

COUNTRY OF ORIGIN INFORMATION REPORT

ZIMBABWE

3 JUNE 2008

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Text highlighted in green indicates new and or updated information.

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and United Kingdom Border Agency for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 3 June 2008. The 'latest news' section contains further brief information on events and reports accessed from 4 June 2008 to 9 June 2008.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by BIA caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been

included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service
United Kingdom Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UK Border Agency's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk

xii In the course of its work, the APCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

xiii Please note: It is not the function of the APCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:
Email: apci@homeoffice.gsi.gov.uk
Website: www.apci.org.uk

Latest News

EVENTS IN ZIMBABWE, FROM 3 JUNE TO 9 JUNE 2008

7 June "Aid Agency Save the Children is pulling staff out of rural areas of Zimbabwe after Robert Mugabe's government froze all aid agency field operations."
http://news.bbc.co.uk/2/hi/africa/7441765.stm
Date accessed 9 June 2008

6 June "Zimbabwe's authorities have stopped opposition presidental candidate Morgan Tsvangirai from campaigning for the 27 June election."
BBC News, Zimbabwe halts opposition rallies.
http://news.bbc.co.uk/2/hi/africa/7440237.stm
Date accessed 9 June 2008.

5 June "The detention of presidential contender Morgan Tsvangirai by Zimbabwean police for nearly 12 hours on 4 June is another instance of the orchestrated harassment of opposition Movement for Democratic Change (MDC) supporters and other organisations regarded as out of step with the 28 year rule of President Robert Mugabe, according to analysts."
IRIN News: Spate of arrests ahead of elections.
http://www.irinnews.org/Report.aspx?ReportId=78595.
Date accessed 9 June 2008.

4 June "The implementation of a food distribution scheme for 100,000 people has stalled after the Zimbabwean government suspended CARE International's operations for alleged 'political activity'."
IRIN News, Feeding scheme for 100,000 people stopped.
http://www.irinnews.org/Report.aspx?ReportId=78568
Date accessed 9 June 2008.

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Background information

GEOGRAPHY

1.01 Zimbabwe is located in southern Africa and has an area of 390,580 sq km. It is land locked and is bordered to the north-west by Zambia, to the east by Mozambique, to the south by South Africa and to the south-west by Botswana. (Jane's Sentinel Security Assessment – Zimbabwe) **[111b] (p112)**

1.02 Europa World Online notes that Zimbabwe's population stood at slightly over 13 million in 2005. **[1l]** However, one American diplomat claimed that as a result of migration and the high number of deaths from AIDS, the true figure could be as low as 8 million. (The Times, 8 July 2007) **[82r]**

1.03 The principal towns (those with a population of over 100,000) are Harare (the capital), Bulawayo, Chitungwiza, Mutare (Umtali) and Gweru (Gwelo). **[1b]**

1.04 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) stated: "In recent years urban growth has proceeded rapidly. The urban poor, operating within the highly competitive 'informal economy', are now a large and increasing part of the urban social structure." **[1c] (p1253)**

1.05 The Economist Intelligence Unit's Zimbabwe Country Profile 2007 noted that:

> "The World Bank estimates that the urban population was around 37% of the total in 2003; it grew at around 4% per year in the 1990s, much faster than the level of overall population growth, indicating continued rural migration. The population of the capital, Harare, including its Chitungwiza township, is around 2m. The population density is about 30 per sq km. The majority of Zimbabweans are Shona, with the Shona outnumbering the Ndebele by about four to one. The Ndebele live mainly in the south and west. The number of whites in Zimbabwe has dropped from a peak of about 275,000 in the mid-1970s to an estimated 70,000 - barely more than 0.5% of the population. Moreover, most of these are relatively old. The most widely spoken language is Shona and its dialects, although English, which is universally spoken in towns, is the official language." **[24e] (p19)**

1.06 Europa World Online noted that in addition to the main Shona and Ndebele ethnic groups there are, in addition, several minor ethnic groups such as the Tonga, Sena, Hlengwe, Venda and Sotho. **[1a]**

MAP

1.06



Link to a detailed UNHCR map:
http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3dee2cf00

Link to Multimap for more detailed searches:
http://www.multimap.com/map/browse.cgi?client=public&X=3500000.46709432&Y=-2000000.42080272&width=700&height=400&gride=3456915.46709432&gridn=-2004490.42080272&srec=0&coordsys=mercator&db=w3&addr1=&addr2=&addr3=&pc=&advanced=&local=&localinfosel=&kw=&inmap=&table=&ovtype=&keepicon=true&zm=0&scale=10000000&in.x=6&in.y=10

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ECONOMY

2.01 Amnesty International reported on 25 July 2007 that: "Zimbabwe is in the midst of what the World Bank has called unprecedented economic decline for a country in peacetime… The standard of living in Zimbabwe, including average life expectancy is at its lowest level in over thirty years; 45% of the population is malnourished, one of the highest rates in the world." **[14e] (p2)**

2.02 The Economist Intelligence Unit notes in Zimbabwe Country Profile 2008, that:

"The situation is even worse than figures from the RBZ indicate, as the official statistics are based on prices fixed by the government, and goods are not available at those prices. Recent data from the IMF indicate that Zimbabwe's inflation rate for January reached 150,000%. The IMF document was distributed to government and RBZ officials who attended an IMF seminar in Harare in mid-December that was held to educate key officials about hyperinflation, according to the ZimOnline news agency. The document said that in November 2007 Zimbabwe's inflation had reached 85,000%, and by December it had reached 115,000%. The document went on to blame the inflation rise on the government's over-reliance on money printing to fund its operations, as well as the mismatch of exchange rates…The document warned that inflation was likely to continue to increase unless the government instituted comprehensive policy measures. However, these are unlikely to be implemented in the near future. Indeed, the decision by the RBZ to print new, higher-denomination notes in early 2008 to ease cash shortages (see Economic policy) will only worsen the inflation problem." **[24k]**

2.04 *The Times* on 15 June 2006 noted that a significant shortage of foreign exchange meant that "… essentials such as antiretroviral drugs and water-purifying chemicals for cities are almost impossible to acquire." **[82h]** The Institute for War and Peace Reporting quoted the chairman of the National Constitutional Assembly in its report of the 9 June 2006 as saying: "Poverty and suffering are growing by the day. It's just a matter of time before inflation sparks civil disobedience." **[77a]**

2.05 The USSD Consular Information Sheet, updated on 9 May 2007, noted the deteriorating economic conditions by reporting that: "Zimbabwe is currently experiencing a significant nationwide fuel shortage. In the past, drivers have spent days parked in lines at gas stations waiting for fuel." **[2g]**

2.06 The Foreign and Commonwealth Office (FCO) Country Profile for Zimbabwe, last reviewed on 11 January 2008, notes:

"In spite of having well-developed infrastructure and financial systems, Zimbabwe's economy has declined rapidly since the late 1990s. Real GDP declined by almost 30% between 1997 and 2003. All sectors of the economy have been affected, especially agriculture. Between 2000 and 2004, the national cattle herd shrank by 90%, and the production of flue-cured tobacco declined from 237m kg to 70 m kg. Inflation reached a peak of nearly 1200% in 2006 and was estimated to be in the region of 100,000% by the end of 2007.Unemployment is reportedly more than 80%. Periodic crisis measures - such as currency devaluation in July 2006 - have failed to reverse the decline.

"Agriculture is the most important sector of the economy, but has been severely disrupted by land resettlement. This has led to a collapse in investor confidence and the flight of capital. Lack of foreign exchange has led to critical shortages in fuel and other imported commodities, including power.

"The IMF suspended payments to Zimbabwe in 2000, following the government's decision to abandon IMF public spending guidelines (including payment to 'war veterans', the cost of which amounted to 3% of GDP). In 2000 the country went into arrears at the World Bank, and at the IMF the following year, effectively cutting off co-operation with either institution.

"In December 2003, a procedure for Zimbabwe's expulsion from the IMF was initiated, but this was avoided when in February 2006, Zimbabwe settled its arrears to the General Resources Account (resources lent at standard Fund terms including the Stand By Arrangements of the late 1990s).

"Zimbabwe's voting rights with the IMF have not been re-established, however, as Zimbabwe also has exchange restrictions and multiple currency practices. These are inconsistent with the obligations of Article VIII of the IMF relating to areas including restrictions on international transactions."
[13c] (Economy)

2.07 AllAfrica.com reported on 13 June 2006 that the Zimbabwean government had "… rejected a recommendation by an U.N. committee that the cash-starved African nation be 'downgraded' to the status of a least developed country (LDCs, the poorest of the world's poor)." The article pointed out that acceptance of LDC status would benefit the country by allowing "… duty-free, quota-free market access and special attention for official development assistance (ODA)." In addition, "… the U.N. system as a whole, in particular its funds and programmes, provide increased support to LDCs in terms of resource allocation and technical assistance." However, the status of LDC can only be implemented with the approval of the country concerned and the Zimbabwean government has refused to accept the UN's recommendation' seeing the LDC status as an admission of economic failure. **[50a]**

2.08 The Institute for War and Peace Reporting noted in a report dated 9 June 2006 that "Eighty per cent of all Zimbabweans now live in abject poverty on the equivalent of less than one US dollar a day." **[77a]** As an example of the average monthly pay of ordinary workers in Zimbabwe, the Institute for War and Peace Reporting noted in November 2007 that a factory administrator earned around Z$ 5 million, while a teacher could expect to earn Z$ 12 million. The factory administrator's salary of Z$ 5 million per month could only buy "five bars of washing soap". **[77y] (p5)** A further indication of how little an average salary can buy was demonstrated when the cover price of daily newspaper *The Herald* doubled in price on 21 November 2007 to Z$ 300,000. **[38u]** Peta Thornycroft, a respected journalist writing a 'blog' for *The Daily Telegraph,* noted on 8 December 2006 that the two things that prevent Zimbabwe from slipping into complete financial ruin were revenues from platinum mining and remittances from its international Diaspora. "Zimbabweans in the UK and South Africa, many of them slaving away at tough jobs, send money or goods home to their families," thereby providing a much needed financial lifeline to families. **[5i]**

2.09 The Economist Intelligence Unit stated in the Zimbabwe Country Report, dated December 2007, that:

"In another manifestation of the collapse of the economy and government services, notably the provision of clean water and sanitation, a major outbreak of dysentery has been recorded in Harare in the last few months. More than 200 cases of dysentery were confirmed in Harare in October and the numbers continued to increase in November, according to the city's health department." The Economist also noted that four people died of dysentery in the north-western town of Karoi in late November. The capital, Harare, and Zimbabwe in general used to enjoy one of the best public health records in Sub-Saharan Africa, but the breakdown in properly treated water supply, and the increase in the homeless population and malnutrition have contributed to increased incidences of previously preventable diseases." **[24c] (p18)**

2.10 On 5 February 2006, BBC News reported that: "Power cuts already blighting Zimbabwe are set to get worse because of a lack of coal supplies for electricity generators, state-run media reports. The state electricity provider is also reported to be unable to pay its debts to suppliers and transport companies. **[3au]** The Economist Intelligence Unit stated in its Zimbabwe Country Report dated December 2006 that power shortages continued throughout year. These "power outages" had a significant effect on industry, further reducing its ability to bring in much needed foreign exchange. **[24h] (p33)**

2.11 The Solidarity Peace Trust, in a report dated 30 August 2006, noted that in an attempt to tackle hyper inflation the Reserve Bank of Zimbabwe launched 'Operation Sunrise' during July/August 2006. The bank introduced a new set of monetary bearers cheques (effectively the standard currency) that has devalued the currency by removing three noughts from each denomination: "…i.e. Z$ 1,000 has become worth Z$ 1." The report commented that "In Zimbabwe's hyperinflationary economy where people now carry money in boxes, this measure is overdue." **[65b] (p19)** ZimOnline reported on 2 August 2006 that the changes announced by Gideon Gono, Governor of the Reserve Bank of Zimbabwe, were aimed at smashing the grey market and bringing most of the currency back into the formal market. As part of this fight against illegal trading on the grey market, the report noted that Mr Gono was also "…planning to introduce a new Zimbabwe currency in the near future. Gono said the new currency would be introduced without prior warning [Zimbabweans were given 21 days for the current changes] and the public would have seven days to get rid of their old notes." **[49q]**

2.12 News24 reported on 23 November 2007 that Central Bank Governor Gideon Gono announced that the country would imminently be issuing new currency bills. The change in the currency, the second in a little over a year, will remove a further three noughts from bank notes. By way of explanation for the introduction of the new currency, Mr Gono accused speculators of hoarding cash and black market money dealing. [38u] ZimOnline reported on 28 November 2007 that the introduction of the new currency is expected to take place during the first or second week of December. Mr "… Gono has already set December 1 as the final date for depositors to hand in cash to local banks without having to justify the source of the funds." **[49cq]** Bulk deposits of cash after that date could effectively be confiscated without convincing proof of its

origins. Any money not deposited at the bank by the deadline (to be announced – mid December) would become worthless. **[38u]**

2.13 SW Radio Africa reported on 30 October 2007 that: "A severe shortage of bearers cheques has hit the country and the Reserve Bank of Zimbabwe (RBZ) is reported to be drafting plans to introduce a new currency." The shift to a new currency was reported to be "… an attempt by the RBZ to lower the exchange rate and to limit hoarding. The exchange rate for US$1 surpassed the Z$1million mark in mid October. **[138ab]**

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INDIGENISATION AND EMPOWERMENT BILL

2.14 The Economist Intelligence Unit noted in its October 2007 Zimbabwe report that:

"Despite the negotiations, sponsored by South Africa, to find a political settlement and plan Zimbabwe's economic recovery, Mr Mugabe is aggressively promoting legislation that will further extend his control over the private sector. The indigenisation and empowerment bill is designed to force all companies and banks to cede 51% of their shares to black Zimbabweans. Similarly, the mining bill will force all mining firms to transfer 51% of their shares to black Zimbabweans. The estimated value of Zimbabwe's mining industry is around US$20bn: assets of US$10bn would therefore have to change hands. Zimbabwe's Chamber of Mines has stated that it does not believe that either the government or 'historically disadvantaged persons' will be able to raise the funds needed to purchase the shares. One example of what is at stake is Rio Tinto's diamonds and minerals group in Zimbabwe. The company says that US$250m in future investment in Zimbabwe depends on how empowerment legislation is implemented. Rio Tinto has been in Zimbabwe's mining sector for 50 years and has spent US$100m expanding Murowa Diamonds since the discovery of diamonds 14 years ago. The operation, which is 77.8% owned by Rio Tinto, is capable of producing 300,000 carats/year of diamonds. The remaining share of the mine is owned by Rio Zim, an independent local company listed on the Zimbabwe Stock Exchange." **[24b] (p11-12)**

2.15 The Voice of America reported on 11 October 2007 that the Bill had been passed by the Zimbabwean parliament and was awaiting President Mugabe's signature to become law. However, the article questioned whether the law would be fully implemented or not especially with regards to foreign owned mining and banking companies. **[83l]**

2.16 In addition to the 'Indigenisation and Empowerment Bill' *The Times* reported on 21 November 2007 that the Zimbabwean parliament passed a further Bill called the 'Mines and Minerals Amendment Bill' that will empower the Government to seize "… 51 per cent of companies mining strategic fuels and minerals…" However, the article explained that while the Government committed to pay for 26 per cent of the shares in these companies, the remaining 25 per cent of shares will be seized without payment, dividends earned from the seized shares will be used to pay for 'purchased' shares. Mining, in particular the mining of platinum, produces billions of dollars (US$) a year for the Zimbabwean economy and the production of platinum is set to double in output to around £10 billion over the next year or two. "The

proposals are regarded by economists as the logical extension of the lawless invasions of white owned farms that began in 2000 and set off the [severe economic] decline…" **[82t]**

2.17 BBC News reported in an article, dated 9 March 2008, that:

"Zimbabwe's President Robert Mugabe has approved legislation giving local owners the right to take a majority share of foreign companies.
Mr Mugabe's formal approval of the Indigenisation and Economic Empowerment Bill comes three weeks ahead of his country's presidential elections. Under the legislation, every company must have at least 51% of their shares owned by black Zimbabweans. If not, the government will block new investment, mergers or restructuring. The new law means some of the country's biggest businesses - such as the mining giant, Rio Tinto, and Barclays Bank - will have to find local partners." **[3bf]**

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HISTORY

3.01 Europa World Online – Zimbabwe (retrieved 17 July 2006) noted that the country that is now Zimbabwe was established in 1923 as the British colony of Southern Rhodesia. In 1965, the white-dominated Rhodesia Front administration of Prime Minister Ian Smith made an illegal unilateral declaration of independence (UDI) for Rhodesia from the United Kingdom. The Republic of Zimbabwe achieved formal independence from the United Kingdom on 18 April 1980. **[1d] (p1-3)**

3.02 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005): stated that, following UDI, black nationalists organised the fight for majority rule. The principal nationalist groups were the Ndebele-dominated Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Shona-dominated Zimbabwe African National Union (ZANU), led initially by the Reverend Ndabaningi Sithole and later by Robert Mugabe. **[1c] (p1254-55)**

3.03 Europa 2005 went on to state that ZAPU and ZANU merged their military efforts in 1976 in the uneasy Patriotic Front alliance. In 1979, according to Europa 2005, the UDI administration concluded an 'internal settlement' with some black nationalists, under which Bishop Abel Muzorewa became Rhodesia's first black Prime Minister. Later in 1979, all parties to the conflict participated in the Lancaster House Conference in London, which agreed an independence settlement. **[1c] (p1254)**

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POST-INDEPENDENCE

3.04 Europa 2005 records that initially Robert Mugabe adopted a conciliatory stance, uniting the Rhodesian forces and the ZANU and ZAPU guerrilla armies into a single force. This did not last and Mugabe was soon pressing the case for a one-party state, opposed by Joshua Nkomo. Mugabe demoted Nkomo in 1981 and, following the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland, dismissed him in 1982 amid accusations that he was trying to overthrow the government. **[1c] (p1254-55)**

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MATABELELAND INSURGENCY 1983–87

3.05 Europa 2005 states that the alleged discovery of large caches of arms on ZAPU-owned properties in Matabeleland in 1982 led to Joshua Nkomo's dismissal from government office. Dissidents from Nkomo's former guerrilla force, ZIPRA, perpetrated indiscriminate acts of violence. The Government responded by sending the North Korean-trained Fifth Brigade to Matabeleland in early 1983 to quell dissent. The mainly Shona Fifth Brigade was accused of committing atrocities against civilians in its 'pacification' campaign and it alienated support for the Government amongst Matabeleland's Ndebele population. It has been estimated that as many as 10,000, civilians died during the Fifth Brigade's campaign. **[1c] (p1254-55)** An article published by

Worldpress.org on 12 March 2006 stated that the number killed could have been up to 20,000 civilians. **[144]**

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MATABELELAND INSURGENCY – POLITICAL DEVELOPMENTS

3.06 Europa 2005 noted that a unity agreement between ZANU-PF and ZAPU was reached in 1988. The merged party retained ZANU-PF's name and Nkomo became one of two vice-presidents and took a senior cabinet post. An amnesty in 1988 led to a rapid improvement in the security situation in Matabeleland. Constitutional changes in 1987 ended reserved seats for whites and created an executive Presidency, replacing the ceremonial post of President formerly held by Canaan Banana and incorporating the post of Prime Minister. Mugabe became Zimbabwe's first executive President at the end of 1987. **[1c] (p1255)**

3.07 In July 1999, *The Independent* noted that on 19 October 1999, at Vice-President Joshua Nkomo's funeral, President Mugabe expressed his regret for the actions of the Fifth Brigade in Matabeleland during the 1980s. At a memorial service for Nkomo in October 1999, Mugabe announced the willingness of the Government to compensate the families of the thousands of people killed during the insurgency. **[4g]** Further promises of compensation projects were made in June 2002 by John Nkomo, the then Minister for Home Affairs, but according to the *Zimbabwe Standard* on 13 July 2003 this compensation had not been paid. **[20f]**

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LAND REFORM

4.01 The Economist Intelligence Unit's Zimbabwe Country Profile 2008 noted that:

"Land has always been a central and controversial issue in Zimbabwe because of highly skewed distribution. Until 2002 about 30% of agricultural land was covered by around 4,500 commercial farms, which were mainly white-owned. Acute land pressure in the communal areas, brought about by high population growth rates coupled with the need to correct a historical injustice, has made land redistribution a pressing issue. However, it has really only been raised as an issue for political reasons, notably the president's waning popularity since 1999." **[24e] (p15)**

4.02 The House of Commons Research Paper 05/58 '*Zimbabwe after the 2005 parliamentary election*' dated 18 August 2005, noted that: "The occupation of white-owned farms began after the Government was defeated in the February 2000 constitutional referendum, which was intended to empower the State to acquire land compulsorily without compensation. The House of Commons Research Paper noted that:

"Since 2002 it is estimated that the Zimbabwe Government's land reform programme has dispossessed some 4,000 out of 4,500 white commercial farmers. Many white farmers have left Zimbabwe to farm in other African countries or elsewhere, and most of those remaining have entered into business agreements with black Zimbabweans, with the aim of protecting their farms. Although the Government has issued acquisition notices for most of the remaining white owned farms, the rate of acquisitions has been slow." **[104] (p.18)**

4.03 However, the House of Commons Research Paper went on to note that:

"On 2 March 2005 President Mugabe admitted that most of the farms transferred to black ownership had never been used and that millions of acres of prime agricultural land were lying empty and idle. The President expressed disappointment that only 44% of the land distributed was being fully used, and warned farmers that the Government would not hesitate to redistribute land that was not being utilised. The new farmers are unable to raise bank loans, because their properties are owned formally by the Government and they have no individual title deeds. Without loans, they are unable to buy seed, fertiliser or farming equipment, and the Government is reported to have broken a pledge to supply them with tools." **[104] (p.19)**

4.04 The United Nations report of "*Operation Murambatsvina*" published on 18 July 2005, placed the question of land redistribution into an historical context, noting that:

"President Mugabe's own contribution to South Africa's independence is especially important. Apparently, had it not been for South Africa's liberation, land acquisition might have come much earlier in Zimbabwe and independently of MDC politics. However, President Nyerere of Tanzania is reported to have prevailed over this issue, arguing that 'a forced land take over in Zimbabwe would forever jeopardize the South African liberation project and that Zimbabweans must wait before they could get back their land'. With Nelson Mandela free, South Africa out of Apartheid and with promised donor

assistance to buy back the land not forthcoming, a forced acquisition of land in Zimbabwe was inevitable." **[25] (p.18)**

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SANCTIONS AND COMMONWEALTH SUSPENSION

5.01 The ZimbabweGuardian reported in an article, dated 21 February 2008, that:

"The EU has renewed its sanctions targeted against the government of President Robert Mugabe in Zimbabwe. Under the sanctions, which have been extended until 19th February 2009, key figures in the regime are prevented from travelling to Europe and are subject to an asset-freeze." **[150]**

5.02 On 25 June 2007 the European Union updated and renewed its list of Zimbabweans subject to the travel ban and assets freeze. The list names 131 prominent politicians, military figures and senior civil servants. European Legislatitive Journal: Council Decision 2007/455/CFSP **[33]**

5.03 On 12 December 2003 the Commonwealth Secretariat announced that Zimbabwe had terminated its membership of the commonwealth the previous day. **[36]** An up to date list of Zimbabweans subject to sanctions/travel ban can be found at the following link:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:172:0089:01:EN:HTML

