below-elbow plaster cast; index finger dressed in a light plaster cylinder.

### **Medical opinion**

There is full agreement between the description of torture, the described symptoms and the clinical findings. The possibility of visual loss, loss of function and disability in the use of his left forearm and index finger exists. The final outcome can be established in or after 3 months. The lesions, markings and tenderness on the head, left arm and trunk, are all compatible with ten day old injuries, and their location and appearance are highly consistent with the statement of assault, placing his given history beyond reasonable doubt.

## 6.2 Quantitative evaluation of clinical cases

### ***Reported motive for attack:***

*In 9 out of 13 cases*, the reported motive for attack was the victim's real or supposed affiliation to the MDC.

In 4 of the above 9 cases, the motive for attack was that the interviewee is an official representative of the MDC: in one of these 4 cases, the victim was an official involved in election campaigning, and in 3 cases, they were candidates or office bearers for Rural District Council structures.

In 5 of the above 9 cases, ordinary affiliation with the MDC was the motive of attack.

In 1 further case, the interviewee is employed in civil society and was on these grounds accused of being part of the MDC

*In this and three other cases*, the motive for attack was reported as being partially on the grounds that the victims were Ndebele and did not speak Shona.

### ***Reported perpetrators:***

In all cases, either government officials or groups affiliated to the present government were held responsible for the violations; in many cases, perpetrators were from more than one group.

In 7 cases the police force and /or Police Internal Security Intelligence Unit (PISI) and /or CIO were implicated in the assaults.

In 6 cases, "war veterans" were implicated in the assaults.

In 4 cases, youth militia were implicated in the assaults.

In 3 cases, Zanu-PF officials were implicated in the assaults.

In 3 cases, Zanu-PF supporters not already covered by one of the above categories were implicated in the assaults.

In every single case, the actual names of at least some of the perpetrators were known to the victims, including the names of police officials implicated.

In 6 cases, those involved in perpetrating the attacks are villagers from the same community as the victims.

### ***Time period of attacks:***

5 cases occurred in August 2002 and were not directly linked to election campaigns.

3 cases occurred in September 2002 and were reported as being linked to the Rural District Council election campaign.

4 cases occurred in October 2002 in the immediate period after the Rural District Council elections and were reported as directly linked to the election outcome.

1 case occurred in late October 2002 and was directly linked to the by-election campaign for a new Member of Parliament in Insiza District.

### ***Location of incidents:***

The incidents involved 3 provinces, Matabeleland North, Matabeleland South and Midlands. All assaults took place in rural districts.

In 6 cases, the assaults took place in a police station.

In 1 case, the assault took place in a Zanu-PF office.

In 4 cases, the assaults took place in a public, well-witnessed setting.

In 2 cases, the assaults took place in the victims' homestead, in a well witnessed setting.

***Loss of property:***

2 interviewees who are married, reported extensive damage to their home including 24 smashed windows and 3 broken doors. They also reported the damage or loss of household property including their television set, blankets, food and money.

In 1 case, MDC election material and Z\$5 million was stolen.

In 1 case, civic education material was stolen.

***Type of reported torture:***

12 cases reported beating of some kind.

1 reported being shot with a pellet gun.

10 reported assaults with booted feet.

6 reported beatings while wearing handcuffs.

9 reported beatings with police batons or wooden sticks.

5 reported assaults with sharp objects, including a police belt buckle, and an axe.

2 reported deprivation of food and water for one day.

4 reported delay in access to health care, one after being shot.

***Attitude of the police:***

In 7 out of 13 cases, the police were reported as playing a primary role in the torture.

In 5 of these 7 cases, these assaults by police took place in a police station.

In 2 cases, the victims were assaulted in a public context by the police.

In 1 further case, the victim was assaulted by a Zanu-PF official inside a police station, in the presence of the police.

In 1 further case, the victim was assaulted in a Zanu-PF office adjacent to a police station, and with the knowledge of the police.

In 5 of the above 9 cases, charges were actually laid by the police against the victims, rather than against the perpetrators (which included themselves). In the remaining 4 cases, the victims were threatened with being charged in the future, if they continued to support the MDC, but were released without charge, and without being able to lay charges against their perpetrators.

In the 4 other cases, victims were assaulted by government supporters.

In 1 case, the assault took place in the presence of the police in front of Rural District Council offices. The police intervened to prevent further assault, and accompanied the victim to the clinic.