5.04 The International Crisis Group, noted in a report entitled 'Zimbabwe: A Regional Solution?' (Dated 18 September 2007), that:

"Western sanctions – mainly targeting just over 200 members of the leadership with travel bans and asset freezes – have proven largely symbolic, and general condemnations from the UK and US if anything counterproductive because they help Mugabe claim he is the victim of neo-colonial ambitions. **[100e] (Executive Summary and Recommendations)**". In August 2007, Australia expanded its sanctions, announcing it would withdraw school visas for children of senior ZANU-PF leaders. The U.S. says it will do the same, while the EU appears divided. … To have a possible policy impact in Zimbabwe now, they would also have to target foreign individuals and businesses which cooperate with the ZANU-PF establishment, including all Western, African and Asian banks and businesses currently operating in and with the country. While the UK appears to be an EU hardliner on sanctions, British banks and insurance companies and their South African partners have continued to do business as usual." **[100e] (p19)**

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ELECTORAL HISTORY

PARLIAMENTARY ELECTIONS - MARCH 2005

6.01 On 13 January 2005 the *South African Sunday Times* reported that:

> "'Zimbabwe's opposition has been exposed to lower levels of political violence in the run up to March polls compared to previous elections opposition leader Morgan Tsvangirai said.' He is also reported to have said that, 'although pockets of rogue elements still exist here and there, by and large, we have witnessed a decrease in cases of open violence against political opponents." Mr Tsvangirai continued, 'Through latter day exhortations to its supporters to display some form of civility in the run up to the next election, the regime is, at least, sending out a positive signal to the people. I must recognise and record what appears to be a change of rhythm within the police force, especially the force's public stance towards direct, physical violence'." **[74]**

6.02 BBC News reported on 1 February 2005 that President Mugabe announced that the 2005 parliamentary elections would be held on 31 March. The BBC reported that Mr Mugabe had promised to abide by a set of regional guidelines to ensure that elections were free and fair. **[3l]** However, the Movement for Democratic Change (MDC), which had been calling for the elections to be delayed to allow time for reforms to the electoral system to be passed, faced a difficult decision as to whether they should take part. **[77f]** The MDC which last year said that they would boycott all further elections until reforms had taken place announced that they would review their position and announce their decision later in the week. **[3l]** The Institute for War and Peace Reporting noted on 4 February 2005 that a vote put to the MDC's grassroots membership, had voted overwhelmingly in favour of participation in the March elections. It was argued that if the MDC failed to challenge Zanu-PF, the party would be at risk of becoming politically irrelevant, leaving an unchallenged Mugabe free to establish a de facto one-party state. **[77e]**

6.03 BBC News reported on 31 March 2005 that, "About 8,000 polling stations opened across Zimbabwe at 0500 GMT." **[3h]** *The Guardian* noted on 31 March that, "Zimbabweans formed long queues outside polling stations today as voting began in elections most observers expect will be rigged in favour of President Robert Mugabe's Zanu-PF party. Despite light rain, residents of the capital, Harare, started gathering at the polls up to three hours before they opened. There were some delays as electoral officials completed last minute preparations under the watchful eye of police." **[34g]** The BBC further noted that "Human rights groups say there has been little violence or open intimidation during the campaign, as in the 2002 elections. But they say the media restrictions and security laws have impeded the fairness of the vote…Almost six million voters have registered for the poll, but independent researchers suggest hundreds of thousands of them could be 'ghost voters' – duplicated names of dead people whose votes could be cast fraudulently. The government has dismissed all such reports as groundless." **[3h]**

6.04 CNN reported on 31 March 2005 that the polls had opened in Zimbabwe in an election that President Mugabe had promised would be fair and free. "But the European Union and other international observers say his suppression of the opposition has made a sham of the election, calling it 'phoney'." The report

noted that up to 3.4 million Zimbabweans living outside the country were barred from casting their votes in the election. **[51b]** *The Guardian* noted that most of the 3.4 million Zimbabweans who had been barred from voting would have been expected to vote for the MDC. **[34d]**

6.05 *The Guardian* noted in a further report on the 31 March 2005 that: "Army officers have been placed in charge of polling stations and ballot boxes have been made of transparent plastic so opposition voters can be identified. Opponents say the memories of violence in previous elections are fresh and likely to dissuade Mr Mugabe's critics from voting." **[34g]**

6.06 The Institute for War and Peace Reporting (IWPR) reported on 31 March 2005 that "'Zombie Voters Key to Poll Outcome.' The IWPR noted that the ruling Zanu-PF party would swing the election in its favour through the manipulation of the voter registration list. The IWPR noted that there were estimates of between one and two million 'zombie voters', voters (of a total electorate of 5.7 million) who were either dead, resident outside the country or people who had been registered twice. "Opposition politicians and human rights organisations, who were denied the right to inspect the voter registration lists by the ruling Zanu-PF government, believe it is these phantom ballots that will be the most spectacularly manipulated by Mugabe's officials to secure a Zanu-PF victory." **[77d]**

6.07 The Institute for War and Peace Reporting (IWPR) dated 31 March 2005, went on to note that in addition to 'zombie voters' there was a significant block of about 350,000 disenfranchised farm workers who as victims of Mugabe's land seizure programme were now rendered homeless and, in most cases, without the necessary paperwork in which to register to vote. The IWPR also noted that many former farm workers were now so impoverished that if they were still entitled to vote many would be unable to afford to travel to their original farm constituencies to verify their details on voter's rolls. **[77e]**

6.08 The International Crisis Group (ICG) reporting it's findings of the election on 7 June 2005, noted that:

"The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) secured 78 seats, the opposition Movement for Democratic Change (MDC) 41, while one went to the independent former Information Minister, Jonathan Moyo. President Robert Mugabe used his discretionary power to appoint another 30 hand-picked members, bringing ZANU-PF's total to 108, more than the two-thirds majority in a body of 150 that allows it to amend the constitution without regard for opposition views. Rather than change Zimbabwe's difficult political and social dynamic, the results indicate the status quo will hold, at least in the short-term." **[100a] (introduction)**

6.09 The ICG went on to note that:

"As with most previous Zimbabwe elections, opinion was sharply split as to whether the exercise was free and fair. Observers from the African Union (AU), the Southern African Development Community (SADC) and South Africa endorsed the elections as reflecting 'the will of the people' of Zimbabwe. The opposition MDC and major international players such as the U.S. and UK called them neither free nor fair. A number of Zimbabwean civil society organisations also weighed in with reports highly critical of the elections,

including the Crisis Coalition, Zimbabwe Lawyers for Human Rights and the Zimbabwean Election Support Network. Citing discrepancies in the initial and final vote tallies, the MDC claimed it had actually won 94, rather than 41 races, released a dossier detailing vote count discrepancies in 30 constituencies, and said it would challenge some of the results in the new election court. On 13 April 2005, it put out a report, 'Stolen – How the elections were rigged', in support of its claims." **[100a] (introduction)**

6.10 Summing up their finding of the election, the International Crisis Group considered "that by any objective standard, the election was neither free nor fair." It noted that, "While the means employed to capture the election were more sophisticated and less violent than in the past, the result was the same. To find otherwise, it was necessary to look past ZANU-PF's systematic use of propaganda, violence, electoral manipulation, targeted disenfranchisement and abuse of humanitarian relief." **[100a] (introduction)**

6.11 ZimOnline, noting post-election violence, reported on 7 April 2005 that:

"Retribution is quietly gathering pace days after Zimbabwe's disputed election with several dozens of opposition supporting families denied food or beaten up and forced to flee their homes, ZimOnline has established…. In Gwanda, in Matabeleland South province, 45 MDC supporters were beaten up and told they will no longer be allowed to buy maize from the state Grain Marketing Board, the only supplier of the staple food in the hunger stricken district." **[49k]**

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SENATE ELECTIONS - NOVEMBER 2005

6.12 The Economist Intelligence Unit stated in its Zimbabwe Country Report dated December 2005 that:

"After an unenthusiastic campaign, the November 26th elections for the newly reconstituted Senate were easily won by the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), which secured 43 of the 50 elected seats in the upper house. Voters' lack of interest in the elections was clearly evident from the fact that less than 20% of the country's 3.2m registered voters bothered to cast their ballots, which, according to the Zimbabwe Election Support Network, was a record low for all post-independence elections. The low turnout no doubt also reflected the fact that ZANU-PF's victory was a foregone conclusion as only 31 of the 50 elected seats were contested. The remaining 16 seats in the 66-seat Senate were appointed by the president, Robert Mugabe, who controls the appointment of 10 traditional chiefs and six additional members. Edna Madzongwe, a staunch Mugabe loyalist and previously the deputy speaker of parliament, was named president of the Senate.

"Turnout also seems to have been affected by scepticism amongst the electorate as to whether the Senate is worth having at all. Zimbabwe had a Senate when it became independent in 1980. But in 1990 Mr Mugabe's government of the time passed a constitutional amendment that abolished the Senate, arguing that the upper house was extraneous and a waste of money.

This concern seemed to have been entirely forgotten when, earlier this year, Mr Mugabe put forward the 17th constitutional amendment to re-establish the Senate, despite the fact that it is estimated that it will cost the taxpayer about US$6m per year. Moreover, for many the cost is even more of a concern now because the country's economy is in collapse. In light of this, it was perhaps not surprising that many voters simply regarded the Senate as a way for Mr Mugabe to increase his patronage and the 'number of carriages on the ZANU-PF gravy train' and, as a result, refused to vote. The low turnout also indicates a worrying decline in the population's faith in democracy." **[24c] (p13-14)**

6.13 The Zimbabwe Situation reporting *The Globe and Mail* (Canada) on 26 November 2005 noted that "Hunger trumps democracy in Zimbabwe vote. Embattled Zimbabweans showed little enthusiasm Saturday for a new Senate, forming longer lines in some areas to buy scarce food supplies than to vote for a body criticized as a costly ploy to strengthen President Robert Mugabe's grip on power." The report noted that, in Harare, there were more electoral officials than voters at many of the capital's polling stations, with many people choosing to queue for sugar in Harare's northern and eastern supermarkets rather than voting. **[89g]**

6.14 On the subject of low voter turnout, the Economist Intelligence Unit noted in its Zimbabwe Country Report dated December 2005 that:

"Turnout at the polls also seems to have been undermined by the ongoing problems within the opposition Movement for Democratic Change (MDC), which further undermined the already limited enthusiasm for the polls. In fact, unlike all election campaigns since 2000, the weeks before the Senate polls were not marked by significant violence between ZANU-PF and the opposition. Instead, more fighting was reported between two factions of the MDC, which had split following an intense internal debate over whether to take part in the Senate polls. The question of whether or not the MDC should contest elections in Zimbabwe is hardly new. In fact, the party had already had a similar debate in the run-up to the parliamentary election earlier this year. This time, however, the divisions seem to have been much more bitter and public, to the extent that the party now appears to be irrevocably divided." **[24c] (p14)**

(For additional information see: **17.16 - The Movement for democratic Change** for additional information on division within the party)

6.15 The Zimbabwe Election Support Network (ZESN) noted on 27 November 2005 that the elections took place in a relatively peaceful atmosphere. Only one minor incident of violence was reported at Zengeza Primary School, Chitungwiza, where two youths were arrested for allegedly trying to influence voters. **[103c]**

6.16 Suggesting the rationale behind President Mugabe's re-introduction of the Senate, the Media Institute of Southern Africa noted that: "The Senate project is largely viewed as a ploy to appease disgruntled members of the ruling Zanu PF party. Political analysts say the Senate project smacks of increasing paranoia and obsession with retention of power meant to curb divisions and dissent within the ruling Zanu PF's rank and file and avert a dogfight for the highest office ahead of President Mugabe's planned exit in 2008." **[116] (p4)**

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BY-ELECTIONS IN 2005

Bulawayo

6.17 On 15 August 2005, *The Scotsman* reported that the MDC retained Bulawayo in the mayoral elections. "State radio announced yesterday that Mr Ndabeni-Ncube, the sitting mayor, had received 29,575 votes against 5,509 for Dickson Abu-Basuthu, a virtually unknown candidate from Zanu-PF. Mr Ndabeni-Ncube said his victory pointed to the government's growing unpopularity. The clean-up exercise [Operation Murambatsvina] 'was just the last nail in the coffin' for the ruling party, he told *The Scotsman*…. Yesterday Mr Ndabeni-Ncube said the displacement of voters contributed to Saturday's low turnout of just 10.7 per cent." **[98a]**

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BY-ELECTIONS IN 2006

Budiriro

6.18 The Zimbabwe Election Support Network (ZESN), reporting the outcome of the Budiriro by-election held on 20 May 2006, noted that the MDC's (Tsvangirai faction) Emmanuel Chisvuure beat the ZANU-PF candidate, Jeremiah Bvirinfi and Gabriel Chaibva of the MDC (pro-senate faction). Mr Chisvuure beat his nearest rival (Chaibva) by 3,998 votes with a winning poll of 7,949 votes. **[103a]** The Zimbabwe Situation, reporting the *Zim Standard*, noted on 21 May 2006 that there were only two minor incidents of violence/disruption reported during the by-election. **[89w]**

Chikomba and Rushinga

6.19 On the 9 October 2006, ZESN reported the outcome of the Chikomba and Rushinga parliamentary by-elections that took place on 7 October. "Both Rushinga and Chikomba are located in the remote rural areas of Mashonaland Central and East respectively. These provinces are traditional ZANU PF strongholds in which the opposition MDC has never won any major election or by-election since 2000. Previously these provinces have been described as 'no go' areas for the opposition and civic organisations." However, ZESN reported that the MDC was able to hold rallies in Chikomba with Morgan Tsvangirai addressing two rallies there on 5 October. Morgan Tsvangirai's spokesman however, stated that the party had "…been unable to hold any rallies in Rushinga following the police's refusal to grant clearance under the Public Order and Security Act". Large numbers of voters were denied the vote for reasons ranging from a lack of proper ID through to names not being on the voters' roll. In spite of the large number of people who were prevented from voting, the elections were reported to have been peaceful with no reports of politically motivated violence. **[103b]**

6.20 However, a report from SW Radio Africa on 6 October 2006, noted that in the days before the by-elections there were numerous reports of politically motivated violence. The report stated that: "A spokesman for the Tsvangirai MDC, Nelson Chamisa says ruling party mobs are turning the two

constituencies into no-go areas for the opposition. The MDC candidate in Chikomba reportedly had his garage and shop vandalised by suspected Zanu PF supporters.

"MDC supporters in the two areas are said to be unable to wear their party regalia [T-shirts and badges] because of harassment and intimidation. The Mupati and Sadza areas are particularly volatile and according to Chamisa have witnessed several beatings. The ward chairperson and organising secretary for Sadza have all been beaten up by ruling party mobs. Several other supporters have met the same fate.

"Other reports suggest soldiers have been deployed in the area and are beating up people suspected to sympathise with the MDC. … It's reported that an MDC candidate in Gokwe South had his house burnt down by ruling party supporters." **[138c]**

6.21 ZESN noted that ZANU-PF held both constituencies with an increased lead over the MDC. In Chikomba, Stephen Chiurayi won with 11,247 votes over the MDC's Amos Jiri who took only 4,243 votes. In Rushinga, Lazarus Dokora won with 13,642 votes over the MDC's Kudakwashe Chideya who only took 1,801 votes. **[103b]**

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BY-ELECTIONS IN 2007

Chiredzi

6.22 NewZimbabwe.com reported on 19 February 2007 that: "Zimbabwe's ruling Zanu PF party retained a key parliamentary seat in a by-election for the Chiredzi South constituency…" Kallisto Gwanesta of the ruling ZANU-PF polled 10,401 votes against the MDC's (Tsvangirai faction) Emaculate Makondo who took 3,300 votes. Voter turn-out was low with 29 per cent of registered voters turning up to cast their ballots. "A spokesman for the Tsvangirai-faction of the MDC claimed that 50 of their polling officers had been removed from polling stations. 'The Zimbabwe Electoral Commission refused to accept our polling agents arguing that they had not seen a published list of their names as required law,' said Ian Makone, a party spokesman." **[41g]** While little in the way of violence was reported from the by-election, SW Radio Africa noted on 16 February 2007 that the ruling party candidate, Kallisto Gwanesta, received logistical assistance from the army in the run up to the election. Gwanesta, a serving lieutenant colonel in the army was accused of using army vehicles to ferry ZANU-PF supporters around the constituency and to conduct his campaign. **[138n]**

Zaka East

6.23 NewZimbabwe.com reported on 13 June 2007 that:

"Zimbabwe's ruling Zanu PF party retained the Zaka East parliamentary seat in a weekend by-election boycotted by the two splinter groups of the main opposition Movement for Democratic Change (MDC). Zanu PF's Rtd Brigadier General Livingstone Chineka polled 11 152, with Nicholas Shanga of the little-known United People's Party, coming a distant second with 1 117 votes.

Lameck Batirai of the People's Democratic Party came third with 622 votes. Officials say the voter turn-out only represented 27.1 percent of the registered voters…" **[41h]**

PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN 2008

6.24 BBC News reported in an article 'Zimbabwe passes 2008 election law', dated 20 September 2007, that:

"Zimbabwe's parliament has passed a compromise bill on constitutional change that will allow presidential and parliamentary elections in 2008. Members of parliament from both the ruling Zanu-PF and the fractured opposition Movement for Democratic Change (MDC) supported the bill. All 111 MPs present voted in favour of the bill to amend the constitution.

"The bill, the result of talks led by South Africa, allows parliament to pick President Robert Mugabe's successor. The amendments are expected to re-draw electoral boundaries, increase the number of MPs and bring forward parliamentary elections by two years. The bill also allows parliament, dominated by Mr Mugabe's Zanu-PF, to choose a presidential successor if the incumbent does not finish his term in office.

"The MDC supported the bill because it will eliminate appointed MPs from parliament and will make the commission in charge of re-drawing electoral boundaries more independent, said Ms Stevenson. The opposition still wants a completely new constitution, but Ms Stevenson said an understanding had been reached in the mediation process to produce such a document." **[3bq]**

6.25 Voice of America reported in an article entitled 'Zimbabwe Electoral Commission Under Fire Over Pre-Election Redistricting', dated 7 January 2008, that:

"Independent local and regional election observers have expressed concern about the lack of transparency in the delimitation of new constituencies which the Zimbabwe Electoral Commission says it has just concluded. ZEC Chairman George Chiweshe was quoted in the state-controlled Sunday Mail newspaper that the bounds of 210 constituencies – increased from 150 under a 2006 constitutional amendment – has been completed. Chiweshe said presidential and general elections set for March won't be postponed as the opposition demands.

"Chiweshe said he will present a preliminary report to President Robert Mugabe on the delimitation results, which will eventually be tabled in parliament. The commission is reported to have allocated 143 of 210 seats to rural areas where the ruling ZANU-PF party's support is strongest. Only 67 seats were allocated to the urban and metropolitan areas dominated by the opposition.

"Chairman Noel Kututwa of the Zimbabwe Election Support Network said the ZANU-PF government has kept stakeholders in the dark on crucial election aspects. Elsewhere, the Electoral Institute of Southern Africa said the electoral commission has no mandate to determine that the elections must be held in

March, as talks between the ruling party and opposition have yet to be concluded in Pretoria." **[83m]**

6.26 BBC News reported on 26 February 2008, that: "Zimbabwe's police chief says officers will be ready to use firearms if the country's forthcoming elections spark violence like that seen in Kenya. Police Commissioner Augustine Chihuri urged political parties to avoid clashes with police before the 29 March presidential and parliamentary votes. Speaking to reporters, he said 'machetes, axes, bows and arrows can not put anybody into office'. Earlier this month, Zimbabwe banned the carrying of weapons in public. Mr Chihuri said the Public Order and Security Act allowed a police officer to use firearms 'if he finds other methods to be ineffective or inappropriate'." **[3bk]** TalkZimbabwe reported on 7 March 2008, that: "The European Union (EU) will raise concerns over the manner in which Zimbabwe's election campaigns are being held, insisting that the environment will not be conducive for a free and fair poll. The (EU) Council remains very concerned about the humanitarian, political and economic situation in Zimbabwe and conditions on the ground. It may endanger the holding of free and fair parliamentary and presidential elections said the statement." **[108b]** Voice of America reported on 17 March 2008, that: "Officials of the non-governmental Zimbabwe Election Support Network and the opposition Movement for Democratic Change said they have been denied monitoring access to the country's postal balloting system ahead of elections on March 29. An estimated 77,000 civil servants have started to send in postal ballots. Policy Coordinator Eddie Cross of the MDC formation led by presidential candidate Morgan Tsvangirai said the party has received reports of police and soldiers voting under supervision and, in one confirmed case, filling out multiple ballots." **[83n]** IRIN News reported on 12 March 2008, that: "Zimbabwe's political opposition parties and civic society organisations are castigating senior members of the armed forces for declaring they will not respect any president other than Robert Mugabe." **[10s]**

6.27 BBC News reported on 7 March, that: "Zimbabwe has banned observers from Western countries from monitoring elections later this month. Foreign Minister Simbarashe Mumbengegwi said African countries would be allowed to send monitors, as would allies such as China, Iran and Venezuela. Zimbabwe's President Robert Mugabe, 84, says that Western countries are trying to remove him from government." **[3at]** ReliefWeb reported on 11 March, that: "A Southern African Development Community (SADC) observer mission comprising about 80 officials from the region was due to arrive in the Zimbabwean capital of Harare on Sunday - 19 days ahead of the March 29 elections… SADC said it expected to have around 150 observer delegates in place before the combined presidential, parliamentary, senate and local government elections… The Zimbabwean government announced last Friday that European Union member states, the United States and the Commonwealth had been excluded from the list of observers to be invited. The only European country to be invited is Russia. China, now a major trading partner and provider of surveillance equipment, is also on the list." **[22b]** AllAfrica.com reported on 13 March 2008, that: "Election observers from the Southern African Development Community - Parliamentary Forum (SADC-PF) have not been invited to the presidential elections to be held in Zimbabwe at the end of March." **[50e]** BBC News reported on 19 March 2008, that: "Zimbabwe is failing to meet its democratic obligations in the run up to elections on 29 March, says an international human rights group. Human Rights Watch (HRW) says the government has intimidated opposition

supporters, and that the electoral process is deeply flawed. The US-based group says Zimbabwe's Electoral Commission is inadequately prepared to run the poll." **[3bg]**

6.28 BBC News reported on 24 March 2008, that: "Zimbabwe's main opposition party has accused the government of printing millions of surplus ballot papers for the presidential and legislative polls. The Movement for Democratic Change (MDC) says leaked documents show nine million papers have been ordered for the country's 5.9 million voters…The MDC's secretary general Tendai Biti said the claims of excess ballot papers were based on leaked documents from the government's security printers. The MDC also says 600,000 postal ballots have been ordered for a few thousand police, soldiers and civil servants. While ballots are reported to have been ordered for police and military personnel and civil servants living away from home, about four million Zimbabweans living abroad are not permitted to vote by post." **[3bh]**

6.29 BBC News reported on 25 March 2008, that: "Zimbabwe's President Robert Mugabe has threatened to force businesses to cut prices ahead of the 29 March elections." **[3bi]** BBC News reported on 26 March 2008, that: "Zimbabwean presidential contender Simba Makoni has been unable to place adverts in the state media, say campaigners." **[3bo]** BBC News reported on 28 March 2008, that: "Zimbabwe's security forces have been put on full alert ahead of Saturday's general elections, amid opposition fears of poll-rigging." **[3bp]**

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ZIMBA MAKONI

6.30 BBC News reports in an article 'Simba Makoni: Zimbabwe's roaring lion?', dated 18 March 2008, that:

"Simba Makoni, for years a senior member of Zimbabwe's ruling Zanu-PF party, is challenging Robert Mugabe for president… He has variously been described as a moderniser, a technocrat and a 'young turk…' There has been much speculation that Mr Makoni could split Zanu-PF - his spokesman says 60% of top Zanu-PF officials back him and many local officials are campaigning for him… The MDC faction backing Mr Makoni is strong in the western Matabeleland region… Despite his years of service to Zanu-PF, Mr Makoni is now described as a 'traitor' and 'western puppet' by the president and his allies. On the question of land, which defines Zimbabwean politics, Mr Makoni told the BBC he would not repossess farms given to Mugabe supporters, unless they had acquired the land improperly - implying that many had done so. He said it was an important issue and more essential now than 10 years ago, before Mr Mugabe's seizures of white-owned farms began. Mr Makoni said Zimbabwe's land reform policy was that 'land shall be acquired and redistributed equitably, fairly and transparently'.

"Mr Makoni's supporters note that he has a good understanding of orthodox economics and he promises to use this to rescue Zimbabwe's economy. He has adopted yellow as his campaign colour - to symbolise gold and wealth…Mr Makoni was brought in as finance minister in 2000 to restore relations with donors and the business community but failed to change Mr

Mugabe's policies. He was sacked 18 months later after calling for a devaluation of the currency to try and boost exports.

He said he would have preferred to stand as a Zanu-PF candidate but the party leadership opted to stick with Mr Mugabe… At just 57, Mr Makoni comes from a different generation to the octogenarians currently running the country and its ruling party. While the party old-guard were fighting the 1970s guerrilla war of independence, Mr Makoni was studying chemistry in Britain. But he also found time to represent Zanu in Europe and clearly made an impression. When the first post-independence government was formed, he was appointed deputy minister of agriculture at just 30. Over the next four years he served as minister of energy and of youth before abruptly leaving government. Mr Makoni went on to become executive secretary of the Southern African Development Community, (SADC)." **[3bl]**

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ROBERT MUGABE

6.31 BBC News reported in an article 'Robert Mugabe: The survivor', dated 17 March 2008, that:

"Zimbabwe's President Robert Mugabe once said he would not contest the 2008 presidential elections. But as the time drew near, he changed his mind and managed to silence his critics in the ruling Zanu-PF party to ensure that he remains the party's candidate. At the launch of his campaign, he called his rivals "witches, prostitutes and charlatans, traitors and two-headed creatures.

Mr Mugabe once famously said that a country could never go bankrupt - with the world's fastest-shrinking economy and annual inflation of 100,000%, he seems determined to test his theory to the limit…. Faced with a strong opposition for the first time, he wrecked what was one of Africa's most diversified economies in a bid to retain political control by seizing the white-owned farms which were the economy's backbone, pouring scorn on donors and pursuing populist economic policies… After he suffered his first and so far only electoral defeat in a 2000 referendum, Mr Mugabe unleashed his personal militia - the self-styled war veterans - who used violence and murder as an electoral strategy… One of the undoubted achievements of the former teacher's 27 years in power was the expansion of education. Zimbabwe has the highest literacy rate in Africa at 90% of the population.

While some senior Zanu-PF officials have been campaigning behind the scenes to succeed Mr Mugabe, none of them has dared to voice public criticism, except for former Finance Minister Simba Makoni, who is challenging Mr Mugabe as and independent candidate." **[3bm]**

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MORGAN TSVANGIRAI

6.32 BBC News reports in an article 'Morgan Tsvangirai', dated 18 March 2008, that:

"Morgan Tsvangirai has risen from working in a mine to becoming one of the most important political figures in Zimbabwe - even if his dreams of becoming president remain elusive…. A charismatic speaker, he is a brave man - constantly running the risk of arrest or assassination since emerging several years ago as President Robert Mugabe's first credible challenger since the 1980s… As the leader of Zimbabwe's opposition, he has been brutally assaulted, charged with treason and routinely labelled a 'traitor'.

His chances of unseating Zimbabwe's long-time leader were dealt a possibly fatal blow in 2005, when Mr Tsvangirai's Movement for Democratic Change split into two factions… Some of Mr Tsvangirai's closest allies accused him of behaving like a dictator. The two factions are fielding parliamentary candidates against each other in the 29 March elections after failing to reach a deal and the rival faction is backing former Finance Minister Simba Makoni in the presidential poll.

Just before the 2002 presidential elections, a mysterious video tape emerged, which allegedly showed Mr Tsvangirai discussing how to assassinate Mr Mugabe with a Canadian consultancy, Dickens and Madson. Mr Tsvangirai was acquitted, but for 20 months he had the possibility of a death penalty hanging over his head. He was charged with treason a second time in 2003, after calling for mass protests to oust Mr Mugabe.

The catalyst for Mr Tsvangirai's transformation was his career in the trade unions. He used to be an official in Mr Mugabe's Zanu-PF party. After being plant foreman of the Bindura Nickel Mine for 10 years, he climbed the unionist ladder until in 1988, he was elected secretary-general of the Zimbabwe Congress of Trade Unions.

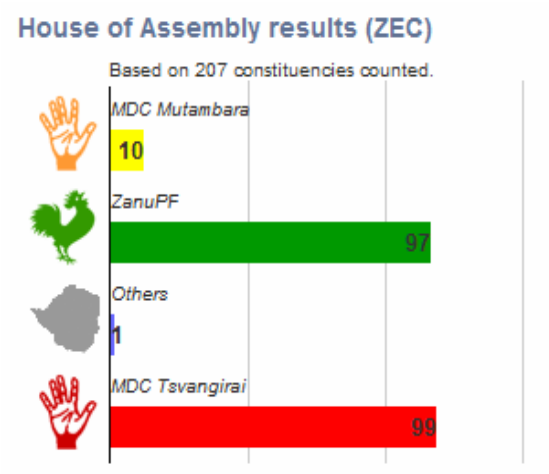
Now, he is working closely with industrialists who argue that market forces should be left to solve Zimbabwe's economic problems on their own, without minimal government interference. But Morgan Tsvangirai can at least wait before tackling the ideological contradictions within his party, as that generally only happens in government." **[3bn]**

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THE RESULTS

House of Assembly results (ZEC)

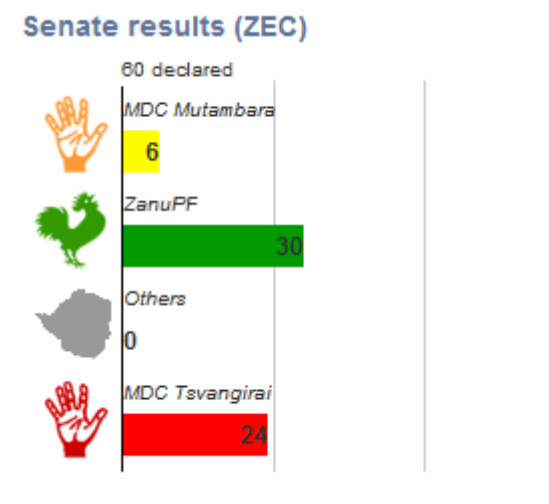
6.33 The ZEC has finally announced results for 207 constituencies. The remaining three constituencies (out of the 210 that exist) will be determined by by-elections following the deaths of three candidates prior to the March 29th elections: Pelandaba/Mpopoma, Gwanda South, and Redcliff. (ZEC: Final results for the House of Assembly, dated 3rd of April 2008) **[152b]**



Source: Sokwanele Article: April 3rd, 2008 **[152b]**

Senate results (ZEC)

6.34 The ZEC has announced all 60 Senate seats for those Senators who are elected by the people. The final count, for those 60, is as follows: Zanu PF has 30 seats, the MDC MT has 24 seats and the MDC has 6 seats. The Senate is actually made up of a total of 93 Senators: 60 directly elected by voters in 60 constituencies; 5 Senators appointed by the President; 10 Provincial Governors; 18 chiefs – 16 elected by fellow chiefs, plus the President and Deputy President of the Council of Chiefs ex officio. (ZEC: Final results for the House of Assembly, dated 5th of April 2008) **[152a]**



Source: Sokwanele Article: April 5th, 2008 **[152a]**

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Presidential Elections

6.35 There has been large amount of coverage of the 2008 elections and the impending results. The results are being withheld by the ruling party and it has caused concern in Zimbabwe as well as in the international community. The following reporting works as an example from numerous articles both in print and in electronic media:

BBC News reported on 8 April 2008, that: "At least 80 Zimbabwean opposition activists have been assaulted by pro- government militants in different parts of the country, they say." **[3pr]** BBC News reported on 8 April 2008, that: "Zimbabwean police have arrested at least five officials for allegedly under-counting votes cast for President Robert Mugabe in last month election." **[3pu]** BBC News reported on 9 April 2008, that: "Zimbabwe's opposition says its activists have been attacked in a campaign of 'massive violence' around the country since recent elections." **[3ps]** BBC News reported on 13 April 2008, that: "Zimbabwe's opposition says it will mount legal challenge to the election commission's order for ballot recount in last month's contested polls." **[3pt]**

6.36 Zimbabwe Situation reported on 14 April 2008, that: "Zimbabweans awaited Monday a court ruling that could finally mean they will find out whether Robert Mugabe or opposition leader Morgan Tsvangirai won the presidential election more than two weeks ago" **[89ae]** and, that: "Morgan Tsvangirai's MDC party is urging an indefinite strike and has rejected the Election Commission's announcement that a partial recount will be held." **[89an]** Zimbabwe Situation also reported on 14 April 2008, that: "Zimbabwe's main opposition Movement For Democratic change (MDC) leader Morgan Tsvangirai is calling for mass protest across the country to press home the opposition demand for incumbent President Robert Mugabe to step down". **[89al]**

6.37 BBC News reported on 9 April 2008, that: "Zambia has called for an emergency meeting of southern African leaders on the Zimbabwean presidential poll delay". **[3pv]** BBC News also reported on 9 April 2008, that: "South Africa's governing party leader Jacob Zuma has criticised the delay in publishing the results of presidential elections held in Zimbabwe 11 days ago." **[3px]** Zimbabwe situation reported on 14 April 2008 that a first extra-ordinary SADC summit of Heads of State and Government was held on 13 April 2008 "to discuss the political developments in Zimbabwe following the recent Presidential, Senatorial, National Assembly and Local Authorities elections' held on 29 March 2008." **[89am]**

6.38 The Zimbabwesituation reported on 17 April 2008, that: "South African President Thabo Mbeki, lambasted from all sides for his approach to the political turmoil in Zimbabwe, was forced to cede his 'quiet diplomacy' strategy yesterday, as his government took its strongest stand ever on the machinations of Zimbabwean President Robert Mugabe and his Zanu – PF party." **[89s]** BBC News reported on 10 April 2008, that: "President Robert Mugabe and opposition leader Morgan Tsvangirai are to attend an emergency summit of regional leaders to discuss Zimbabwe's recent election." **[3py]** BBC News reported on 14 April 2008, that: "A Zimbabwean court has ruled against opposition demand for the immediate release of last month's presidential election results." **[3bz]** BBC News reported on 21 April 2008, that: "The

outcome of partial recount of last month's disputed elections in Zimbabwe has been delayed." **[3cf]**

6.39 BBC News reported on 23 April 2008, that: "The leader of South Africa's governing ANC, Jacob Zuma, is in London for talks with UK Prime Minister Gordon Brown expected to centre on Zimbabwe." **[3ca]** BBC News reported on 23 April 2008, that: "The results of the first recounts in Zimbabwe's parliamentary elections are in, with the ruling and opposition parties retaining one seat each." **[3cb]** BBC News reported on 26 April 2008, that: "The party of Zimbabwe's President Mugabe has failed to gain its parliamentary majority after a partial recount of votes from polls last month." **[3cc]** BBC News reported on 28 November 2008, that: "Representatives of Zimbabwe's presidential candidates are set to meet the electoral commission to review the results of the disputed election." **[3cd]** IRIN News reported on 29 April 2008, that: "A month after Zimbabweans went to the polls, a recount of 23 disputed constituencies revealed no major changes and has served to confirm the status quo that, for the first time since independence in 1980, President Mugabe's ZANU-PF has lost control of parliament." **[10f]**

6.40 BBC News reported on 5 May 2008, that:" Half of the results from Zimbabwe's parliamentary polls in March have been challenged in courts, state media says. Lawyers say the 105 petitions should not disrupt the work on parliament, but could in the end overturn the opposition's historic majority. The announcement came as southern African mediators arrived for talks over the presidential run-off impasse." **[3ch]**

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POST -ELECTION VIOLENCE

6.41 IRIN News reported on 1 May 2008, that: "Operation Mavhoterapapi was launched after the local government, parliamentary and presidential elections on 29 March 2008, in which the ruling ZANU-PF government lost its parliamentary majority for the first time since independence in 1980. The opposition Movement for Democratic Change (MDC) have claimed that their leader, Morgan Tsvangirai, won the presidential ballot by the required 50 percent plus one vote, negating the need for a second round of voting. The results of the presidential ballot have not yet been released. ZANU-PF have maintained that no presidential candidate obtained the necessary majority, and that a second round of voting would be required. Since the poll, the MDC have alleged that at least 20 people have been killed in post-election violence, orchestrated by the police, soldiers and so-called war veterans, as part of Operation Mavhoterapapi. There have also been widespread reports of torture, the razing of houses and killing of livestock, perpetrated against people in rural areas suspected of voting for the opposition in the recent elections. The MDC have also claimed that Operation Mavhoterapapi was part of a strategy to intimidate people into voting for Mugabe in a possible second round of presidential voting." **[10ai]**

6.42 BBC News reported in an article dated 17 April 2008, that: "Charles, a Zimbabwean human rights expert, has told the BBC how he saw for himself the victims of beatings and torture that have been reported since the elections. He said he accompanied a friend to a hospital in Harare, where people were being treated, and what he saw and heard makes him fear for

the future of the country." **[3by]** Amnesty International reported on 18 April 2008, that: "Amnesty International has received confirmation reports on one death and over 240 people injured as a result of state-sponsored human rights abuses in Zimbabwe. Of those 240 people, 18 are currently in hospital with severe injuries." **[14n]** The Zimbabwesituation reported on 21 April 2008, that: "In the Zishumbe Resettlement area of Masvingo North Constituency where ZANU PF youths have severely beaten up 10 MDC polling agents – so much so that seven of them are unable to walk" and, that: "The ruling Zanu PF party has accused the MDC of supplying youth with drugs and letting them loose on police and public. It has also denied MDC claims that it unleashed the militias who are terrorising opposition supporters across the country". **[89v] [89x]** IRIN News reported on 24 April 2008, that: "President Mugabe's government is challenging widespread reports of systematic beatings and assaults by the army, police and ZANU- PF militia as part of a campaign dubbed 'Operation Mavhoterapapi' (Who did you vote for?)." **[10w]** BBC News reported on 25 April 2008, that: "Armed riot police have raided the headquarters of Zimbabwe's main opposition party in Harare and arrested scores of activists." **[3cg]**

6.43 IRIN News reported on 30 April, that: "Children are not being spared the impact of Zimbabwe's post-election violence. The UN Children's Fund (UNICEF) in Zimbabwe told IRIN its work was being hampered by the countrywide violence, which, according to widespread reports, was being carried out by soldiers, war veterans and militias loyal to the ruling ZANU-PF government." **[10bf]** IRIN News reported on 25 April 2008, that: "About 400 people seeking refuge from alleged state-sponsored violence at the opposition party offices of the Movement for Democratic Change (MDC) in the capital, Harare, have been arrested by riot police, according to an IRIN correspondent." **[10bg]**

6.44 BBC News reported on 3 May 2008, that: "After a month of not-so-subtle suspense, the results of the long-awaited presidential elections were finally released… And now we have gone from recounts to a re-run of the presidential poll, because Robert Mugabe secured 43.2% of the vote to Morgan Tsvangirai's 47.8%." **[3ci]**

6.43 BBC News reported on 9 May 2008, that: "Zimbabwe's 'war veterans' militia plan to intimidate voters by posing as police officers during the presidential run-off, a policeman has told the BBC. He said they would be based inside polling stations during the vote, whose date has not yet been fixed. The report came as South Africa's President Thabo Mbeki, the lead Zimbabwe negotiator, prepared to hold talks with Robert Mugabe in Harare. Mr Mbeki has previously played down talk of a crisis in Zimbabwe." **[3ci]**

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RECENT DEVELOPMENTS

7.01 BBC News reported on 19 April 2008 that: "A Chinese ship carrying arms destined for Zimbabwe has been forced to leave the South African port of Durban four days after failing to unload." **[3cm]** BBC News reported on 22 April 2008, that: "Zambian President Levy Mwanawasa has urged other African leaders not to allow a ship carrying arms for Zimbabwe to enter their territorial waters." **[3cl]** Guardian reported on 24 April 2008, that: "China said a shipment of arms destine for Zimbabwe had been recalled after southern African countries refused to allow the weapons to be unloaded." **[66]**

7.02 IRIN News reported on 9 May 2008, that: "Hunger is giving a brutal edge to the alleged work of militias implementing Operation Mavhoterapapi (Who did you vote for?), a campaign launched by President Mugabe's ZANU- PF government in the wake of the ruling party's loss of its parliamentary majority for the first time since independence in 1980. The post –election crackdown, allegedly orchestrated by police, soldiers and veterans of the liberation war, has led to widespread reports of torture, the razing of houses and killing of livestock, perpetrated mainly against people in rural areas suspected of voting for the opposition party, Movement of Democratic Change." **[10ar]**

7.03 BBC News reported on 10 May 2008, that: "The announcement by the Zimbabwean opposition leader Morgan Tsvangirai that he will take part in the presidential run –off is hardly surprising. The party has always claimed an outright victory in the March election, and insisted that there was no need for a second round. But in reality, the Movement for Democratic Change (MDC) had little choice. To announce a boycott would have handed victory to President Robert Mugabe by default, and quite possibly spelt the end of the MDC as a political force in Zimbabwe." **[3cn]** BBC News also reported on 10 May 2008, that: "Zimbabwe's opposition leader Morgan Tsvangirai has said he will contest a presidential run-off, despite fears of widespread poll violence." **[3cp]**

7.04 Voice of America (VOA) reported on 16 May 2008, that: "Zimbabwe's Electoral Commission says voters will go to the polls in six weeks to choose a head of state. President Mugabe is to face opposition leader Morgan Tsvangirai after coming in second in the first round with 43 percent of the vote to Tsvangirai's 47 percent. The opposition says Tsvangirai won more than 50 percent of the vote in the firs round and should have been declared president." **[30b]**

7.05 IRIN News reported on 29 May 2008, that: "No independent African electoral observers have been invited to monitor Zimbabwe's presidential run-off election on 27 June, and the bodies approved by President Mugabe's government are not yet full strength, Dieudonne Tshiyoyo, a programme officer at the South Africa – based Electoral Institute of Southern Africa (EISA), told IRIN. **[10r]**

7.06 IRIN News reported on 30 May 2008, that: "More than 10,000 children have been displaced by election violence in Zimbabwe, according to the UN Children's Fund (UNICEF). **[10t]**

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THE GOVERNMENT CRUSHES STUDENT DEMONSTRATIONS

Student protests

7.07 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted:

"The government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. In October 2006 the Zimbabwe Council of Higher Education Act came into effect, mandating the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister of higher education and technology, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council.

"CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work.

"According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 681 students were arrested or detained and 94 students were expelled or suspended for engaging in student activism during the year. On July 9, UZ Vice Chancellor Levy Nyagura evicted more than 4,500 students from residence halls, effective within hours of the announcement, following student protests on campus over increased tuition fees. Those students without contacts in Harare slept in youth hostels, churches, train stations, and in the streets while finishing exams. ZINASU estimated that two-thirds of UZ students did not resume their studies when the new academic term began in September due to a lack of housing and high fees. The residence halls remained closed at year's end." **[2a] (Section 2)**

7.06 The deteriorating state of the economy has been one of the primary factors in the increasing number of demonstrations staged by Zimbabwe's students. On 6 and 7 February 2007, SW Radio Africa reported that students protesting against unaffordable fees and deteriorating standards took place in Bulawayo on Tuesday 6th February 2007. Both news articles note that upwards of 79 students were arrested after marching to the provincial governor's office. Armed police violently broke up the march using teargas and batons. Most of the students were released from custody the following day. **[138u] [138v]**

7.07 On 14 June 2007 four truckloads of riot police disrupted student meetings held at Bulawayo Polytechnic. The meeting was called to discuss the institution's demand for Z$750,000 in accommodation fees and frequent power cuts. (SW Radio Africa, 14 June 2007) **[138w]**

7.08 ZimOnline reported on 2 July 2007 that the Student Solidarity Trust had published a report cataloguing 1,443 violations of student's rights in the previous 12 months, including cases of intimidation, death threats, unlawful arrest and detention. "The rights that were most violated during the year were the rights to freedom of expression, association, movement, political discrimination, freedom from arbitrary and unlawful arrest and detention…" 35 cases of serious torture were also recorded. **[49r]**

7.09 On 7 July 2007 *The Zimbabwean* noted that Beloved Chiweshe, the Secretary General of the Zimbabwe National Students Union and Munjodzi Mutandiri, were reportedly abducted by CIO agents before being tortured and beaten. The abductions came "… in the wake of some brutal attacks perpetrated against student leaders at Masving State University." The article noted that the government was aiming to terrorise students as a way of stamping down on dissent. **[99b]**

7.10 Information from the Foreign and Commonwealth Office (FCO) (received 9 August 2007) noted that during 2007 security forces were responsible for breaking up student meetings across the country, with a number of students being assaulted and hospitalised. On 7 July, police broke up a student meeting at the University of Zimbabwe, using tear gas and dogs, 6 students were arrested and over 20 were injured, including 1 with a broken leg. **[13h]** SW Radio Africa reported on 9 July 2007 that during the disturbances of 7 July at the University of Zimbabwe, over 500 students were reported to have been beaten by police. **[138y]**

7.11 The Zimbabwe Situation reported on 30 July 2007 that: "The Zimbabwe National Students Union (ZINASU) claims 3 students from the university of Zimbabwe were murdered by unknown assailants…" The deaths of the three students followed earlier reports that two students had been abducted in the same area and tortured by military police. It is alleged that the two students were abducted and tortured for working with pro-democracy groups. **[89ak]**

7.12 On 10 August 2007, SW Radio Africa reported that president of the students' union, Clever Bere, had been released from police custody after being held for three days. Bere, who is facing charges of malicious damage to property and contempt of court, is reported to have suffered torture and beatings while in police custody. It is reported that Bere's treatment was such that he was taken to hospital for medical check ups. **[138x]**

7.13 The Zimbabwe Human Rights NGO Forum reported in its October 2007 Political Violence Report that students at the country's higher and tertiary education institutions continued to face intimidation and harassment. On 15 October 2007 11 students from Great Zimbabwe University and Masvingo Polytechnic were beaten and arrested after police disrupted a meeting being held by the National Students Union in support of the Free Edson Hlatshwayo Campaign. **[35e] (p7)** Edson Hlatshwayo was released on bail on 25 October 2007. (The Zimbabwe Guardian, 26 October 2007) **[108]**