In 1 case, where the interviewee was attacked and subsequently assaulted his attackers, the police took him to hospital and opened a case against the interviewee, but not against those who had hit him with an axe.

In the 2 remaining cases, the interviewees were unable to persuade the police to open a case against their attackers in the immediate aftermath of the attack, but have the intention of trying to press charges.

In none of the above 13 cases, was an actual perpetrator arrested or charged.

***Clinical assessment of the validity of statements:***

Testimonies were assessed by comparing history of torture with ensuing symptoms and clinical findings.

All 13 cases fulfil the UN criteria for torture.

In all 13 cases the clinical findings placed the victims' testimonies beyond reasonable doubt.

## 6.3 Conclusions

- **The physical findings in all 13 cases are consistent with the allegations of the time and methods of torture suffered, and the symptoms described by the interviewees. Our examinations lead us to conclude that the interviewees' stories of torture and ill treatment as related to us are true.**
- Our investigations show beyond any reasonable doubt that in the second half of 2002, politically motivated **torture continues to take place in Zimbabwe.**
- **Groups affiliated to the Government commit torture** and ill-treatment, as indicated consistently by all cases examined in our series.
- The extremely high number of cases – 7 out of 13 – in which police officers are indicated as perpetrators, supports the assertion by other commentators that **there is an increase in torture perpetrated by the police.**
- **The fact that all individuals were tortured or ill treated for political motives, and the fact that no prosecutions against perpetrators have been made in any of the cases, points to a deliberate policy by the authorities.**
- The **pattern of impunity** is further underlined by the fact that perpetrators do not care whether they torture people who can identify them, or whether their torture or ill treatment leaves marks that can easily be recognised as caused by torture.
- **Our findings are in complete agreement with the findings of both the January and May 2002 missions, and with the descriptions of recent cases given by other observers.**

## **7. Corroboration of findings by other organisations**

### ***International***

**Amnesty International:** AI has continued to produce regular statements and Urgent Actions, expressing their deep concern about the continued abuse of human rights in Zimbabwe, and the repression of human rights activists and civil society.

Amnesty International (AI), *Zimbabwe: Political violence intensifies ahead of September local elections*, 8 August 2002. AI, *Zimbabwe: government authorities intensify their campaign to silence dissent*, 2 September 2002. AI, *Zimbabwe: orchestrated campaign targeting opposition intensifies in the run up to local elections*, 11 September 2002. AI, *Zimbabwe: violence mars rural district council elections*, 1 October 2002. AI, *Zimbabwe: Appeal to President Mbeki on African Day of Human and Peoples' Rights*, 21 October 2002. AI, *Zimbabwe: Government steps up harassment of human rights defenders*, 16 November 2002

**International Crisis Group:** *Zimbabwe: the politics of national liberation and internal division*. 17 October 2002, Harare and Brussels

**Lawyers Committee for Human Rights, New York,** *Independent lawyers and judges targeted in Zimbabwe*, statement 22 August 2002.

**Rehabilitation and Research Centre for Torture Victims:** an independent international organization based in Denmark, with 17 years' experience in treatment of torture survivors. In February 2001, they released a report on election violence linked to a by-election in Zimbabwe in January 2001.

**International Rehabilitation Council for Torture Survivors (IRCT):** this is an independent, international health professional organization, which promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide. They have produced their objective findings in two reports, in May 2000 and in June 2001.

### ***National***

**Zimbabwe Human Rights NGO Forum: Violence monitoring:** a forum of Zimbabwean, Harare-based NGOs that have monitored the violence systematically and have produced systematic reports on abuses in the country.

**Food Security network (FOSENET):** *Community assessment of the food situation in Zimbabwe*, August-September, October monthly reports, Harare.