7.14 In spite of the tactics employed by the government to break-up student demonstrations, around 500 students from Harare's institutions of higher education marched to president Robert Mugabe's offices to protest at increasing fees and declining educational standards. The students aim was to

submit a petition to the Minister of Higher education for improvements in the education system. "According to witnesses students marched along the capital's streets singing and chanting student revolutionary songs and slogans, before riot police dispersed them when they reached Monomutapa offices. No arrests were made but the police confiscated the petition and Zimbabwe National Students Union (Zinasu) banners." **[138af]**

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CONSTITUTION

8.01 Europa World online – Zimbabwe (The Constitution), accessed on 4 July 2006, noted that "The Constitution of the Republic of Zimbabwe took effect at independence on 18 April 1980. Amendments to the Constitution must have the approval of two-thirds of the members of the House of Assembly." **[1i]**

8.02 Europa World online – Zimbabwe (The Republic), accessed on 4 July 2006, noted that "Zimbabwe is a sovereign republic and the Constitution is the supreme law." **[1h]**

8.03 Europa World online – Zimbabwe (Declaration of Rights), accessed on 4 July 2006, noted that "The declaration of rights guarantees the fundamental rights and freedoms of the individual, regardless of race, tribe, place of origin, political opinions, colour, creed or sex." **[1j]**

8.04 However, this was not always the case in practice, because the US State Department Report on Human Rights Practices 2007 (USSD 2007) published on 11 March 2007, noted that:

"The constitution and law provide that no person can be deprived of fundamental rights, such as right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, sex, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of 'customary law.' Discrimination against women and persons with disabilities remained problems. The government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately." **[2b] (Section 5)**

8.05 The USSD 2007 report records that:

"Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities. Civilian authorities generally maintained control of the security forces, but often used them to control opposition to the ruling party." **[2b] (Introduction)**

"The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the 'interest of defense, public safety, public order, state economic interests, public morality, and public health.' The government restricted these rights in practice. Journalists and publishers practiced self-censorship." **[2b] (Section 2a)**

"The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought." **[2b] (Section 2b)**

"The constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU-PF, which has ruled continuously since independence in 1980." **[2b] (Section 3)**

"Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Police used excessive force in apprehending and detaining criminal suspects. Security forces routinely tortured citizens while in custody. Government supporters continued to assault suspected opposition members, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the government or the opposition continued." **[2b] (Section 1c)**

"The constitution provides for an independent judiciary; however the judiciary was under intense pressure to conform to government policies, and the government repeatedly refused to abide by judicial decisions. The government routinely delayed payment of court costs or judgments awarded against it in civil cases." **[2b] (Introduction)**

"Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons… Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were increasingly more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. Other judicial officers such as prosecutors and private attorneys also faced political pressure. For example, on May 6, several police from the Law and Order section at Harare Central Police Station reportedly assaulted State Prosecutor Richard Chikosha because he consented to the granting of bail in the case of the arrested human rights lawyers Alec Muchadehama and Andrew Makoni. Police denied that an assault took place." **[2b] (Section 1e)**

"The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who spoke out against the government's human rights abuses. Church leaders and members who

criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies, such as the March 11 prayer rally that was violently disrupted by police during which one person was killed and numerous others were arrested and beaten." **[2b] (Section 2c)**

8.06 Amnesty International (AI) stated in its 2006 annual report (covering events in 2005) that "On 30 August parliament passed the Constitution of Zimbabwe Amendment Act (No.17), which was subsequently signed into law by the President." **[14m]** Kubatana.net, the NGO network alliance project, reported (on 16 September 2005) that the Constitutional Amendment Bill was Gazetted on 16 September 2005 with some provisions of the Act coming into force on 14 September 2006. The main provisions of the new law provided for the compulsory acquisition of land, additional restrictions on the freedom of movement and the reintroduction of a second parliamentary chamber or Senate. **[55p]**

8.07 AI noted the introduction of the Constitutional Amendment Bill with concern, pointing out that the legislation would reduce or even remove human rights in a number of areas. The article stated that:

"The Act violated internationally recognized rights, including the right to equal protection of the law and the right to freedom of movement. Clause 2 of the Act removed the power of courts to hear any challenge or appeal against the acquisition by the state of agricultural land under Section 16 of the Constitution. Land owners and anyone with an interest or right in agricultural land so acquired can no longer challenge the lawfulness of the acquisition. Clause 3 of the Act extended the grounds under which it is possible to limit the right to freedom of movement enshrined in Section 22 of the Constitution. Freedom of movement can now be limited in 'the public interest' and in 'the economic interests of the State'. Moreover, the Constitutional Amendment Act restricts the right to leave Zimbabwe. The new limitations on the right to freedom of movement breach international human rights standards." **[14m]**

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CONSTITUTIONAL AMENDMENT (NO 17) BILL

8.08 The Zimbabwe Human Rights NGO Forum's report entitled *Zimbabwe – Facts and Fictions*, published in November 2005, noted that:

"Constitutional Amendment (No. 17) Bill was introduced on 15 July 2005 and sought to make wide-ranging intrusions into basic human rights guaranteed under the current Constitution of Zimbabwe, as well as various international human rights instruments to which Zimbabwe is a state party. Opposition political parties and civil society organisations roundly criticised the Bill, calling for its condemnation and rejection. Activities included demonstrations by constitutional reform activists, women's groups, and lawyers; petitions were presented to the Speaker of Parliament, the Chief Justice and the President of Zimbabwe by a significant number of legal practitioners, all Law Society councillors and by the Southern African Development Community (SADC) Lawyers' Association and the East African Bar Association. Written and oral

submissions were presented to the portfolio committee on Justice, Legal and Parliamentary Affairs by a wide range of organisations and professional bodies at a public hearing held in Harare. Nevertheless, the Bill was passed after a parliamentary two-thirds majority was achieved, with MPs voting on party lines. The President assented to the Bill on 14 September 2005, less than a month after the Bill had been introduced." **[35y] (p15)**

8.09 The report went on to detail the main amendments resulting from the Constitutional Amendment (No. 17) Bill; these are:

- The effective transfer of all land to the state − an individual's right to challenge through the courts the Government's decision to confiscate land has been removed.
- The re-introduction of a second legislative chamber (the Senate).
- The restriction of foreign travel through the confiscation of travel documents where there is a danger to 'national interests', or 'the public interest or the economic interests' of the state. **[35y] (p15-16)**

8.10 On the subject of the state's acquisition of land, the Zimbabwe Human Rights NGO Forum noted that the Zimbabwean government had "… deprived the courts of the jurisdiction to consider legal challenges filed against compulsory state acquisition of land, thus denying individuals (landowners and individuals and communities dispossessed of their land during the colonial era) their fundamental right to secure protection of the law, and the right to have their cause heard before competent national institutions." **[35y] (p15-16)** The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, clarified this by noting that the "…Constitutional Amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the state, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. In December 2006 the Gazetted Land (Consequential Provisions) Act passed into law, requiring all farmers whose land was compulsorily acquired by the government and who were not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years." **[2b] (Section 1f)**

(For additional information on Land Reform see Sections 4.01 and 30.01)

8.11 Noting the changes with regard to the reintroduction of the Senate, the NGO Forum noted that the constitutional amendment "… reconstitutes the bicameral Parliament disbanded in 1987 by introducing the Senate and the House of Assembly. Both houses will allow for non-constituency 'representatives' to be appointed by the executive, in contravention of the right to participate freely in governance of the country and to choose freely one's representatives. It also imposes fiscal obligations on the state that are ill afforded at a time when Zimbabwe is in serious economic and social decline. **[35y] (p15-16)** The USSD 2007 noted that: "The government was criticized for creating the Senate, which was widely seen as a vehicle for patronage and a

useless and expensive body. It is to sit for a single five-year term and has no independent political authority." **[2b] (Section 3)**

(For additional information see **Section 6.12 - Senate Elections**)

8.12 On the subject of new powers to restrict freedom of movement, the NGO Forum noted that the new law "… restricts freedom of movement by empowering the state to prevent Zimbabwean citizens from leaving the country when it feels that to do so would be against, inter-alia, the 'national interest', or 'the public interest or the economic interests' of the state."

"These vague and undefined grounds will allow the state unfettered discretion on whose movements will be restricted. Government officials have, indeed, confirmed that the provision will be used to prevent human rights and opposition political activists from publicising human rights violations, criticising government policies and calling for action against the authorities in the international arena. The mere threat of having one's passport or travel documents withdrawn will lead inevitably to self-censorship – an undeniable restriction on the fundamental freedoms of association, assembly and expression of the affected activists." **[35y] (p15-16)**

The USSD 2007 noted:

"Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the government and to deny the renewal of their passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, he continued to intimidate and harass perceived critics of the government. For example, in December 2006 Mudede announced a decision to strip the citizenship of Trevor Ncube, owner of the independent newspapers the Standard and the Zimbabwe Independent, stating that Ncube had a claim to Zambian citizenship which he had not renounced. Ncube challenged the decision in the High Court, which ruled in his favor on January 25 and ordered the registrar general to renew his passport." **[2] (Section 2d)**

8.13 The USSD report 2007 also noted that: "In September, as a result of the SADC talks, parliament unanimously passed Constitutional Amendment 18, which provides for significant changes in the country's electoral procedure. The amendment provides for presidential and parliamentary elections to be held at the same time by reducing the presidential term of office from six to five years to coincide with the parliamentary term of office; increases the number of MPs from 150 to 210 and senators from 66 to 93; mandates parliament to serve as an electoral college should the office of president become vacant; and directs the Zimbabwe Electoral Commission (ZEC), created in 2005 by the Zimbabwe Electoral Act to preside over elections and voter education, to delimit parliamentary and local constituencies. Many civil society groups were critical of the amendment because they believed the changes strengthened the power of the ruling party. The amendment came into effect on October 30." **[2] (Section 2d)**

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CONSTITUTIONAL AMENDMENT (NO 18) ACT

8.14 Reuters reported on 1 November 2007 that President Mugabe signed into law a new amendment to the constitution that many political analysts believe will tip the balance of power further towards ZANU-PF. The Act, "… agreed between Mugabe's ruling ZANU-PF and the opposition Movement for Democratic Change (MDC) [both factions were reported to have agreed the amendment. **[5k]**] in September – allows Mugabe to choose a successor if he should retire mid term by empowering parliament, which is dominated by his party, to vote for a president. Analysts said Mugabe, under international pressure to adopt democratic reforms or step down after 27 years in power, may use the law to handpick a loyalist as his successor and retain a large measure of power himself." **[75b]**

8.15 *The Telegraph* noted on 21 September 2007 that other changes to the constitution included the removal of the president's powers to appoint 30 Members of Parliament (MPs) but that this loss of patronage will be balanced by the number of directly elected MPs increasing from 120 to 210 with constituency boundaries being re-drawn to create the 90 new constituencies. *The Telegraph* noted that: "An electoral commission consisting entirely of the President's allies will draw up these constituencies. They could seize the opportunity to rig the new seats in favour of the ruling Zanu-PF party before presidential and parliamentary polls due in March." **[5k]**

8.16 Reuters also noted that the Senate is set to increase in size from the current 84 to 93 members, five of which will be directly appointed by the president. **[75b]** A copy of the new Act published by the Veritas Trust on 30 October 2007 shows that the composition of the Senate will be as follows:

- 60 Senators directly elected from across the ten provinces [six from each province);
- ten provincial governors (who are appointed by the president);
- the President and Deputy President of the Council of Chiefs;
- sixteen Chiefs; and
- five direct appointments made by the President. **[142b]**

8.17 Further changes to the constitution included the reduction in the presidential term of office from six to five years – from next year presidential elections will run concurrently with parliamentary elections. The Act also provided for the setting up of the 'Zimbabwe Human Rights Commission'. The chairman of the Commission will be appointed by the president and will be supported by eight other members, at least four of whom should be women. The Commission will be responsible for promoting "… awareness of and respect for human rights and freedoms at all levels of society" and will have a wide ranging remit to monitor and inspect various institutions and "… secure or provide appropriate redress for violations of human rights and social injustice." **[142b] (section 29)** The Act also empowers the Zimbabwe Electoral Commission "… to take over registration of voters, demarcation of constituencies and overall management of elections." (BBC News, 8 November 2007) **[49ct]**

8.18 Commenting upon the Constitutional Amendment Act, *The Telegraph* reported that:

"Zimbabwe's opposition have been accused of 'co-operating in their own demise' after they reached agreement with President Robert Mugabe's regime on major constitutional reforms. … A scathing commentary carried on the ZW-News website, which is normally aligned with the MDC, said: 'By failing to put up even ultimately futile arguments against the Bill in parliament, they have done precisely what the government desires. They have begun the process – however unwittingly – of cooperating in their own demise. … The agreement was reached during talks in South Africa's capital, Pretoria, mediated by President Thabo Mbeki. The MDC hopes to replace Zimbabwe's current election commission with an independent body. They also want to agree an entirely new constitution." **[5k]**

But as *The Telegraph* and *Reuters* note, the MDC's almost uncritical endorsement of the constitutional amendment has left it with minimal bargaining power. **[75b] [5k]**

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POLITICAL SYSTEM

STATE STRUCTURES

9.01 Europa World online – Zimbabwe (The President), accessed on 6 November 2007, noted that:

"Executive power is vested in the President, who acts on the advice of the Cabinet. The President is Head of State and Commander-in-Chief of the Defence Forces. The President appoints two Vice-Presidents and other Ministers and Deputy Ministers, to be members of the Cabinet. The President holds office for six years and is eligible for re-election. Each candidate for the Presidency shall be nominated by not fewer than 10 members of the House of Assembly; if only one candidate is nominated, that candidate shall be declared to be elected without the necessity of a ballot. Otherwise, a ballot shall be held within an electoral college consisting of the members of the House of Assembly." **[1f]**

9.02 Europa World online – Zimbabwe (Parliament), accessed on 6 November 2007, noted that:

"Legislative power is vested in a bicameral Parliament, consisting of a House of Assembly and a Senate. The House of Assembly comprises 150 members, of whom 120 are directly elected by universal adult suffrage, 12 are nominated by the President, 10 are traditional Chiefs and eight are Provincial Governors. The life of the House of Assembly is ordinarily to be five years. The Senate comprises 66 members, of whom 50 are directly elected by universal adult suffrage, six are nominated by the President and 10 are traditional Chiefs. The life of the Senate is ordinarily to be five years." **[1g]**

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Zimbabwean Electoral Commission

9.03 The Zimbabwe Human Rights NGO Forum's report *Zimbabwe Facts and Fictions*, published in November 2005, noted that the Zimbabwe Electoral Commission (ZEC) was established before the 2005 parliamentary elections "… as the body bearing responsibility for the preparation and conduct of the elections, tasked with ensuring that the polls were conducted efficiently, freely, fairly, transparently and in accordance with the law. Its mandate replicates many of the functions of the ESC [Electoral Supervisory Commission]." However, the report explained that to confuse matters, a number of other electoral institutions remained in place, resulting in a duplication of roles and "… general confusion as to which institution bore overall responsibility for ensuring free and fair elections.

"For example, the head of the Delimitation Commission, Justice George Chiweshe, was also later appointed as the chairperson of the ZEC, opening up the possibility of a conflict of interest if the results of the delimitation process are challenged. Other electoral institutions that added to the confusion included the Office of the Registrar-General and the Election Directorate. The Registrar-General has publicly stated that he is a supporter of the ruling party, and therefore his impartiality has been irretrievably

compromised. Given that his office is responsible (together with overlapping responsibilities of the ZEC) for voter registration and inspection of the voters' roll, this process is open to criticism. The Election Directorate adds even more personnel and institutions into the overall implementation of the elections. With so many players involved, it was difficult, if not impossible, to establish who bore overall responsibility for the management of the elections. This was roundly criticised by election observer missions and civil society organisations alike.

"In September 2005 the Constitutional Amendment (No.17) Act came into force. Inter alia, the Act disbanded the ESC and replaced it with a new Zimbabwe Electoral Commission, which bears responsibility for the preparation, conduct and supervision of all elections. As with the ESC, however, its independence is subject to debate. Although candidates are submitted in terms of the Standing Rules and Orders, which allow for elected parliamentary opposition representatives to input into the nominees [sic], eventual approval comes, once again, from the President, and allows for the possibility of unnecessary interference in parliamentary proceedings. The President also fixes the commissioners' terms of office, remuneration and allowances. The Minister of Justice, Legal and Parliamentary Affairs also has considerable powers to call special meetings and scrutinise the proceedings of the ZEC. The possibility exists, therefore, for much state interference through these channels, which impacts on the independence of the electoral bodies, perceived and actual.

"Insofar as the Constitutional Amendment (No. 17) Act has removed one of the two competing electoral bodies charged with the general management of elections, its failure to remove the other electoral institutions referred to previously remains an insurmountable obstacle in assuring voters and society at large that a single electoral institution is running elections and is accountable to the electorate. In addition, its perceived lack of independence (bolstered by the inadequate manner in which the body has dealt with, and resolved, allegations of electoral irregularities in the aftermath of the elections in March 2005) can only add to these concerns." **[35y] (p19-20)**

9.04 In an article dated 8 February 2005, Kubatana.net noted that:

"Currently, there are four bodies which are associated with elections. The Electoral Supervisory Commission; The Registrar General of Elections; The Electoral Directorate; and The Delineation Commission.

"The Electoral Supervisory Commission and the Delineation Commission are constitutional bodies established under the Zimbabwe Constitution. The Registrar General of Elections and the Electoral Directorate are statutory bodies created under electoral law by parliament. Likewise, the Zimbabwe Electoral Commission is a statutory body created by parliament.

"The Zimbabwe Electoral Commission is supposed to take over functions currently being performed by the Registrar General and Election Directorate. The Zimbabwe Electoral Commission has three main functions: it will prepare and conduct elections of the President and Parliament as well as elections to the governing bodies of local authorities; and referendums.

"The Zimbabwe Electoral Commission's' role is to ensure that elections and referendums are conducted in a free and fair manner and in accordance with the law. The body's main responsibilities are: to compile voters' rolls and registers; ensure that proper custody and maintenance of voter rolls and registers; to design, print and distribute ballot papers, procure ballot boxes, and establish and operate polling centres; to conduct voter education and to set instructions for the Registrar General regarding his or her responsibilities under legislation." **[55b] (p1-2)**

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ZANU-PF

9.05 The Economist Intelligence Unit's (EIU) *Zimbabwe Country Report*, published in May 2008, noted that:

"The governing Zimbabwe African National Union-Patriotic Front (ZANU-PF) objected to the result of the parliamentary election, which gave control of the legislative body to Mr Tsvangirai's wing of the Movement for Democratic Change (MDC) with 99 seats, compared to 97 for ZANU-PF and ten for the Arthur Mutambara side of the MDC and one seat to the independent Jonathan Moyo (April 2008, The political scene). Both factions of the MDC have said that they would co-operate in parliament, but their total of 109 seats does not give them the two-thirds majority needed to alter the constitution. ZANU-PF initially ordered recounts in 23 parliamentary constituencies, but these confirmed the original results. This was somewhat of surprise as, given the influence that ZANU-PF and Mr Mugabe have over the ZEC, it was expected that the commission would rule in their favour and so return the majority to ZANU-PF. This may well be a ploy by Mr Mugabe to appear to be respecting the rule of law whilst actually giving very little away, as he is well aware that because the constitution gives such wide powers to the president, he can easily bypass an opposition-controlled parliament and rule by decree. In addition, this may not be the end of the story as in early May ZANU-PF subsequently contested a further 53 seats, and so the state of confusion persists." **[24l]**

9.06 ZWNews.com noted on 13 January 2005 that the lead up to the appointment of Joyce Mujuru (Mugabe's choice) as vice president led to an unprecedented outbreak of infighting and dissent within ZANU PF. Former Mugabe loyalists such as the then Minister of Information, Jonathan Moyo convened a meeting in Tsholotsho in November 2004 to push for the appointment of Emmerson Mnangagwa (Speaker of Parliament) as vice president. **[67i]** However, in the short term, moves by younger members of the party appear to have been viewed with increasing suspicion within ZANU-PF circles and as an open threat to the old guard's hold on the party **[50k]** and to have led to the strengthening of the Zezuru clan's (Mugabe's clan) hold on Government. The International Crisis Group (ICG) noted that the appointment of a new vice president at the end of 2004, brought ethnic divisions within the ruling party out into the open, with deep splits within the majority Shona clans becoming apparent. The ICG noted that "The splits within the party between Shona factions the Karanga and the Zezuru clans – will likely remain a powerful influence on the succession struggle." **[100a] (p10)**

9.07 ICG went on to note that:

"… the upper echelons of the country's power structure are increasingly 'Zezurunised'…. The growing divide between the Karanga and Zezuru factions enabled the MDC to make some inroads in rural areas, especially in the Karanga homelands of Midlands and Masvingo provinces. In Matabeleland and Midland, the recent ethnic divisions have reawakened bitter memories of the massacres in the 1980s, when between 10,000 and 20,000 Ndebele minorities died at the hands of the largely Shona state security forces. The Ndebele-Shona ethnic hostilities effectively locked ZANU-PF campaigners out of Matabeleland. Jonathan Moyo, an Ndebele, astutely played on fears of Shona abuses to win the Tsholotsho seat." **[100a] (p.11-12)**

9.08 The Institute for Security Studies (ISS) noted that: "The marginalization of other factions in the ruling party has opened the way for a post-election (2005 Parliamentary election) realignment within ZANU-PF, which has seen the balance of power shifting further in favour of the Zezuru faction." **[113] (p7)** The report noted that "Mugabe has assigned key posts to members or allies of the Zezuru-led faction of powerful former army general Solomon Mujuru, and placed members of the security establishment in strategic civil service positions." **[113] (p3)** "A notable illustration of this is the deliberate allocation of key positions in government and the ruling party to members of the Zezuru faction – bringing it a step closer to acquiring absolute control of the ruling party and all the other important institutions of the state (the executive, the legislature, the judiciary and all the security agencies). President Mugabe seems to believe that by placing trusted members in strategic positions he will secure protection from the threat of prosecution in the future (for human rights abuses, corruption, etc). Averting any unforeseen transfer of authority in the near future (democratic alternance) the Zezuru at the core of the government and ZANU-PF will ultimately decide who gets what, when and how. The danger is that the dominance of the Zezuru in government and in the ruling party may exacerbate inter-ethnic tensions, as various other factions challenge the dominance of the Zezuru. Such struggles for power within the party may further hamper efforts to find a negotiated solution to the crisis in Zimbabwe." **[113] (p7)**

9.09 The ICG report also went on to note that since Joyce Mujuru's elevation to the vice-presidency, the Mujuru faction has come down hard on its rivals, demoting or stripping a number of members associated with the opposition factions (primarily the Mnangagwa faction) of party and government positions. The report noting the spy scandal pointed to the removal of a number of Mnagagwa loyalists, including Philip Chiyangwa (Mugabe's cousin), who was provincial chairman of Mashonaland West. **[100a] (p.10)**

9.10 An ICG report *Zimbabwe: An Opposition Strategy*, published on 24 August 2006, noted that:

"Mugabe has always insisted upon near total public agreement with his policies but members [of ZANU PF] are becoming more vocal about the economic situation and his stranglehold on decisions surrounding the succession issue. So far, this dissent either comes from the few neutrals in the Mujuru-Mnangagwa contest or is considered low level enough not to threaten the leadership.

"Vitalis Zvinavashe, former commander of the defence forces and now a ZANU-PF senator, has called on the government to deal with food shortages

more transparently. Although they often stop short of directly criticising Mugabe, younger parliamentarians who do not share the liberation struggle background of their elders are beginning to express displeasure with the party hierarchy." **[100b] (p14)**

9.11 Earlier reports of dissent within the party included a report from ZWNews on 10 July 2005 that reported Ignatius Chombo, the Minister of Local Government, Public Works and Urban Development had openly criticised the head of the Ministry of Home Affairs, "…over the destruction of houses under the widely condemned 'clean up' operation [Operation Murambatsvina]…" The article went on to note that "…several middle ranking officials, especially the so-called Young Turks in Zanu PF, were enraged by the inhumane manner the ruling party handled demolitions, which affected mostly the poor. A source told The Standard yesterday: 'Most of them are fed-up but they are not sure of what will happen to them if they quit the party.'" **[67m]**

9.12 Commenting upon the growing divisions within the party, EIU noted that:

"Divisions within ZANU-PF have become more pronounced as Mr Mugabe fends off factions that are becoming impatient with his long rule. These rivalries were highlighted in early November with the arrest of the attorney-general, Sobusa Gula-Ndebele, who was charged with corruption for allegedly assuring a prominent banker, James Mushore, that he would not be charged with a crime. Mr Gula-Ndebele is aligned with the vice-president, Joyce Mujuru, who is reportedly working with her husband, Solomon Mujuru, a retired general, to succeed Mr Mugabe. According to some legal opinion, the charges against Mr Gula-Ndebele are unconstitutional. Mr Gula-Ndebele showed his disaffection by appointing as his defence attorney Welshman Ncube, a leader of the breakaway faction of the MDC. Mr Gula-Ndebele's arrest illustrates the rivalries that beset ZANU-PF. Given such divisions, neither Mr Mugabe nor others in ZANU-PF appear prepared to make concessions to the opposition that might weaken the party's power. Within the party, all attention is focused on the special five-day party congress, which will begin on December 11th." (Zimbabwe Country Report, November 2007) **[24j] (p10)**

9.13 Recent activities by the war veterans in support of Mugabe's candidature in the 2008 elections has further demonstrated the deep cracks within the ruling party. An example of the continuing divisions within the party came when pro-Mugabe Jubulani Sibanda marched with fellow war veterans to Bulawayo in October 2007. "Local ZANU-PF heavyweights would have been expected to rally behind him in this stronghold of the Movement for Democratic Change, MDC. However, former ZAPU stalwarts ignored him, Zimbabwean vice-president Joseph Msika, once a ZAPU member, has distanced himself from the veteran's marches and is one of several politicians to have criticised Sibanda's involvement in the pro-Mugabe campaign, although he still insists he is behind the president himself." (Institute for War and Peace Reporting, Issue 17, November 2007) **[77y] (p2)**

9.14 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The ruling party's candidates continued to benefit from the ZANU-PF's control of the state- and party-owned firms that dominated the country's economy and

from its control of the state-monopolized broadcast media. Youth wings of the ruling party continued to commit abuses against the opposition and members of civil society with impunity." **[2b](Section 3)**

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ZANU-PF discuss extending Mugabe's term of office

9.15 Despite President Mugabe's previously stated intention of stepping down in 2008, BBC News reported on 16 December 2006 that continued and serious in-fighting within ZANU-PF over who should take over the leadership of the party had led to a movement within one section of the party to extend Mugabe's term of office until 2010. **[3h]** ZANU-PF delegates at the annual conference in Goromonzi (14-17 December) (ZimOnline, 18 December 2006) **[49bf]** accepted a proposal that stated that "We want to reaffirm the leadership of President RG Mugabe […] and thus resolved that there should be no debate on succession because there are no vacancies." **[3h]** The motion, tabled by senior ZANU-PF officials, including party chairman John Nkomo, was presented to conference as a way of synchronising the presidential election with the next parliamentary ballot. However, Mugabe's personal spokesman stated publicly that extending the president's term until 2010 would thwart senior members jockeying for presidential power. (Institute for War and Peace Reporting, 13 December 2006) **[77g]**

9.16 ZimOnline reported that the motion to extend Mugabe's term until 2010 was met with widespread support within the rank and file at the conference **[49bf]**, although "…resentment at Mugabe's prolonged stay in power is mounting among senior ZANU-PF officials. Key factions vying to succeed to the highest office in the land are beginning to speak out clandestinely about the 82-year-old president's love of power." (Institute for War and Peace Reporting, 13 December 2006) **[77g]**

9.17 Of the factions vying for the succession, ZimOnline suggested that the two main camps – Emmerson Mnangagwa and Joice Mujuru's – could be forced to unite in order to block moves to make Mugabe ruler for life. (ZimOnline, 06 December 2006) **[49bg]**

9.18 The Zim Independent noted on 21 December 2006 that: "In an unprecedented move, ZANU-PF MPs have secretly launched a 'Stop Mugabe Campaign' in a bid to prevent President Robert Mugabe from extending his current six-year term… The bid to block Mugabe bears the hallmarks of events which have happened before in Zambia, Malawi and Kenya within founding ruling parties due to their leaders clinging on to power." **[11d]**

Mugabe secures endorsement for 2008

9.19 Divisions within ZANU-PF forced President Mugabe to abandon his plans to harmonise presidential and parliamentary elections which would have had the effect of extending his term in office until 2010. However, in spite of this setback, Mugabe managed to secure endorsement from the party as its election candidate in the 2008 presidential campaign. (Jane's Sentinel Security Assessment – Internal Affairs, updated 26 April 2007) **[111e] (p5)** The Central Committee of ZANU-PF also endorsed plans to bring forward the

parliamentary election to 2008 to harmonise presidential and parliamentary elections. (Institute for War and Peace Reporting, 2 April 2007) **[77s]** However, prior to the decision of the central committee, "… some of the party's most powerful leaders led by retired army general Solomon Mujuru worked hard to block Mugabe from standing in 2008." (ZimOnline, 31 March 2007) **[49cf]** Mujuru, who was reported to be dismayed at the decision, believes that unless Mugabe stands down, the economy, which is already in crisis, will continue to deteriorate, ruining any chance of ZANU-PF maintaining its hold on power and consequently his wife's chance of gaining the presidency. (Institute for War and Peace Reporting, 2 April 2007) **[77s]**

9.20 Earlier, the Institute for War and Peace Reporting (IWPR) noted on 19 March 2007 that there was uncertainty about whether Mugabe would in fact stand in 2008 if his now favoured successor, Emmerson Mnangagwa, could muster enough support. "Mugabe and Vice-President Joseph Msika are said to be in agreement that Mnangagwa should take over because they see him as a strong politician who would be able to guarantee their security once they go." However, "selling Mnangagwa as his successor both to ZANU-PF and Zimbabweans in general has proved problematic. The sources said Mugabe was keeping his options open on whether to stand for another presidential term, and would make that decision towards the end of this year, after assessing whether Mnangagwa had made enough progress in rallying solid support within ZANU-PF and nationally." The IWPR noted that there seems to be no appetite for a Mnangagwa administration. **[77t]**

9.21 "Robert Mugabe has secured endorsement to represent ZANU-PF at next year's presidential election, after receiving resounding support from the ruling party's central committee in Harare on Friday. The central committee had met to thrash out issues to be discussed on the agenda of the ruling party's special congress in December, where many believed Mugabe would face stiff competition for the ruling party's leadership." However, the article noted that the December congress is likely to be a mere formality. (SW Radio Africa, 26 October 2007) **[138ah]**

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Human Rights

INTRODUCTION

10.01 Human Rights Watch (HRW) World Report 2008:

> "Human rights defenders, especially lawyers, are often subjected to intimidation, death threats, arrest and beatings by the police and intelligence officers. For example on May 4, 2007, human rights lawyers Alec Muchadehama and Andrew Makoni were arrested and held for three days after submitting papers to the High Court on behalf of an opposition activist. On May 8, 2007, a group of lawyers, including Beatrice Mtetwa, president of the Zimbabwe Law Society, gathered outside the High Court in Harare to protest the unlawful arrest of Muchadehama and Makoni. Mtetwa and several others were arrested, forced into a police truck, driven to a secluded area and beaten with batons. Police assaulted lawyer Harrison Nkomo on March 11 when he tried to secure the release of an opposition member who had been arrested in connection with the March prayer meeting." **[69k]**

10.02 Following the assault by security forces on the leadership of the Zimbabwe Congress of Trade Unions (ZCTU), after they attempted to march in protest at the worsening economic conditions in Zimbabwe, the Institute for War and Peace Reporting (IWPR) noted on the 2 October 2006 that President Mugabe publicly declared his full support for the use of violence against people seen to be working against the state. Joram Nyathi, the editor of the weekly *Zimbabwe Independent*, claimed that police brutality had become the norm. **[77c]**

10.03 Amnesty International noted in its 2007 annual report (covering 2006) that:

> "The human rights situation continued to deteriorate, in a context of escalating poverty. Freedom of expression, assembly and association continued to be curtailed. Hundreds of people were arrested for participating or attempting to engage in peaceful protest. Police were accused of torturing human rights defenders in custody. The situation of thousands of people whose homes were destroyed as part of Operation Murambatsvina (Restore Order) in 2005 continued to worsen, with no effective solution planned by the authorities. The government continued to obstruct humanitarian efforts by the UN and by local and international non-governmental organizations." **[14d] (p1)**

10.04 The Zimbabwe Human Rights NGO Forum reported in May 2007 that lawyers were being targeted by state agents with reports that the police physically and verbally assaulted lawyers visiting clients at police stations. "The situation was so bad that in some of the cases, lawyers witnessed their clients being tortured in front of them." **[35c] (p1 – Overview)**

10.05 The International Crisis Group (ICG), in a report published in 24 August 2006, described the worsening situation in Zimbabwe by stating that "Inflation, poverty and malnutrition are growing more acute… A sense of paralysis hangs over the country." **[100b] (p1-2)**

10.06 Richard Johnson writing for *The Times* on 7 January 2007 argued that the Zimbabwean government has, since the mid 1980s, implemented policies that

have led directly or indirectly to the deaths of millions of Zimbabweans. The article stated that:

"A vast human cull is under way in Zimbabwe and the great majority of deaths are a direct result of deliberate government policies. Ignored by the United Nations, it is a genocide perhaps 10 times greater than Darfur's and more than twice as large as Rwanda's.

"Genocide is not a word one should use hastily but the situation is exactly as described in the UN Convention on Genocide, which defines it as 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part'.

"Reckoning the death toll is difficult. Had demographic growth continued normally, Zimbabwe's population would have passed 15m by 2000 and 18m by the end of 2006. But people have fled the country in enormous numbers, with 3m heading for South Africa and an estimated further 1m scattered around the world. This would suggest a current population of 14m. But even the government, which tries to make light of the issue, says that there are only 12m left in Zimbabwe.

"Social scientists say that the government's figures are clearly rigged and too high. Their own population estimates vary between 8m and 11m. But even if one accepted the government figure, 2m people are 'missing', and the real number is probably 3m or more." **[82k]**

10.07 Two reports published by ZimOnline on the 15th and 16th of November 2006 noted the continued use of ZANU-PF Youth Militias to enforce government policy. On the 16 November 2006, ZimOnline reported that hundreds of youth militia members were deployed in the predominantly MDC supporting city of Bulawayo to enforce price controls on selected staples such as bread. There were reports that the youths, often working with the Central Intelligence Organisation (CIO), had unleashed a reign of terror in Bulawayo beating up traders accused of inflating prices in a bid to sabotage the government. **[49d]** On the 15 November 2006, ZimOnline reported that 200 Youth Militia members had been drafted into the Civil Service, with the possibility of a further 800 being employed during 2007. Sources believe that recruited former youth militia members will be deployed to neutralise opposition support. **[49h]**

10.08 Political bias continued to be a major issue in Zimbabwe. Amnesty International reported that justice for many Zimbabweans often depended upon political affiliation with police officers continuing to operate in a politically partisan manner. **[14m] (p1)** The Solidarity Peace Trust reported in April 2006 that food aid, particularly maize, has "…been used to manipulate and intimidate the starving over the past four years. …the right to purchase maize on political grounds has been well documented over the last five years, particularly, but not only, during elections." **[65c] (p8)** Kubatana.net reported on 28 July 2005 that following Operation Murambatsvina, many people were moved out of the cities and were returned to their province of origin. On arrival, "They were taken to the Sabhuku (sub-chief), where they were more often than not asked for their ZANU-PF party card…" without which they were denied help and expelled into the wilderness. **[55g] (p3)** On 17 May 2006, the BBC reported the case of one woman suffering with HIV who claimed that she had been refused medication at a public hospital because she failed to

produce a ZANU-PF membership card. **[3ah]** A recent report from ZimOnline, noted on 14 May 2007, that the renewed crackdown on the MDC has led to the deployment of CIO agents in southern, opposition supporting regions, of Zimbabwe. CIO agents were reported to have ordered village chiefs and headmen to compile lists of villagers who support and campaign for the opposition. Demands for these lists were accompanied with threats that individuals who continued to participate in supporting the MDC could be killed. **[49bq]**

10.09 On 11 March 2007 the Movement for Democratic Change (MDC) attempted to hold a prayer meeting to highlight the worsening economic conditions in the country. However, the gathering, held in the Harare suburb of Highfield, was brutally suppressed by police and other state agents with two people killed, 150 arrested and the leaders of the MDC seriously injured after they were beaten in police custody. (allAfrica.com, 13 March 2007) **[50h] [4j]** Subsequently, the government has stepped up its crackdown of opposition activities with numerous reports of beatings and abductions. A number of deaths have also been reported of opposition figures and of at least one journalist. **[6l] [138l]**

10.10 A report published by the Zimbabwe Human Rights NGO Forum in August 2007 noted that since it began publishing its monthly political violence reports in July 2001 it has recorded over 25,000 cases of violence and human rights violations against critics of the government. In most part, these violations were reported to have been perpetrated by the police and the Central Intelligence Organisation: these state agents were implicated in cases involving murder, rape and torture. The report stated that it believed that the incidence and severity of human rights abuses would rise in the run up to the elections in 2008 as demonstrated in during previous presidential and parliamentary elections. **[35f] (p22-23)**

10.11 The Foreign and Commonwealth Office noted in its human rights report, updated 11 January 2008 that, "Zimbabwe's human rights record since 1999 has been vigorously criticised by the international community including the European Union, the Commonwealth, the United Nations, and the African Commission for Human and Peoples' Rights, as well as by the United States and other countries. In 2007, the Zimbabwe Human Rights NGO Forum has recorded the highest number of abuses since their records began in 2001. The security forces are used to suppress political opposition, independent media is stifled, and human rights defenders are harassed, assaulted and prevented from holding peaceful demonstrations. This includes the brutal crackdown on opposition and civil society members trying to attend a peaceful prayer rally in March 2007. Repressive legislation is in place, limiting fundamental freedoms. Although some small improvements to this legislation have recently been passed by Parliament, the situation on the ground has not improved. Torture occurs regularly and there is a general culture of impunity, whereby perpetrators of abuses are not prosecuted or even encouraged. ZANU-PF organised youth and war veteran groups have been used to intimidate the opposition. There are credible reports of politicisation of government food distributions. Many of the victims of Operation Murambatsvina in 2005 remain homeless or destitute." **[13c]**

10.12 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, reported that:

"The government engaged in the pervasive and systematic abuse of human rights, which increased significantly during the year. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists. Prison conditions were harsh and life threatening. Security forces, who often acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary were problems. The government continued to evict citizens and to demolish informal marketplaces. The government continued to use repressive laws to suppress freedoms of speech, press, association, academic freedom, assembly, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators. The following human rights violations also continued to occur: harassment of human rights and humanitarian nongovernmental organizations (NGOs) and interference with their attempts to provide humanitarian assistance; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children."
(Introduction)

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SECURITY FORCES

11.01 The CIA World Fact Book (Zimbabwe), updated on 15 November 2007, notes that the main military branches are the "Zimbabwe Defense Force (ZDF): Zimbabwe National Army, Air Force of Zimbabwe (AFZ), and the Zimbabwe Republic Police." **[136]** In addition, Jane's Security Sentinel – Country Profile: Zimbabwe (Security and Foreign Forces, date posted: 25 January 2007), reported that other security forces included the Central Intelligence Organisation and the Police Support Unit (PSU). The PSU is described as "…a de facto counter-insurgency and border patrol force…" The PSU is thought to number in excess of 2,000 full-time personnel…" **[111b] (p73)**

11.02 In addition to the torture of political opponents, the Zimbabwe Human Rights NGO Forum's Political Violence Report for September 2006 noted that it had "…discerned a highly disturbing trend by the police, the CIO and the Army assaulting and torturing people in the course of carrying out their investigations in incidents that are not politically motivated. The unbridled power the police appear to have been given by the state to deal with alleged political offences seems to be spilling over into their handling of non-political matters." **[35b] (p2)**

11.03 The Zimbabwe Human Rights NGO Forum (ZHRF) noted in a report entitled *Torture by State Agents in Zimbabwe: January 2001 to August 2002*, dated March 2003, that "In recent months, human rights organisations have seen a dramatic increase in cases in which state agencies are alleged to have committed human rights violations. This represents a change in the profile of human rights violations, which hitherto have been allegedly committed by Zanu PF supporters, youth militia and so called 'war veterans'." **[35n] (p4)** Alleged abuses have included unlawful arrest and detention, assault, abduction, torture and attempted murder. The ZHRF noted that on 18 August 2002 "Members of the army and police force assaulted the victim, allegedly for being an MDC chairman." It reported that four army officers and one police officer used baton sticks and a gun belt to assault the victim. "The assailants alleged that the victim and others were refusing to move away from a farm, which had been acquired for resettlement. After the assault they vowed to come back for more assaults. Victim suffered a right hand fracture and back injuries." **[35n] (p55)**

11.04 *The Sunday Times* noted on 23 October 2005 in an article following the aftermath of Operation Murambatsvina that "… the Joint Operations Command (JOC), which comprises the police, the Central Intelligence Organisation and the army, has drawn up a list of 55 political and civic leaders it regards as the 'most dangerous individuals', who must be kept under surveillance to ensure they do not organise an uprising." **[82f] (p5)**

11.05 The Economist Intelligence Unit (EIU) noted in its Zimbabwe Country Report dated December 2005 that there was growing evidence of discord amongst rank-and-file soldiers within the armed forces, who were becoming increasingly angry over late salary payments and the Government's refusal to increase their salaries:

"In recent years Mr Mugabe has increasingly relied on the loyalty of the army to enforce his rule, particularly in quelling potential urban riots and carrying out

the housing demolitions of Operation Murambatsvina (Shona for drive out rubbish; June 2005, Economic policy).

"According to press reports in South Africa in October, the main problem facing the 40,000-strong army is that the government has failed to provide adequate food rations to many barracks. Moreover, hundreds of soldiers have reportedly been prevented from leaving the army in protest and have instead been sent on forced leave in a bid to reduce numbers at the barracks. Officially, the army has claimed that soldiers are taking leave accrued from their periods of service in the Democratic Republic of Congo (DRC), a claim made less credible by the fact that the military engagement in the DRC ended four years ago."

The EIU went on to note that some South African analysts believe that the worsening economic situation in Zimbabwe may have caused some disgruntled Zimbabwean troops to organise a number of military-style bank robberies in the Johannesburg area. **[24c] (p16)**

11.06 Clearly aware of growing dissatisfaction within the security forces, EIU noted in the September 2006 Country Report that the Joint Operations Command (consisting of the chiefs of the armed forces, CIO and the police) advised President Mugabe to authorise the purchase of a new fleet of vehicles for middle-ranking police officers. New vehicles were also provided for similar ranks in the Army and the CIO. In addition, EIU reported that "The government also announced a near-100% pay rise for the army, the police and the civil service in the supplementary budget presented in July." **[24f] (p14)** However, reports indicated that recent pay increases had not prevented soldiers from leaving, or deserting the army. ZimOnline noted on 20 March 2007 that a group of 45 army officers had recently deserted from the army, dumping their weapons and crossing the border into South Africa looking for better paid jobs. Five of the deserters were arrested in the border town of Mussina on 16 February, reports state that the officers were severely beaten and tortured. **[49bt]**

11.07 Following the case of the five deserters, ZimOnline reported on 13 April 2007, that "Mystery shrouds the fate of the five Zimbabwean army deserters…" The deserters, who were reported to have been tortured and sustained serious injuries at the hands of army and CIO officers, were returned to Chikurubi prison, but no further information has been obtained about their condition or whereabouts. **[49bu]** However, on 21 May 2007, ZimOnline reported that the "Families of five Zimbabwean army deserters… say they fear they may have been tortured to death after they were removed from a government jail…" The families were reported to have been informed by serving colleagues of the five that they had been tortured to death by military interrogators. The father of one of the deserters stated that "… his son had initially wanted to resign from the army but his commanders had turned down his resignation." **[49by]**

11.08 The EIU reported in the December 2005 report that the Zimbabwean and South African Governments had signed an agreement of co-operation between their two intelligence services that establishes a new joint commission on defence and security. **[24c] (p20)**

11.09 BBC News reported on 21 March 2008, that: "Five police officers based in Masvingo, southern Zimbabwe, are serving a 14-day prison term after being

convicted of breaching the Police Act. They were accused of supporting the opposition Movement for Democratic Change (MDC) led by Morgan Tsvangirai. The Police Act bars officers from actively participating in politics… But critics say the law has been applied selectively, with supporters of the ruling Zanu-PF going unpunished ahead of the 29 March election. Police chief Augustine Chihuri has publicly stated that he will not allow 'puppets' to take power in Zimbabwe - widely seen as a reference to the MDC." **[3bj]**

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POLICE

11.10 The Zimbabwe Human Rights NGO Forum's report entitled 'Zimbabwe – Facts and Fictions', published in November 2005 noted that:

"The Zimbabwe Republic Police (ZRP) comprises 23,879 police officers, giving a ratio of 1 police officer to 523 civilians. It falls under the Home Affairs Ministry and is governed by the Police Act. At the helm of the organisation is a police commissioner, deputised by four deputy commissioners responsible for operations, human resources, administration and crime.