## **8. Annexes to report**

### **Annex 1:**

#### **Affidavit by Q, on burning of homestead**

I, The undersigned Q, ID number XX do hereby make oath and state that:

- 1 I am unemployed and I reside at number 222, YY suburb in Bulawayo.
- 2 I am legally married to L with whom I have five minor children, though I have got other children born from my first wife.
- 3 On 18 October 2002 while I was at my home in YY, my wife arrived from my rural home.
- 4 On her arrival she advised that my homestead has been burnt down.
- 5 My wife advised that on 17 October 2002, three men whom I believed to be war veterans came to my home and asked for her MDC party card.
- 6 My wife enquired as to why they needed the membership card.
- 7 The three men then proceeded to burn down my bedroom which is attached to the lounge, the girls bedroom, and all the moveable property worth about \$800,000 was destroyed. On 19 October I travelled to my rural area to evaluate the damage.
- 8 I have not reported the matter to the Police as I am afraid of the repercussions.
- 9 I need to report the matter, but I have difficulty as I have been subjected to torture in the past.
- 10 The perpetrators whom I can identify were one M and two other War Veterans who illegally settled themselves at a nearby farm owned by one G who has since left.
- 11 Currently I am a member of the MDC and I campaigned for the MDC before the Rural Council Elections held on the 28<sup>th</sup> and 29<sup>th</sup> September 2002.

The facts stated above are to my best knowledge, information and belief true and correct.

This is done at Bulawayo this ..... day of October 2002.

Signed: Q

Commissioner of Oaths: BB

## Annex 2:

### Nkayi: documentation of food abuse

The notes are included here in full (hand written originals in authors' possession):

*Nkayi RDC  
P. O. Box 20  
Nkayi*

*19 March 2002*

*Beloved Councillor M*

*Congratulations man for winning against Tshombe and his whites. I saw Mr N that you sent in connection with the case of the sellouts from S, N and his whole family from S. Listen handsome guy here at YY we will have party celebrations on Saturday at the clinic. ZANU PF is celebrating its victory in the last elections. We invite you and your youth that you mentioned. I think we still need to meet the elders (you and me), because these people have clearly demonstrated that they don't want land, even the size of their fields should be really reduced. They should go stay with their whites and their Tsvangirai. Food for work money should be paid to ZANU PF people. [author's underlining]*

*Yours who will die for Zanu-PF.*

*Councillor LN*

*People who are supposed to be watched in the party*

- 1. G N's mother – BN*
- 2. Miss P's mother*
- 3. M*
- 4. In jail (prison) the guards were accused of treating Mr B nicely*
- 5. There are three people who are said to have been thrown into a dip tank with their hands tied to their backs. This was said by RM who is in jail. He alleges that the person who committed the crime was K.*

[NOTE ENDS]

### Note accompanying list from: ward F

*“These names are for people who have not been assisted because they belong to MDC. We have been labelled duikers [small antelope easy to hunt and kill], we don't receive anything from the present government since pre-elections up to now. We are not allowed to join “food for work” programmes as we are said to go to our father MDC and get fed there.”*

Note accompanying list from: ward I

*“The names listed below are for people who have worked in the “food for work” programme but have not been paid.<sup>31</sup> Even if grain from GMB comes we are not allowed to buy because we are supporters of MDC. We are also living in a tough situation because the Zanu-PF youths have come back to their bases although we have not observed what they are actually doing. The payments and the grain is manned by the war veterans and the Zanu-PF party personnel who state that we cannot benefit from anything from the government.”*

*Number of names on lists:*

Adults: 1,114  
Family members indicated: 211 (only a few lists include numbers of dependants)  
Children indicated: 112 (only a few lists include children per family)

3 children chased from school by war veterans are also mentioned.

*The numbers are not comprehensive* as most lists do not indicate number of dependants in affected families, which is why number of children is so low. Obviously, lists only cover those families the informant knows about.

By Ward:

Ward A:	23 adults	(food)
	3 children	(chased from school by war veterans)
Ward B:	181 adults	
Ward C:	103 adults,	14 youths
Ward D:	144 adults	
Ward E:	16 adults	
Ward F:	92 adults	(explanatory note)
Ward G:	49 adults	
Ward H:	37 adults	
Ward I:	185 adults	(explanatory note)
Ward K:	27 adults,	6 “youth”
Ward L:	31 adults,	129 family members,
	11 disabled adults,	34 family members
Ward M:	58 adults	worked for FFW but were not paid
Ward N:	34 adults,	12 children – FFW denied
Ward O:	6 adults,	48 family members

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<sup>31</sup> Other districts in Matabeleland North have also reported the phenomenon of MDC supporters being allowed to take part in FFW programmes but then not getting paid when the money comes. See section on Bubi following.

***Photograph 7: Case L, MDC candidate allegedly attacked by war veterans on leaving the Rural district Council nomination courts in September. Two lesions on crown of head, reportedly caused by blows with stones. Findings in complete agreement with this.***