"The ZRP is divided into specialised units, namely the Duty Uniform Branch (DUB), the Police Protection Unit (PPU), the Support Unit (a paramilitary branch of the organisation), Criminal Investigation Department (CID), the Staff Branch and the Technicians' Branch." **[35y] (p32)**

11.11 *Jane's Sentinel Security Assessments – Southern Africa (Zimbabwe)*, updated on 25 January 2007, noted that: "The force [the Zimbabwe Republic Police] is an armed, quasi-military organisation, which is modelled more along the lines of a military gendarmerie rather than a civilian police force. It has approximately 22,000 full-time members and is deployed throughout the country. Its presence is most evident in cities and towns, but thinly spread in rural areas." **[111c] (Zimbabwe Republic Police)**

11.12 *Jane's* also noted that the Police Support Unit often provides guard duty at the frontier, as it aims to combat poachers and smugglers; and that it is also always on the lookout for signs of insurgent dissident activity. **[111c] (Border Guards)**

11.13 On 7 June 2006, allAfrica.com reported the findings of the Parliamentary Portfolio Committee on Defence and Home Affairs that found that there was a shortage of food and erratic fuel supplies at police stations. The report noted that at Highlands Police Station "…inmates in the holding cells had gone for two days without food…" The situation at Harare Central Police Station was said to be worse with cells "…unfit for human habitation as the sewage system burst on a daily basis thereby putting the inmates at risk of contracting diseases." **[50b]**

11.14 On 5 June 2006, ZimOnline noted that the findings of the Parliamentary Portfolio Committee on Defence and Home Affairs report on the Police Service had been hushed up by the Government following fears that the report would "…trigger 'alarm and despondency' among police officers." The article noted

that the report, if released, may have led to police officers going on strike, (even though officers are banned from going on strike,) over poor working conditions and the ever decreasing value of their salaries. The article also reported that some police officers had already gone on strike earlier in the year. **[49ae]** A subsequent article from ZimOnline, published on 8 January 2007, reported that the Zimbabwean Police Commissioner Augustine Chihuri had requested urgent pay rises for his men after 3,500 of them tendered their resignations. It was reported that more letters of resignation were "streaming in" all the time with one of ZinOnline's sources stating that "… the exodus of officers is a clear indication of increasing desperation in a key security organ that should be greatly worrying to Mugabe and his ruling ZANU PF party…" **[49at]** This was followed up on 1 June 2007 when ZimOnline reported that: "At least 5,000 police officers among them inspectors and superintendents tendered resignations letters last month alone in protest over poor pay and working conditions…" Police Commissioner Augustine Chihuri was reported to have written to all commanders demanding that no further resignations were accepted until after next year's elections. The rising level of resignations was hampering the government's ability to increase the strength of the force to around 50,000 officers in time for the elections. The article also noted that the police were also trying to track down about 1,000 officers who had left the force without tendering their resignations. **[49cr]**

11.15 ZimOnline also reported on 23 June 2006 that "Corruption has over the past six years risen sharply within Zimbabwe's police and other uniformed forces as worsening economic hardships in the country push both ordinary citizens and law enforcement agents to bend the rules in order to survive." **[49ad]**

11.16 ZimOnline reported on 23 June 2006 that investigations conducted by the CIO concerning allegations of corruption against five top police officers, who were said to have been involved in extorting money from carjackers and armed robbers, were dropped following pressure from Police Commissioner Augustine Chihuri. The report noted that "authoritative sources" stated that "Chihuri, who was said to have initially backed the investigation of his officers, met Mohadi [Minister for Home Affairs] on Wednesday last week and pressed him to convince [Didymus] Mutasa, who is in charge of the CIO, to agree to instruct the spy organ to call off the probe…" The report claimed that Chihuri called for the investigations to be called off because he believed that any convictions could cause panic throughout the police force ahead of expected anti-Government protests threatened by the MDC for the winter. **[49ad]**

11.17 The Zimbabwe Human Rights NGO Forum's report entitled *Zimbabwe – Facts and Fictions*, published in November 2005, noted that "Cases of corruption within the police are rampant at roadblocks and national borders among other areas. Owing to economic hardships, the number of ZRP officers implicated in cases of corruption is on the increase." **[35y] (p36)**

11.18 The Economist Intelligence Unit's Zimbabwe Country Profile 2007, noted that the police have become "…a highly politicised body in recent years, have shown a high degree of loyalty to the president, Robert Mugabe, throughout the current political and economic crisis. To date they have swiftly put down protests with considerable ruthlessness." The report went on to emphasise that "One of the main problems in recent years has been the emasculation of the police force, which is no longer seen as an unbiased enforcer of the law but as a body that supports the government, even in unlawful actions."

[24e] (p18-19) However, there was evidence that even relatively senior police officers were unable to act independently without fear of sanction from ruling party supporters. ZimOnline reported on 20 July 2007 that: "Six senior police officers in Masvingo town are facing demotion after they set free several opposition Movement for Democratic Change (MDC) party activists who were arrested during a government crackdown last march." The officers were demoted from the rank of superintendent to inspector after being "… found guilty of releasing suspects especially members of the opposition in March this year without following proper procedures…" **[49cs]**

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Arbitrary arrest and detention

11.19 A report by Human Rights Watch published in November 2006 stated that the Zimbabwean police used "…laws such as the Public Order and Security Act (POSA) and the Miscellaneous Offences Act (MOA) to justify the arrest of civil society activists." While some people are released within hours of being taken into custody, others "…are held for more than the legally allowed limit, often without charge." **[69b] (p5)**

11.20 The Zimbabwe Human Rights NGO Forum (ZHRF) noted in its *Political Violence Report – July 2006* that between 1 January 2006 and 31 July 2006 there were 861 reports of unlawful arrest and detention. **[35l] (p3)** The USSD 2006 report noted that there continued to be reports of "…repeated arbitrary arrest and detention and lengthy pre-trial detention." **[2b] (1d)**

11.21 The Zimbabwe Situation reported on 16 February 2006 that following a demonstration against Robert Mugabe's Government, hundreds of activists from the pressure group Women of Zimbabwe Arise (WOZA) were arrested and held at Harare Central Police station. WOZA activists claimed that "Police are denying them food, denying them water." "…several women were assaulted, with some being slapped with open palms across the face. Others were allegedly kicked in their sides by booted officers as they sat on the floor in detention." **[89t]** Amnesty International (report published on 29 September 2006) noted that "Between February 2003 and March 2005 hundreds of WOZA members were arrested [and detained in poor conditions] and dozens assaulted by police officers." **[14c] (p7)**

11.22 Kubatana.net reported on 13 September 2006 that WOZA activists protesting against poor service delivery in Harare were arrested by the police. As with the earlier report, police held activists for longer than required and failed to bring activists to the Central station to sign statements. **[55f]**

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Torture

11.23 A report published by the Zimbabwe Lawyers for Human Rights and the Zimbabwe Association of Doctors for Human Rights published in May 2007 noted that:

"There has been a disturbing trend within the police force since 13 September 2006. The majority of HRD [Human Rights Defenders] who are arrested and detained whilst carrying out peaceful protest action are subjected to brutal beatings, on command of the arresting officers. Torture in detention for interrogation purposes has been routine in Zimbabwe and increasing over the past 7 years, but now every incident of mass arrest results in severe beatings with many of the detainees requiring urgent medical attention, including surgery for fractures and admission to hospital for management of complications of their torture." The report noted that following the events of 11 March 2007, there were at least 107 cases of torture reported. **[52] (p5-6)**

11.24 The Zimbabwe Human Rights NGO Forum noted in its December 2007 report that "torture remains a perennial problem in Zimbabwe. There was a marked increase in the incidents of torture from the 136 in 2005 to 368 cases in Zimbabwe in 2006 and 586 in 2007. For 2006, these attributed to the ZCTU demonstrations in September and the Bindura State University students' demonstration and subsequent barbaric torture in May 2006. September 2006 recorded the highest number of cases in the year, 143 in total and May recorded 86. In 2007, there were 82 cases of torture recorded for February. March had the highest number of 68 for reasons that have already been noted before and July 180." **[35z] (p23)**

11.25 The NGO Forum report continued: "The month of July was again characterised by police brutality on peaceful demonstrations. The ZRP arrested 279 NCA members following a countrywide demonstration against Constitutional Amendment (No.18) Bill. Close to 170 of the demonstrators, including the NCA National Director, Ernest Mudzengi, were hospitalised after being severely tortured while in police custody at Harare Central Police Station. It is reported that the police arrested 243 NCA members in Harare while 12 people were arrested in Mutare, 10 in Masvingo and 14 in Gweru. The Forum notes with concern the continued use of force by the ZRP in contravention of its Police Charter and other international norms and standards that regulate the conduct of law enforcement officials." **[35z] (p23)**

11.26 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that the constitution prohibits the use of excess force or torture by state agents. However, the report stated that:

"Police used excessive force in apprehending and detaining criminal suspects. Security forces routinely tortured citizens while in custody. Government supporters continued to assault suspected opposition members, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the government or the opposition continued." **[1] (Section 1c)** "Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. One NGO report stated that 3,463 victims of torture and assault received medical treatment during the year, nearly triple the 1,185

victims recorded in 2006. Torture and other assault methods commonly reported included beating victims with whips and cables, suspension, electric shock, and falanga (beating the soles of the feet).'" **[1] (Section 1c)**

11.27 Human Rights Watch claimed that individuals arrested by the police were often held in overcrowded and filthy conditions, "…with human waste on the floor, and blankets that are infested with lice. The activists are sometimes denied legal counsel and access to food, water, and needed medical assistance. In some cases, activists reported that while in custody the police subjected them to brutal beatings as part of interrogation or as punishment, which amounted to torture."

The report concluded that, civil society "activists who persist in engaging in demonstrations and other activities are likely to face repeated arrests with its attendant torture and other ill-treatment." **[69b] (p5-6)**

11.28 Freedom House noted in *Freedom in the World – Zimbabwe 2007* that security and military forces are only accountable to the Government – the public had little say over their activities. "Security forces often ignore basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects held by police or security services." **[105d] (p10)** ZimOnline noted on 6 May 2006 that the "…government has in the past denied reports by the ZHRF [Zimbabwe Human Rights Forum], churches and pro-democracy groups that its army and police routinely commit torture against perceived opposition supporters. **[49am]** Noting the government's unwillingness to investigate allegations of torture against state employees, Human Rights Watch, noted in a report published in November 2006, that "the authorities in Zimbabwe rarely investigate allegations of torture and other mistreatment". **[69b] (p2)**

11.29 *The Times* reported on 26 June 2006 that: "The Zimbabwe Human Rights NGO Forum, a coalition of human rights groups and legal organisations, has reported over 15,000 violations of human rights in the past eight years, but the report said only 300 have entered the initial phases of litigation. Only 51 of these went to their conclusion, with the state being held accountable in 89 per cent of cases." **[82a]**

11.30 *The Zimbabwean* (accessed on 22 June 2006) noted that Amani Trust and Action Aid reported that torture continued to be used by the security services in Zimbabwe. The article noted that "Rape, electrocution, severe beatings on the body and the soles of the feet, forced nakedness, witnessing the torture of family members and friends and mock executions are all part of a long list of horrifying state-sanctioned acts with which huge numbers of Zimbabweans are all too familiar." The article noted that Patson Muzuwa, who is chairman of the Zimbabwe Association, claimed that before he fled Zimbabwe in 2001 he was severely tortured and beaten unconscious by the police. **[99d]** An article published by ZimOnline on 27 June 2006 noted that the Zimbabwe Human Rights Forum [ZHRF] reported that "…there is widespread use of torture by state security agents…" The "…police routinely mistreat and beat suspects to get information and confessions." **[49al]** The ZHRF reported that incidents of torture were "rising". **[49am]**

11.31 Commenting on the planned Zimbabwe Congress of Trades Unions (ZCTU) protests that were crushed by the Zimbabwe government, *The Guardian*

reported on 18 September 2006 that senior members of the ZCTU were arrested and held without charge and without access to legal representatives. Of these, "…Wellington Chibebe [General Secretary], was beaten unconscious and suffered head injuries and fractures to his arm and fingers." The report noted that another 30 union activists were thought to have also suffered violence and torture at the hands of the police including "Lovemore Matombo, the ZCTU president, and Lucia Matibenga, the vice president, [who] suffered broken arms." A magistrate involved in bailing the union officials ordered that the police should investigate the reports of abuse, but *The Guardian* noted that in the past "The Mugabe government has refused to prosecute police and other agents accused of torture. In many instances those accused have been promoted." **[34e]**

11.32 ZimOnline reported on 11 August 2006 that "One police officer died and another one developed mental illness after severe beatings and torture during patriotism training last month at a police camp near Buchwa mine, more than 400 km south-west of Harare. …While the police have often been accused of torturing perceived opponents of Mugabe's government, this is the first time that police themselves have been reported to have been victims of torture." ZimOnline noted that the training exercises included simulations of opposition type protests, where police officers newly promoted to the rank of inspector, staged mock sit-ins. During one of the training sessions, an officer identified as 'Inspector Shava' was beaten repeatedly around the head with batons. "Shava was said to be recuperating at his home in Harare." **[49aq]**

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Extra-judicial killings

11.33 Following the publication of the USSD 2006 report, Human Rights Watch noted in a report entitled 'Bashing Dissent' published in May 2007, that "Since March 11, several incidents have occurred in which Zimbabwean security forces have used disproportionate and lethal force against unarmed demonstrators and other activists. A recent report by the Zimbabwe Lawyers for Human Rights and the Zimbabwe Association of Doctors for Human Rights noted that Ital Manyeruke, "… died a few days after the 11 March [2007] disturbances, from confirmed beatings and torture." The Zimbabwean police were reported to have been responsible for the killing. In addition, the report also noted that "there were six recorded and documented cases of police targeting specific individuals and firing directly at them." While injuries were sustained, no fatalities were reported as a result of the shootings. **[52] (p.10)**

11.34 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in February 2008, reported that: "On several occasions police have used tear gas to disperse demonstrations, beaten protestors with batons and rifle butts and even fired on peaceful protestors. In 2007 MDC member Gift Tandare was killed when police opened fire on unarmed demonstrators during clashes with the police in the immediate aftermath of the March 11 prayer meeting. The following day, police opened fire on mourners at Tandare's funeral and two MDC supporters were seriously injured. On April 7, 2007, armed police reportedly stormed the home of opposition member Philip Katsande and shot him three times in the arms and chest… After the shootings, Philip Alston,

United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, called on the government to immediately halt the use of lethal force against unarmed political activists. So far, the police have not investigated any of the shootings." **[69k]**

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ARMED FORCES

11.35 Strikes over pay and poor conditions in the health service, and other sectors of the economy, were reported to be causing concern among senior army officers who believe that strikes could spread to the army. "Sources in the Zimbabwean security apparatus said senior army officers had sought a tenfold pay increase while the government has promised a 300% rise. The source said the two institutions have been drained recently by numerous resignations." (Voice of America, 9 January 2007) **[83h]**

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

11.37 "Since early 2005 a worrying trend within Zimbabwe has been Robert Mugabe's increasing use of military in virtually all areas of government. This includes the fact that day-to-day running of the country is increasingly carried out by the National Security Council (NSC), rather than the cabinet." (Economist Intelligence Unit, Country Profile 2007) **[24e] (p12)** In addition, the Institute for War and Peace Reporting (IWPR), in a report dated 31 May 2006, posed the question "Is the Army taking over?" noting that:

"Senior military officers have in recent months been appointed to top posts in public institutions, including state-run companies, the central bank and the judiciary, as the armed forces increase their influence over civilian affairs. The officers' upward march has been so swift that it has taken the public by surprise. The latest appointment was of an army general to be the country's top tax collector, overseeing the running of the Zimbabwe Revenue Authority, ZIMRA.

"A retired army general, Solomon Mujuru, is being widely touted as the man most likely to succeed Mugabe as state president. Mujuru, under the war name Rex Nhongo, was commander of Mugabe's guerrilla forces in the war of liberation against white rule in the 1970s.

"The head of Zimbabwe's powerful and much-feared Central Intelligence Organisation, CIO, is a former army brigadier. Two judges are former top military officers. One of the eight provincial governors is a former general. An army colonel is permanent secretary in the ministry of transport.

"The list goes on. Military men head the strategic Grain Marketing Board and the prison service. Mugabe's inner cabinet has four soldiers serving as ministers or deputy ministers.

"Less visible, but perhaps more important, is the extent of the military's influence further down the bureaucratic chain. Many managers at the Grain Marketing Board are ex-soldiers. Having thrown white farmers off their land, the military has taken over many of the farms in a move termed Operation Maguta. Military men at the Grain Marketing Board are also setting up camps on the land of black farmers and ordering them to grow maize, the country's staple food, to try to avert widespread hunger."

"The report went on to note that: "Mugabe is believed to have a variety of goals in appointing military men to civilian posts. Political survival is undoubtedly a major aim… Political analyst Themba Dlodlo, of the National University of Science and Technology, said Mugabe also has his retirement prospects in mind. 'For him to survive after he stops ruling he needs to have these people in power because they are his supporters and are unlikely to prosecute him for the atrocities he has committed in this country,' he said." **[77h]**

11.38 ZimOnline also reported on 5 July 2006 that the former head of the Zimbabwe Air Force, Mike Karakadzai, was being "…tipped to take over as head of a restructured Zimbabwe Broadcasting Holdings (ZBH), placing the public broadcaster in the hands of former soldiers already controlling most major state institutions…" **[49af]**

11.39 The Solidarity Peace Trust published a report on 30 August 2006 that noted that control of Operation Garikai, the rebuilding programme that followed Operation Murambatsvina, has been assigned to high-ranking army officers through the Inter-Ministerial Committees (IMCs). The report noted that the IMCs "… have effectively taken over many of the functions that would normally be the domain of local government…" **[65b] (p27)**

11.40 However, within the lower ranks the Institute for War and Peace Reporting (IWPR) noted on 21 March 2006 that there was a growing trend in the army of soldiers (mostly privates and non-commissioned officers) going AWOL (absent without leave). The report stated that "soldiers were quitting in droves" and that this was "emblematic of the discontent in the security forces". "The country's intensifying economic crisis has begun to erode the morale of the army…" and it was reported that "Some troops have been confined to barracks and are facing court-martials after staging protests about food shortages." **[77n]** The Economist Intelligence Unit's Zimbabwe Country Profile 2007 reported that "…while senior army commanders may be loyal to Mr Mugabe, the rank and file are becoming restive and fed up with inadequate pay and living standards, and many have left the army in recent years. According to some reports, the army now has fewer than 30,000 soldiers, compared with 52,000 in 2000." **[24e] (p12)** There continued to be reports that the junior ranks were leaving the army in their hundreds. (ZimOnline, 10 January 2007) **[49as]**

11.41 Jane's Security Sentinel – Country Profile: Zimbabwe (Army, updated 7 January 2008), noted that: "The Zimbabwe National Army (ZNA) is formally committed to reducing the number of serving personnel to 25,000, although

the authorised strength will remain at 42,000… The Army has already redistributed members of 6th Brigade, an infantry formation that was never properly constituted. A brigade headquarters and six battalions have so far been disbanded. The last phase of the reorganisation will see three more battalions disbanded, resulting in five brigade headquarters, all with two attached battalions, and support units such as engineers available to them on request. The intention is to reduce the Parachute Group, the Commando Group and the Presidential Guards into regimental-size formations, although it is understood that the Presidential Guard will probably ultimately consist of a two-battalion strength formation. " **[111f]**

11.42 On 19 October 2006, the Association of Zimbabwe Journalists reported that "The Zimbabwe National Army (ZNA) had embarked on a massive recruitment drive of new soldiers stoking fears among opposition political activists and human rights campaigners the move is aimed at strengthening President Mugabe's grip ahead of street protests against his rule." The report also noted that the ZNA was particularly keen to recruit former members of the national youth service. **[143b]** However, while the government was reportedly recruiting new soldiers, it was reported that it was also purging officers suspected of sympathising with the opposition. "Zimbabwe's national intelligence agency on Monday began deploying its secret agents within the army and police to purge officers suspected of backing opposition plans to revolt against the government…" (ZimOnline, 9 March 2007) **[49bw]**

11.43 ZimOnline reported on 10 January 2007 that while junior ranks are leaving the military in their hundreds over low salaries and poor conditions, the Zimbabwean government announced that it would be paying Pakistani military experts to train and equip the Zimbabwean Air force. The article noted that the government "… routinely sends AFZ helicopter gunships flying above cities to scare anti-government protesters from the streets." **[49as]**

11.44 The USSD 2007 report noted that "The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President's Office controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security. There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired." **[1] (Section 1d)**

11.45 Jane's also noted that: "Too many senior Zimbabwe officers have been promoted without the normal practice of having to pass exams. There is a clear difference between middle management and the upper ranks of the ZNA. In the main, it is only the middle ranks who have been promoted on merit and results. Prior to this, party connections and loyalty to the regime rather than job-related proficiency were used to assess the career prospects of higher ranking officers. For example, the ZDF found during the Congo deployment that it had to turn to former Rhodesian personnel to fine-tune the 'Fireforce' concept, maintain some key technical equipment and provide personnel to interpret intelligence collected during the campaign. " (Jane's Security Sentinel – Country Profile: Zimbabwe) **[111f] (p83)**

11.46 SW Radio Africa reported on 5 November 2007 that Clemence Takaendesa, an MDC activist, was shot dead in KweKwe on 31 October 2007. Mr Takaendesa was killed while on a fishing trip with friends on the estate of retired army Brigadier Bejamin Mabenge. Taurai Chigede, the brother of Mr Takaendesa, was seriously injured during the attack and was transferred to the Avenue's Clinic intensive care unit. It was unclear whether the killing was politically motivated or simply a response to poaching/trespass. **[138ac]** However, it was noted that while Brigadier Mabenga was arrested and charged with the shooting (The Herald, 2 November 2007) **[23e]** he "… has a history of violence and causing mayhem in the Midlands town" of KweKwe where he has been a suspect in a number of murder cases involving MDC activists. Brigadier Mabenga appears to have been able to operate with complete impunity and has not been required to face charges in court. "He has also received a presidential pardon for a number of high profile arson attacks on the homes of MDC activists…" and is believed to have the protection of former CIO head Emmerson Mnangagwa. **[138ac]** The same source noted on 7 November 2007 that a post-mortem carried out by police in Bulawayo revealed that the body showed signs of physical beating which may have taken place after the shooting. **[138ad]**

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Patriotic Guards

11.47 ZWNews reported on 24 May 2005 that "Highly placed police sources said a specially recruited and trained group of youth militia underwent training at a police camp situated at a farm in Shamva, about 100km north-east of Harare last year." The purpose of the group, ZWNews reported, is the formation of a unit of "Patriotic guards" to protect President Mugabe and other dignitaries. Inside police sources confirmed that the creation of the new unit was as a result of the questionable allegiance of the Police Protection Unit. The move by Mugabe is also being seen as a result of a "serious security paranoia" that had gripped Mugabe who also recently ordered that members of his ZANU-PF politburo, the party's highest policy implementation body, be searched before going into meetings. **[67l]**

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Arbitrary arrest and detention

11.48 See earlier comments regarding the police and army.

Torture

11.49 On 27 June 2006, ZimOnline, noting a report by the Zimbabwe Human Rights Forum [ZHRF], reported that the "…court records and official documents indicate that there is widespread use of violence and torture by President Robert Mugabe's state security agents. … The army's methods of dealing with the public are often very brutal." Court records showed that "They are sued more for torture and grievous bodily harm than any other group…" **[49al]**

11.50 ZimOnline noted on 6 May 2006 that the army routinely committed torture against perceived opposition supporters. "Detailing one case of gross human rights abuse which it described as 'unprecedented' the Forum said a group of Zimbabwe National Army soldiers and Zimbabwe Revenue Authority officials in March raided a hotel in the eastern border city of Mutare and heavily assaulted and tortured workers at the hotel after accusing them of hoarding sugar and maize-meal. "The employees were forced to 'stand on their heads' and to do press-ups on their knuckles while the security agents continued to assault them. One of the victims John Saungweme, who is elderly, fainted during the ordeal…" **[49am]**

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Extra-judicial killings

11.51 See earlier comments regarding the police and army.

CENTRAL INTELLIGENCE ORGANISATION

11.52 *Jane's Sentinel Security Assessments – Southern Africa (Zimbabwe)*, updated on 25 January 2007, noted that:

"The CIO [Central Intelligence Organization] was formed by the Rhodesian authorities in the late 1960s as the country's main civilian intelligence agency. It was later taken over by the Zimbabwe government, ideologically re-oriented and placed under the Ministry of National Security in order to adopt a protective role for the new regime. Political direction between 1980 and 1988 came from Emerson Mnangagwa, a leading ZANU-PF personality and one of the first ZANLA cadres from the Liberation War. Mnangagwa was replaced by former ZANLA doctor Sidney Sekeramayi, who served until August 2000, when he was replaced by former diplomat Nicholas Goche.

"Since 2000, the CIO has been used to spearhead the ZANU-PF political-economic programme, including farm occupations and the suppression of opposition politicians and media. Nevertheless, the CIO has not been immune to the wider crisis of Zimbabwe's economy. In September 2001 it was reported that more than 500 members of the CIO were set to leave over poor working conditions. Subsequently, it was reported that major salary increases had been granted to CIO members to appease them. Libyan intelligence officers were also reported to have been sent to Zimbabwe to improve Mugabe's security and intelligence system and technology supply agreements were reported to have been made with China." **[111c] (Security and Foreign Forces)** *The Independent* reported on 13 March 2007, that while the country is practically bankrupt, the CIO "…enjoys a budget many times that of the health service." **[4h]**

11.53 "The CIO has taken over immigration security at Harare International Airport in its search for dissidents (mostly MDC activists), especially on flights to the UK and the US. It justifies this activity within the remit of co-operation in the international fight against terrorism." (Jane's Security Sentinel – Country Profile: Zimbabwe) **[111b] (p72)** Confirmation that the CIO has taken on immigration duties at the country's airports was provided by *The Mail on*

Sunday (online) which noted on 26 October 2007, that the "… airports are filled with … Central Intelligence Organisation officers." **[94]**

11.54 On the subject of security at Harare Airport, Peta Thornycroft, writing in *The Telegraph* on 22 May 2006, noted that the details of every person passing through immigration is fed into a "…central system as part of Zimbabwe's paranoia to detect undesirables, like journalists, or trade unionists." **[5c] (p1)** However, in a radio discussion on 16 January 2007, she questioned the effectiveness of security processes at Harare Airport stating that "… I don't know whether the Zimbabweans can get that sort of thing up and going efficiently [referring to South African Apartheid era entry/exit security processes] because they're not terribly efficient at the airports, despite their electronic scanning." (NewZimbabwe.com, 17 January 2007) **[41d]**

11.55 Dr Diana Jeater, Principal Lecturer in African History at the University of the West of England, noted in a briefing paper that: "The CIO and police have always been very efficient at being able to identify and locate people within Zimbabwe. …There is good evidence that the CIO keeps lists of people who are suspected of sympathy with opposition positions. … Evidence gathered by human rights groups confirms that the information in these lists covers a wide range of citizens, and is often based on information extracted by torture." (Zimbabwe seminar at SOAS 30 March 2007, paragraphs 3.3.2 and 4.5) **[58]**

11.56 CVNI.com noted that "Over the last couple of years, the CIO has been widening its scope of operations. The agency now works actively with the ZANU–PF youth organisation; which is part of the state funded training programme of the Ministry of Youth Affairs. They are trained in a network of 'youth camps' across the country and in a short time have become a paramilitary extension of the CIO." **[88] (p2)**

11.57 A report entitled, *The role of militia groups in Maintaining Zanu PF's political power* dated March 2003, noted that the CIO had taken a direct hand in many instances of political violence, organising militias and providing transportation to operational areas. It was specifically noted that the highest authorities in government directed the operation of the CIO. The report cited as an example the 2000 parliamentary elections, and further noted the involvement of the Police Internal Security and Intelligence (PISI) involvement in acts of violence, torture and intimidation. **[87] (p9)**

11.58 The Zimbabwe Human Rights NGO Forum's Political Violence Report for September 2006 expressed concerns that where the CIO had previously employed torture and assault in the investigation of political opponents, it noted that there was a growing and disturbing trend of the use of torture in the handling of non-political matters. **[35b] (p2)**

11.59 *The Financial Gazette* reported on the 28 April 2005 that the Zimbabwean Government was increasing its control of the country with the handing over of control of grain and cereal distribution to the CIO. The article noted the opinion of "Renson Gasela, the Movement for Democratic Change shadow minister of lands and agriculture, said: 'Maize is now being treated like a security item where the country must be kept in ignorance. This is evidenced by the total militarization of GMB (the Grain Marketing Board)'." **[37e]**

11.60 ZimOnline reported on 14 May 2007 that the recent crackdown on the opposition has led to the deployment of CIO "… agents in the southern parts of Zimbabwe, a stronghold of the MDC, to harass and disrupt the opposition ahead of the elections [scheduled for 2008]. … Villagers who spoke to ZimOnline in Matobo district, some 68km south of the second city of Bulawayo, confirmed that state agents had been deployed in the area saying traditional leaders in the area had been asked to compile names of all known opposition supporters in the area." **[49bq]** SW Radio Africa reported on 26 March 2007 that the ruling party was in the process of setting up "militia camps" in a number of places across Matabeleland in preparation for next years presidential and parliamentary elections. "MDC MP for Nkayi in Matabeleland South, Abednico Bhebhe, claimed that the militias were deployed with specific instructions to flush out MDC activist from opposition strongholds." **[138p]**

11.61 In a move to further control the flow of independent information in and out of the country, *The Zimbabwean* reported on 6 May 2005 that the Zimbabwean government had acquired sophisticated phone tapping, radio jamming and internet monitoring equipment from China. "The equipment has been handed over to its dreaded spy agency, the Central Intelligence Organisation (CIO) in an effort to block the circulation of what it alleges is hostile propaganda from foreign based radio stations and cyber space…. Zimbabwe's latest acquisitions allegedly include smaller, less visible high-tech bugging equipment that is more difficult to detect. Minute omni-directional recorders with enhanced long ranges at ultra-high frequencies have been ordered and can be useful for snooping on meeting sites from a safe distance." The article went on to note that the Government was increasing surveillance in an attempt to identify new sources of political opposition following what it believes has been the effective neutralisation of the MDC. **[99a] (p1-2)**

11.62 The USSD 2007 noted that: "CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work." **[2] (Section 2a)**

11.63 *The Independent* reported on 13 March 2007, that "The CIO has been ruthlessly effective at sowing confusion and mistrust in the opposition camp and credited with forcing a damaging split in the main party." **[4h]** ZWNews reported on the 21 September 2006 that a report published by Morgan Tsvangirai's faction of the MDC claimed that the CIO took advantage of the split within the "...Movement for Democratic Change to perpetrate last July's brutal attack on Harare North legislator Trudy Stevenson and four other party officials…"

The report found that the pro-senate faction of the MDC had been "heavily infiltrated by the CIO" and that this infiltration had led to the attack. However, while Ms Stevenson's faction agreed that the MDC had been infiltrated by the CIO, Stevenson said that she believed that the attack on her and her party colleagues had been carried out by CIO working out of Morgan Tsvangirai's faction. The article noted Stevenson as saying that before the party split, "… Tsvangirai had long been told that CIO moles had infiltrated his inner circle." **[67a]**

11.64 Commenting on the 11 March crackdown on the opposition, Human Rights Watch noted in a report published in May 2007, that the CIO was implicated in abductions and abuse of opposition supporters and civil society activists. MDC spokesperson, Nelson Chamisa reportedly stated that he believed that the men behind his attack at Harare airports "… were CIO agents because the attack occurred in full view of the police at the airport who failed to react. … A civil society activist arrested and beaten at Harare police station on March 14 told Human Rights Watch, 'We always know there are CIO and youth militia at the police stations. They are the ones who don't wear police uniforms. The CIO officers sometimes introduce themselves as coming from the office of the president. They are usually the most brutal ones.'" **[69d] (p22-24)**

11.65 With regard to Government tactics against the opposition, *The Guardian* reported on 31 March 2007 that Tendai Biti, the MDC secretary general, suggested that the government had moved further away from using uniformed agents such as the police to enforce its will and was instead relying more upon the CIO, War Veterans, and ZANU-PF youth in deploying its "terror tactics". "The vigilante violence is increasing because the abuse of formal repressive units like the police is problematic. If you use a policeman people see it. We aren't breaking the law so they can't prosecute us. These vigilante abductions are a demonstration that they are running out of options." Such tactics were reportedly being used increasingly against the MDC's local leadership in an attempt to stop them organising at grass roots level. **[34k]**

11.66 Regarding the range and scope of CIO activities, a number of news reports over the past couple of years have suggested that the security service has set up surveillance missions to monitor opposition activities in neighbouring countries, and even possibly infiltrating opposition groups in the United Kingdom. A report broadcast by SW Radio Africa (Zimbabwe news) in July 2005 stated that: "There is mounting concern that a significant number of state security agents from Zimbabwe are infiltrating groups in the UK under the pretext of helping asylum seekers or even claiming asylum themselves. Several meetings have been disrupted by rowdy elements who claim to be genuine activists. The growing fear is that Mugabe is sending spies into the UK who will be collecting information on activists in the country…" **[89aj]** The Institute for War and Peace Reporting noted on the 23 June 2006, that Mugabe had CIO operatives working in Britain. **[77r]** ZimOnline reported on 16 April 2007 that an intelligence source claimed that CIO operatives had in the past "…been assigned special surveillance missions on opposition leaders when they visit neighbouring countries." **[49br]**

11.67 On 13 September 2007 BBC News reported that Pius Ncube resigned as Roman Catholic Archbishop of Bulawyo, following a scandal involving allegations that he had an affair with a married woman. It had been suggested that Ncube, who had been one of the most outspoken critics of Robert Mugabe's government, was the victim of a 'dirty tricks' campaign by the CIO. The article also noted that it was believed that the CIO had infiltrated the MDC leading to it splitting into two factions and therefore reducing its ability to influence public opinion. **[3k]**

11.68 A sign of how essential the security forces are to the survival of Mugabe and the ruling party was demonstrated when a confidential memo dated 1 March 2007 was leaked showing that the government had substantially increased

CIO agent's salaries. A source within the CIO reported that the lowest paid members of the spy agency were now being paid Z$5 million a month, far above the Z$90,000 earned by ordinary workers. "The new salaries are also way above what professionals like doctors and nurses…" are paid. (ZimOnline, 30 March 2007) **[49bs]** ZimOnline reported on 16 April 2007 that the government had awarded Z$3 trillion to the spy agency to fund the monitoring of opposition members ahead of next year's elections. The extra funds will primarily be used to buy new all terrain vehicles to facilitate the organisation's information gathering and monitoring capacities. **[49br]**

11.69 *The Mail and Guardian Online* noted on 5 April 2007 that a former member of the ZANU-PF youth service claimed that the ruling party has been working with the CIO to set up secret death squads comprising members of the National Youth Service training programme. **[6m]**

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OTHER GOVERNMENT FORCES

ZANU-PF YOUTH

11.70 *Jane's Sentinel Security Assessments* noted that: "The National Youth Service programme was established in 2001 and is ostensibly a post-school ideological and vocational training scheme for those who are seeking to enter further education or government service. While initial proposals were for a compulsorily programme for all Zimbabwean youth, experience over the first four years demonstrated capacity at five residential camps for just 6,000 youths per year, or about 2 per cent of each age group.

"Critics of the scheme say that the training camps are effectively ZANU-PF indoctrination facilities aiming to brutalise and co-opt a new generation of supporters for the ruling party and its third phase of the 'liberation struggle', replacing ZANLA veterans lost to age and HIV/AIDS. It is alleged that cadres, nicknamed 'Green Bombers' or ZANU-PF Youth Militia, are trained in torture and intimidation techniques before being unleashed back into the community to inform on and combat opposition activists. Female cadres have complained that rape is used as a standard method of breaking in new recruits. Training is certainly paramilitary in style, with uniforms and weapons handling." (Jane's Sentinel Security Assessment – Zimbabwe) **[111b] (p73)**

11.71 "Since its introduction in 2001, the National Youth Services ideological and paramilitary training programme has also become a major tool for political repression and has radicalised and brutalised a new generation of Zimbabweans in the 'Third Chimuranga' (revived liberation struggle). This is considered particularly important given the ageing of ZANU-PF's 'liberation generation' leadership, the loss of so many veterans to AIDS, and the MDC's domination of the labour movement." (Jane's Sentinel Security Assessment – Zimbabwe) **[111b] (p12)**

11.72 A report published by the Institute for War and Peace Reporting (IWPR) on 31 May 2006 noted that with "…new recruits to the military now coming from Mugabe's hated youth militia, there is little hope that the military will become

an impartial body in the near future. The militia training camps, which have been in existence since 2001, are places where school leavers are imbued with 'patriotic values' as defined by the ruling party. Graduates from these camps, known as Green Bombers from their distinctive olive green uniforms, have been used to terrorise government opponents at successive elections." **[77h]** A report by the IWPR on 21 March 2006 noted that youths continue to be "… recruited into National Youth Service camps where they are pumped with anti-opposition propaganda and pro-ZANU PF patriotic messages, before serving in militias deployed to village areas to support ruling party officials." **[77n]**

11.73 ZimOnline reported on 1 August 2006 that the Government had decided to deploy the ZANU-PF youth militia at the country's border posts as part of a drive to reduce travellers leaving the country with over the allowed limit of cash. The move, which was announced by the Governor of Zimbabwe's central bank, is part of a package to try to stabilise the economy. **[49ao]**

11.74 News reports recorded that the government increased its reliance on youth militia to bolster control of various aspects of the country. ZimOnline reported on 18 May 2007 that alongside the mobilisation of war veterans in readiness for the 2008 elections, Mugabe was also planning to set "… up a 15,000 member youth militia to spearhead his election campaign next year. The youth militia, like the war veterans, are a vital cog in Mugabe's electioneering machine." **[49bv]** In addition, ZimOnline reported on 13 February 2007 that over 5,000 youth militia graduates who had been employed by the Central Reserve Bank of Zimbabwe were to receive huge pay rises, increasing salaries to Z$1.2 million per month – more than 10 times that of doctors. The youth militia were employed by the bank to 'monitor' prices in shops in an attempt to control inflation. Store owners and managers were reported to have been arrested as part of the bank's attempt to control prices. **[49ca]**

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Compulsory service

11.75 The *Financial Gazette* reported on 6 June 2002, that the Government had stated that the NYS would be compulsory for those who sought to enter tertiary training and, as of February 2002, enter college or university. **[37h]** The Solidarity Peace Trust noted on 5 September 2003 that Samuel Mumbengegwi, the Minister for Higher Education and Technology, further announced that no student would be given their O or A level certificates until they had completed six months of NYS. Tertiary education centres were told in November 2002 not to send letters of admission to ordinary applicants until the institution had received a list of militia, who would be given priority. The Minister admitted that this would result in many tertiary places remaining unfilled as students went through the militia training before going to tertiary institutions. NYS was already a prerequisite for entry into the civil service, including teaching and nursing. **[65a]**

11.76 The US State Department Report on Human Rights Practices 2007 (USSD 2006), published on 11 March 2008, stated that: "There were reports that the government removed from the civil service and the military persons perceived to be opposition supporters. Additionally, the government deployed soldiers and youth service training center graduates to help enforce the price control

program launched in June. There also were reports that the government assigned soldiers and youth service members to work in government ministries." **[2b] (Section 3)**

11.77 The USSD 2007 report also noted that:

"The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence." **[2b] (Section 5)**

11.78 The Solidarity Peace Trust, comprising church leaders from Zimbabwe and South Africa, released a report entitled *National Youth Service training – shaping youths in a truly Zimbabwean manner* on 5 September 2003. It claimed that during the last months of 2001 the NYS training was intensified and, by January 2002, had spread to all provinces. At the end of 2002, there were an estimated 9,000 youths who had "passed through formal militia training" with an estimated 10–20,000 more trained in "informal, often very primitive camps" at district level. By the end of 2003 it was anticipated that there would be 20,000 formal graduates. Before the Presidential election in March 2002, there were 146 militia camps throughout the country, in close proximity to, or sometimes actually at, polling stations. **[65a]**

11.79 However, the report found that claims about compulsory service were not accurate. The number of NYS places was estimated at 20,000 per year and therefore not all of the 300,000 school leavers could be allocated a place. The Solidarity Peace Trust asserted that the scheme was designed to favour those prepared to go through the indoctrination, and excluded non-ZANU-PF children and families from all chances of progressing to tertiary education. **[65a]**

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Recruitment

11.80 The Solidarity Peace Trust report also stated that many of the youths joined the militia voluntarily. Some came from families who were "staunch ZANU-PF supporters". The Trust maintained that others joined because of the skills that were supposedly taught during training. With limited prospects and the economy in decline many may have joined, as it was the only avenue for progression in the fields of employment and education. But it appeared that a sizeable number were coerced into joining the militia. Of those who were coerced, some were kidnapped into the service, whilst others were told that their families would suffer consequences if they did not. **[65a]**

11.81 ZimOnline reported on 14 June 2005 that "well placed sources" had told ZimOnline that the Zimbabwean Government was planning to press gang street children into joining the government youth militia. The article noted that

"Mugabe and his cabinet approved the plan in March (2005) but it could not take off because there was no money for the unbudgeted conscription programme, the sources said". ZimOnline reported that two government ministers had confirmed that the plans to draft street children were still on the cards. **[49f]**

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Treatment of recruits in the NYS scheme

11.82 The Solidarity Peace Trust also noted that the camps at district and village level appeared to have suffered from a lack of resources. Defecting militia stated that they were sent home to eat, then ordered to return after one hour. Examples of gross cruelty were reported at these smaller camps. **[65a]** Severe beatings were reported to be a standard punishment for militia members who attempted to escape or were captured. (Mail and Guardian, 5 April 2007) **[6m]**

11.83 The Solidarity Peace Trust noted that female militia have been raped on a systematic scale in some camps, with reports that male militias would come into the female dormitories and take turns in raping various women. Often the women were told not to report this to the camp leaders, as to do so would indicate their support for the opposition MDC, and could result in their punishment. Camp instructors have been implicated in these rapes. As a result, militias may be infected with HIV/AIDS and other sexually transmitted infections. Although the Government has not explicitly acknowledged this problem, in June 2003 the first all girls training camp was established in Manicaland. It is not known if all the staff are female too. **[65a]** *The Mail and Guardian Online* noted on 5 April 2007 that a former member of the ZANU-PF youth service claimed that female volunteers were routinely raped and used as "sex slaves" by instructors. **[6m]**

11.84 The Solidarity Peace Trust also noted that whilst certain militia are satisfied with the training they received, others fled the camps, and some left Zimbabwe, in order to escape. Some were reported to suffer from psychological conditions as a result of what they had seen and what they had done. **[65a]**

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Actions of the youth militia

11.85 The Solidarity Peace Trust report stated that since January 2002 the youth militia had become one of the most commonly reported "perpetrators of human rights violations". It added that the militia were a tool used by the ruling ZANU-PF and had been given impunity and implicit powers to mount roadblocks, disrupt rallies and intimidate voters. There have also been documented reports of youth militia being involved in influencing the distribution of food aid through the GMB, of restricting access to health care and of destroying independent newspapers. **[65a]** Former farmer and author Cathy Buckle watched as 30 Green Bombers intimidated a crowd of 3,000 people in a bread queue in Marondera. Ms Buckle described, in a BBC write-

up of 20 February 2003, how they used fear to control the crowd, pushed to the front of the queue to steal bread, then hide it away only to later return. "Thirty youths controlling 3,000 people." **[3m]**

11.86 An IRIN report noted on 21 January 2003 that the Zimbabwe National Liberation War Veteran Association (ZNLWA) has been in decline since the death of its former leader, Chenjerai Hunzvi. This decline came at a time when the youth militias were expanding and generated reports that the War Veterans were being replaced by the Green Bombers as ZANU-PF's tool to terrorise opposition party supporters. **[10ad]**

11.87 The USSD 2007 report noted that: "Government supporters, including youth militia and war veterans trained by ZANU-PF, were also deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the government." **[1] (Section 2c)** *Behind the Mask* reported a statement by the Amani Trust that noted that: "Forced rape by men, witnessed both by the perpetrators of the violence and others, is being imposed on the victims, with the victims being forced to have sexual intercourse with other victims, either heterosexual or homosexual, with the perpetrators supervising the act. The result of this in each case documented has been a victim with a severe genital infection, with marked psychological trauma. The long-term consequence will be men and women unable to function within their marriage, or within their communities. The long-term consequences to each of these victims, both partners in the forced sexual act, is life threatening, to both them, their spouse and their future children with the very real risk of the victims contracting HIV."

Although the report noted that most victims of rape are women, particularly from rural areas, the statement concludes "In Zimbabwe, it is disturbing in the extreme that sexual torture is now not used merely against women, but targets men equally." **[92d]** Freedom House in *Freedom in the World – Zimbabwe (2007)*, noted that ZANU-PF youth militias continued to "…use rape as a political weapon." **[105d] (p11)**

11.88 The Solidarity Peace Trust reported on 5 September 2003 that youth militia had also been implicated in denial of access to health care on politically partisan grounds. **[65a] (p11)**

11.89 The Institute for War and Peace Reporting (IWPR) noted on 25 February 2005 that **"**Violence and massive intimidation are wreaking havoc in Zimbabwe's rural areas as the ruling party's and opposition's campaigns gather momentum ahead of Zimbabwe's fifth parliamentary election on March 31.**"** IWPR noted that the Green Bombers had taken part in a number of attacks and reported incidents of intimidation during the campaign. In Makoni West, a marginal constituency held by ZANU-PF, many villagers were reported to have fled following menacing behaviour from the Green Bombers. Some villagers allege that they have been threatened with eviction from their farms if they fail to vote for the ruling party. Others reported that they had been denied food aid, fertiliser and maize seed. **[77b]**

11.90 The Zimbabwe Human Rights NGO Forum's Political Violence Report for April 2005 noted that, on 20 April, ZANU-PF youths were alleged to have been involved in the murder of Ebrahim Mofat, who had been arrested on allegations that he had burnt houses belonging to ZANU-PF supporters. The

report states that the victim was abducted from a bus stop by a group of war veterans and ZANU-PF youths who allegedly beat him to death with sticks. **[35p] (p17)**

11.91 The January 2006 report from the Zimbabwe Human Rights NGO Forum noted that on 8 January there was a report that a male victim claimed that he had been severely assaulted by ZANU-PF youths. In the October 2005 report, Zimbabwe Human Rights NGO Forum stated that on 19 October a victim claimed that he was evicted from Hopely Farm by ZANU-PF youths. "On the day of the incident, he says that about 20 ZANU PF youths came to his stand at 6:00 am and told him that Minister Chombo and the MP for Harare South, Mr Nyanhongo, had said that he had to leave the farm alleging that he had reported the Minister last year and the matter went to court. He says he was also accused of working with NGOs and that NGOs supported MDC hence he was an MDC supporter. He was forced to vacate the premises. He says he left all his belongings save for the clothes he had on and his national identity card." **[35x]**

11.92 ZimOnline reported on 16 November 2006 that ZANU-PF deployed hundreds of youth militia members in the predominantly MDC city of Bulawayo to enforce price controls on selected staples such as bread. The report went on to note that: "The youths [sometimes assisted by agents from the Central Intelligence Organisation (CIO)] unleashed a reign of terror in Bulawayo beating up and harassing businessmen and informal traders whom they accused of inflating prices in a bid to sabotage the government." **[49d]** On 15 November 2006, ZimOnline reported that 200 youth militia members had been drafted into the Civil Service, with the possibility of a further 800 being employed during 2007. Sources believed that the recruited former youth militia members would be deployed to neutralise opposition support. **[49h]**

11.93 ZimOnline reported on 30 March 2007 that "Zimbabwe's ruling ZANU-PF party political commissar Eliot Manyika has called on party youths and war veterans to prepare for a campaign of violence against the opposition, which he said had to be 'silenced at all costs'." **[49bx]** SW Radio Africa reported on 11 April 2007 that the widow of Gift Tandare, the opposition activist who was shot by police on 11 March 2007, was threatened with torture and rape by ZANU-PF youth who ordered her "… to provide the names of members of the National Constitutional Assembly (NCA) who attended the funeral of the slain activist…" **[138q]**

11.94 Following the events of 11 March 2007, Human Rights Watch reported that individuals suspected of being "youth militia" abducted a WOZA activist and a family member. The two women claimed that they were abducted by the youth militia members and were blindfolded and driven away before being severely beaten. "Civil society activists and opposition supporters allege that CIO agents and 'youth militia' are often present at police stations around the country and are routinely involved in the beatings of activists in custody." **[69d] (p23-24)**

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Impunity

11.95 It was widely reported, including by the Solidarity Peace Trust, that the youth militia operated with impunity. However, there were occasions when the militias were checked. In February 2002, a group of militia attacked a number of off-duty soldiers in Nyaki district, mistaking them for MDC supporters. Some of the soldiers required hospital treatment. The following weekend the soldiers retaliated and "beat up scores of green-uniformed ZANU-PF youth". Additionally, there were occasions when police arrested members of the militia and the courts pursued these cases. In January 2003, 20 youth militia appeared in court accused of looting and attacking shop vendors in Epworth, Harare. The magistrate warned the 20, who were remanded on bail, that if they were found guilty they faced no less than three years' imprisonment. However, attackers of ordinary citizens were given *de facto* impunity by the authorities in the vast majority of cases. **[65a]** ZimOnline reported on 18 July 2005 that President Mugabe urged youths of his ruling ZANU-PF party to fight back should they face opposition from the MDC. "Addressing about 10,000 supporters at Mwami rural business centre, about 240km north west of Harare, Mugabe said he could not fathom Zanu PF youths losing in a violent confrontation against their rivals from the main opposition Movement for Democratic Change (MDC) party. 'There is no way I can take it that some of the ZANU-PF youths can be beaten by those from the opposition…. You have to fight back, why are you so lazy (to fight),' Mugabe told the youths at the rally held to celebrate the ruling party's victory in the disputed March 31 parliamentary election." ZimOnline noted that "This is not the first time that Mugabe has called on his party to use violence against the opposition". **[49e]**

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WAR VETERANS

11.96 Jane's Sentinel Security Assessment reported that: "The Zimbabwe National Liberation War Veterans' Association (ZNLWA) emerged as a major pro-government pressure group in the 1990s, leading the occupation of white-owned farms in early 2000 and forming pro-ZANU-PF militias to attack MDC supporters during the 2000 election campaign. War veterans have been able to act with impunity as the police have refused to restrain their activities. Indeed, the police, ZDF and the CIO are all run by ZANLA veterans of the liberation war and genuine war veterans are technically stipended reserve force members of the ZDF, numbering about 55,000. (Jane's Sentinel Security Assessment – Internal Affairs, updated 17 April 2008) **[111f]**

11.97 "Larger in number than the military and with less to lose, the 'veterans' movement is arguably beyond the control of its political patrons in ZANU-PF. …the National Liberation War Veterans' Association has become more militant since 2003 and staunchly opposes the MDC." (Jane's Sentinel Security Assessment – Executive Summary, updated 17 April 2008) **[111h]**

11.98 ZimOnline reported on 19 May 2006 that a committee of influential members of ZANU-PF "…led by former Cabinet minister Dumiso Dabenga and comprising retired army generals Solomon Mujuru and Vitalis Zvinavashe…" had recommended a new and generous package of salaries and benefits for war veterans. Noting the huge inflationary pressures that would result from the

pay award, the report stated that if implemented the pay award will "…mean that serving junior army officers will now be earning less than a war veteran staying at home." **[49ac]** Indicating the continuing influence of the War Veterans over the government, ZimOnline reported on 2 February 2007 that the government agreed a substantial increase in War Vet pensions from Z$25,000 to Z$103,000 per month. "The payout increase for war veterans leaves former fighters – known for doing little except campaigning for Mugabe and ZANU-PF every election time – earning more than junior school teachers who get about $84,000 per month." In addition to the pension, ex-combatants are entitled to free treatment at state hospitals and free education for children at state schools. **[49ba]**

11.99 A report published by A P Reeler entitled, *The role of militia groups in Maintaining Zanu PF's political power*, dated March 2003, notes that the use of the militia has been a cornerstone of the campaign by Robert Mugabe and ZANU-PF to maintain political power. **[87] (p3)** However, the report goes on to note that by 1997 the War Veterans had become deeply discredited following evidence of massive corruption uncovered by the Chidyasiku Commission. The findings of the commission led to growing dissatisfaction and resentment within the ranks of the war veterans towards ZANU-PF. Mugabe, aware of the importance of the war veterans to his and ZANU-PF's hold on power, decided to bind them more closely to his side by awarding them substantial pensions. Consequently, by the time that the next parliamentary election was called in 2000, there was little surprise when the Zimbabwe National Liberation War Veterans Association declared that its members would be campaigning for ZANU-PF. **[87] (p5)**

11.100 A P Reeler's report notes that the main theme of the 2000 parliamentary elections was "land reform" – the third "Chimurenga" or the struggle to achieve economic justice for the Black majority. During the run-up to the parliamentary election, "The land issue was marketed as a liberation war, or rather the unfinished business of the Liberation War. The enemies were those who held the land, and coincidentally these were the 'same people' against whom the original war had been fought…. Thus, a liberation war campaign could be used internally against these enemies, and logically the 'war veterans' were exceptionally well-equipped ideologically to drive this." **[87] (p6)**

11.101 The report continues:

"The first phase of the militia programme involved the use of the 'war veterans'. This first phase may have only been intended to last as long as the Parliamentary Election which ZANU-PF considered they could win overwhelmingly, but the results of the election clearly indicated that the Presidential Election would be exceedingly difficult for Mugabe. Furthermore, the very large number of election petitions (39), with the possibility of losing a large number of by-elections if the MDC petitions were successful, meant that the hold on political power was still threatened seriously. In 2000, this group operated militias comprising Zanu (PF) youths and other Zanu (PF) supporters, most of whom were not veterans. The group leaders repeatedly stated that they would use violence to ensure the MDC never assumed power in Zimbabwe, as they regarded it as a front for the protection of white minority interests. They also vowed to take whatever measures are necessary to ensure that Mugabe won the Presidential Election in 2002. The ruling party

financed their operations and the security agencies supplied them with training and tactics." **[87] (p6-7)**

11.102 ZimOnline noted on 15 October 2007 that in the run-up to next year's election, the war veterans "… are holding countrywide marches in support of Mugabe …as the 'sole candidate' of ZANU-PF in the presidential poll…" The article stated that the veterans would be "unleashed" "… on a campaign of intimidation to whip the party into line and pressgang unwilling lieutenants to rally behind his candidature in next year's…" elections. **[49cp]**

11.103 Jane's also noted that:

"ZNLWA leader Jubulani Sibanda was suspended from ZANU-PF in December 2004 for attempting to obstruct the nomination of Joyce Mujuru as national vice-president. This prompted ZNLWA to assert its independent identity and stress that it was not bound to agree with ZANU-PF policy. A breakaway faction known as the Zimbabwe Liberators' Platform subsequently declared its opposition to Mugabe and the ZANU-PF inner circle." (Jane's Sentinel Security Assessment – Internal Affairs, updated 17 April 2008) **[111g]**

11.104 Reporting on the deteriorating relationship between ZANU-PF and the war veterans, ZimOnline reported on 4 June 2005 that President Mugabe had turned the tables against the war veterans with the demolition of war veteran homes at Whitecliff farm. The article noted that Operation Murambatsvina marked a turning point in the government's relations with the war veterans. "Now with Mugabe firmly in charge after a disputed election last March [2005], he has ditched the war veterans in a stunning development…. War veterans, deemed untouchable, formed a key cog in Zanu PF's violent election campaigns during past polls. The war veterans were allowed to settle on the farms near urban areas in what critics said was an attempt by the government to neutralise the MDC's urban support base." The article went on to note that "Newly elected Member of Parliament, for the area who is also Mugabe's nephew, Patrick Zhuwao had no kind words for evicted war veterans. 'A lot of people say we as government are doing this [Operation Murambatsvina] in retribution to MDC supporters in opposition strongholds but from Whitecliff, I got about nine times more votes than the opposition candidate (in the disputed March election). So the argument does not hold'." **[49p]**

11.105 The *Financial Gazette* reported on 4 August 2005 that ZANU-PF had produced a plan to "deal" with the war veterans – restructuring the organisation in an attempt to reduce its influence. However, some intelligence advisors have warned that any shake-up could come at a cost to the ruling party. "The insiders fear that internal squabbles within Zanu-PF could get out of hand should the party stretch the patience of the former liberation fighters, who were not spared by the two-month raid on urban slums that ended after the intervention of the United Nations. It was reported that, intelligence advisors within the party want the restructuring deferred indefinitely to give Zanu-PF, riven by factionalism, ample time to deal with challenges confronting it." **[37e]**

11.106 "President Robert Mugabe's government has begun recruiting 10,000 war veterans into the army's structures as a 'reserve force' in preparation for next year's presidential and parliamentary elections. ... Political violence and human rights abuses, mostly blamed on pro-government militia and war

veterans, traditionally pick up in the run-up to major elections. Sources within the Ministry of Defence told ZimOnline yesterday that the government wanted to retrain and arm all surviving war veterans ahead of the elections that analysts have said Mugabe could heavily lose. The sources added that the war veterans would be trained in weapons handling and other war drills." (ZimOnline, 18 May 2007) **[49bv]**

11.107 ZimOnline reported on 1 November 2007 that there were serious divisions within the War Veterans movement with two factions pushing for leadership of the organisation. **[49cm]** Since falling out of favour with Mugabe during the Tsholotsho affair in 2004, Jubulani Sibanda has managed to regain favour and reinstatement to ZANU-PF and has since the summer worked towards championing Mugabe's leadership of the party. Sibanda has, since August, led several marches across the country mobilising support for Mugabe; in October Sibanda announced that he was planning a 'million man' march in Harare to support Mugabe's candidature. (ZimOnline, 22 October 2007) **[49cn]**

11.108 The other faction is lead by acting chairman Andrew Ndlovu, who is opposed to Mugabe's continued rule. Ndlovu is reported to have said that "… former liberation war fighters want to move away from the 'culture of violence' that has characterised elections in Zimbabwe", and has "… fiercely opposed the marches in support of Mugabe." (ZimOnline, 1 November 2007) **[49cm]** The Mujuru camp is thought to be the main backers of Andrew Ndlovu's leadership of the War Veterans. (ZimOnline, 22 October 2007) **[49cn]** ZimOnline noted on 19 October 2007 that while Mugabe was almost certainly going to "… emerge unchallenged at the extraordinary year-end party congress, a split within the war veterans ranks could cause immense problems for himself and his party." **[49co]**

11.109 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, reported that "The government condoned and even encouraged an environment of lawlessness that permitted war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators. In most cases police did not intervene." **[2h] (Section 2d)**

11.110 Reporting on the activities of the war veterans, the Zimbabwe Human Rights NGO Forum's Political Violence Report for April 2005 notes that in the aftermath of the March Parliamentary election a number of instances of violence were reported including arson and murder. The report noted that:

"It is reported that on 20 April, a male murder victim, Ebrahim Mofat, was arrested on allegations that he had burnt houses in Ward 6 belonging to ZANU PF supporters. He was apparently detained at Chinhoyi Police Station for 3 days and later released. On 27 April 2005, he was on his way to Kariba when he was allegedly abducted at Kasimhure Bus Stop by a group of war veterans and ZANU PF youths who took him to one Cde Gora's house. He was allegedly assaulted overnight and then the following morning he was reportedly murdered using sticks. A report was made to Karoi Police Station. Elifas Gora and Newman Zifodya were arrested in connection with the matter and they are now out on bail." **[35p] (p.17)**

11.111 A news report published by Reuters on 6 June 2005 noted that there continued to be tension between the Government and the War Veterans Association. The article reported that:

"The Zimbabwe National Liberation War Veterans Association (ZNLWVA) has warned that its members will fight the security forces if the crackdown dubbed 'Operation Restore Order' is extended to farms…. ZNLWVA chairman Jabulani Sibanda told IRIN that he did not know of any illegal settlers among the war veterans and the poor, and claimed his organisation was only aware of multiple farm owners and illegal settlers among ministers, provincial governors, members of the ruling ZANU-PF politburo and other party organs. He alleged that the recent urban clean-up exercise was an inhuman act, used to target poor people because they were seen to be opposed to certain cliques in the ruling party…. Last year the government took back the farm allocated to Sibanda after he attended the ill-fated meeting at the Tsholotsho home of then information minister Jonathan Moyo, allegedly held to block the appointment of Joyce Mujuru as vice-president and back parliamentary speaker Emmerson Mnangagwa for the position instead. Sibanda remains suspended from the party but has continued as chairman of the militant war veterans association, which spearheaded the farm invasions that began in 2002 and has steadfastly supported ZANU-PF."

Since the start of Operation Murambatsvina, the War Veterans have called for the prosecution of cabinet ministers and senior party officials holding more than one farm. However, the article noted that Robert Mugabe had decided to pardon all those who surrendered excess properties. **[75j]**

11.112 The October 2005 report from the Zimbabwe Human Rights NGO Forum noted that during the month "Six researchers of the Mass Public Opinion Institute are assaulted by self styled war veterans in Waterfalls whilst seeking public opinion on the political, social and economic variables in Zimbabwe." **[35u]**

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AVENUES OF COMPLAINT

The Office of the Ombudsman

11.113 The Zimbabwe Human Rights NGO Forum's report *Zimbabwe Facts and Fictions*, published in November 2005, noted that:

"Two established Ombudsman's offices operate in the main cities of Harare and Bulawayo, and two more have been recently set up in Mutare and Gweru. Little information has been availed to the public about this office and its functions, and few people are even aware of its existence. It has failed to publicise its activities or to take concerted action to investigate any human rights violations that have been reported to its officers due to its restrictive mandate in terms of who it can investigate, its perceived and practical lack of independence, and also due to a lack of financial and human resources. A recruitment drive was carried out in early 2005 to attract legal and investigative officers, but the increase in personnel has not led to a proportionate increase in efficiency or delivery of services." **[35y] (p17)**

11.114 However, noting the limits in the Ombudsman's remit the Zimbabwe Human Rights NGO report noted that:

"Its functions only relate to the investigation of injustices due to administrative procedures where a judicial remedy does not exist, and/or allegations of violations of the Declaration of Rights perpetrated by an officer, person or authority in the various ministries or government departments. The constitutive Act removes the following categories of persons from the Ombudsman's reach: the Defence Forces; the Police Force; the Prisons Service; the President and his personal staff; the Attorney-General; the Secretary of Justice, Legal and Parliamentary Affairs, and the staff of the ministry in relation to any prosecution, civil action or legal advice provided to government authorities; and judicial officers." However, as the report notes: "Most of the violations reported to human rights organisations and those arising during court proceedings have allegedly been perpetrated by the very groups protected from investigation by the enabling legislation." **[35y] (p17)**

11.115 The Zimbabwe Human Rights NGO report concluded that: "Without an appropriate independent body to investigate allegations of human rights violations levelled against the police force, the culture of impunity will continue to be reinforced and the violations are unlikely to cease. When measured against the Paris Principles, the Office of the Ombudsman clearly falls far short of the minimum standards required of a national human rights institution…The Office of the Ombudsman can, at this stage, make no meaningful contribution to the protection and promotion of human rights in the country." **[35y] (p18)**

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MILITARY SERVICE

12.01 *Jane's Sentinel Security Assessment – Zimbabwe (Armed Forces, updated: 3 August 2007)*, noted that Zimbabwe does not have conscription but that plans to reintroduce some form of compulsory military service were announced in 2000. "In August 2001 a national service intake was due to be introduced for the first time since majority rule in 1980. However, as presently construed, national service will only serve as a political introduction for employment in government service, be it the civil service or a military career." **[111b]**

12.02 The Foreign and Commonwealth Office (FCO), in a letter regarding the termination of military service in the Zimbabwean Army, stated on 2 June 2005 that it is possible to resign from the Zimbabwean Army although anyone doing so will be required to serve a period of notice. The period of notice will vary depending upon the training that has been provided. "Any man claiming that he has left the Zimbabwe Armed Forces legitimately should have documents of discharge in his possession.

"Terms and conditions of service are very similar to those in the British Army. Other ranks in the Zimbabwe Army sign on for 3, 7 or 20 years service. They can terminate their service at any time provided all their obligations, current at the time, have been met. Obligations might include time-bars for any training paid for by the military in civilian organisations. If the soldier wishes to leave before any time-bar has expired he will first be required to refund the Service all the charges for the course and the military salary paid to him while he attended the course. Early termination of service also brings penalties to pension entitlements." **[13b]**

12.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that: "Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court." **[2] (Section 1e)**

12.04 The USSD 2007 noted that: "The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government." **[2b] (Section 5)**

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Conscientious objection

12.05 The World Survey of Conscription and Conscientious Objection to Military Service conducted by War Resisters International in 1998, noted that "conscientious objection is legally recognised" in Zimbabwe. Section 24 of the 1979 National Service Act provides for exemption from military service on conscientious grounds, such as religious beliefs, if conscription were to be

introduced. It is not clear whether this exemption "applies to professional serving members of the armed forces". **[21]**

12.06 The FCO, in a letter regarding the termination of military service in the Zimbabwean Army, stated on 2 June 2005 that:

"If a soldier is absent for more than 28 days he will be charged with desertion upon recapture, or his surrender. Absence for less than 28 days is normally dealt with under the lesser charge of 'Absent Without Leave (AWOL)' and can be dealt with summarily by the soldier's Commanding Officer, with punishment ranging from restriction of privileges, to small fines or short custodial sentences of a few days' duration. Desertion is a serious charge to be dealt with by Courts Martial and depending on the circumstances, could result in long custodial sentences e.g. years, forfeiture of all benefits and salary and dishonourable dismissal from the Service. In wartime, of course, the penalties of desertion are very severe indeed. Occasionally, a Commander will not follow the 'book' and summary punishments will go beyond delegated powers." **[13b]**

12.07 The USSD 2007 report noted that defendants in that military had the right of appeal to appeal to the Supreme Court. **[2b] (Section 1e)** However, the USSD 2007 report did not record whether or not such trials met internationally accepted standards.

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JUDICIARY

13.01 Nations Encyclopaedia (accessed on 30 August 2006) noted that:

"The legal system is based on Roman-Dutch law and has been influenced by the system of South Africa… Before independence, separate African courts had jurisdiction over cases involving traditional law and custom. Beginning in 1981, these courts were integrated into the national system… In 1990 the Customary Law and Local Courts Act established a unitary court system made up of headmen's courts, chiefs' courts, magisterial courts, the High Court, and the Supreme Court. Under this system, customary law cases can be appealed through all levels to the Supreme Court." **[140]**

ORGANISATION

13.02 Europa World Online notes that there are four levels of courts, the highest being the Supreme Court.

- "The Supreme Court has original jurisdiction in matters in which an infringement of Chapter III of the Constitution defining fundamental rights is alleged. In all other matters it has appellate jurisdiction only. It consists of the Chief Justice and eight Judges of Appeal. A normal bench consists of any five of these.

- "The High Court consists of the Chief Justice, the Judge President, and 11 other judges. Below the High Court are Regional Courts and Magistrates' Courts with both civil and criminal jurisdiction presided over by full-time professional magistrates.

- "The Customary Law and Local Courts Act, adopted in 1990, abolished the village and community courts and replaced them with customary law and local courts, presided over by chiefs and headmen; in the case of chiefs, jurisdiction to try customary law cases is limited to those where the monetary values concerned do not exceed Z.$1,000 and in the case of a headman's court Z.$500.

- "Magistrates' Courts. Appeals from the Chiefs' Courts are heard in Magistrates' Courts and, ultimately, the Supreme Court. All magistrates now have jurisdiction to try cases determinable by customary law." **[1e]**

13.03 *Jane's Sentinel Security Assessment – Zimbabwe* (Internal Affairs, updated: 2 November 2007), noted that "The judiciary is headed by the Chief Justice who, together with other judges of the Supreme and High Courts, is appointed by the president after consultation with the Judicial Service Commission. According to the constitution, a judge may serve until the retirement age of 65 but this is often extended to 70 when a judge is in good health." **[111b] (internal affairs – Judiciary)** The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008,noted that: "The constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons." **[2b] (Section 1e)**

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JUDICIAL INDEPENDENCE

13.04 Freedom House reported in Zimbabwe 2007 that:

> "While some courts have struck down or disputed government actions, increasing pressure by the regime has substantially eroded the judiciary's capacity to act independently. The accused are often denied access to counsel and a fair, timely trial. However, several journalists have recently been acquitted of criminal charges by magistrates, as have several MDC activists. The MDC's Tsvangirai was acquitted of treason charges in December 2004 by the high court, and another set of treason charges was dropped in August 2005. Nonetheless, the government has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign by stating that it could not guarantee their security. The judicial system has been burdened by the vacancy of nearly 60 magistrate posts, which has caused a backlog of some 60,000 cases. In January 2006, Judge Benjamin Paradza was convicted of corruption by the high court and subsequently fled the country, claiming that he was being targeted for issuing antigovernment rulings. In September, after several magistrates refused to take the case for fear of violent reprisals, Justice Minister Chinamasa was cleared of attempting to bribe a witness in the trial of Security Minister Mutasa, who stands accused of inciting political violence." **[105d] (p10)**

13.05 Noting a recent case of Government interference in the judiciary, allAfrica.com reported on 3 August 2006 that magistrates in Manicaland refused to "…try Justice Minister Patrick Chinamasa, citing alleged intimidation by State Security Minister Didymus Mutasa. …

> "Chief magistrate Herbert Mandeya on Tuesday withdrew before plea charges of obstructing the course of justice that had been levelled against Chinamasa after the state indicated that not a single magistrate in the eastern province was prepared to hear the case involving the head of their parent ministry.
>
> "In declining to hear Chinamasa's case, the magistrates told an open court that Mutasa had intimidated them by accusing the court officials of being Movement for Democratic Change (MDC) members. This development, described by the legal fraternity as disconcerting, will bring into sharper focus what is widely seen as Zimbabwe's scant regard for the rule of law and government's failure to curb the abuse of political power." **[50g]**

13.06 The USSD 2007 noted that: "Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were increasingly more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. Other judicial officers such as prosecutors and private attorneys also faced political pressure. For example, on May 6, several police from the Law and Order section at Harare Central Police Station reportedly assaulted State Prosecutor Richard Chikosha because he consented to the granting of bail in the case of the arrested human rights lawyers Alec Muchadehama and Andrew Makoni. Police denied that an assault took place." **[2b] (Section 1e)**

13.07 The Zimbabwe Situation reported on 23 November 2005 that members of the judiciary were often bribed or beaten if rulings go against government policy. The report went on to state that:

"The judiciary in Zimbabwe has become impotent as a result of being undermined by Robert Mugabe's government, said Arnold Tsunga, Executive Director of the Zimbabwe Lawyers for Human Rights.

"In a lecture on Nov. 17 at the University of Ottawa, Mr. Tsunga said there is no transparency in the appointment of judges in Zimbabwe and that the current judiciary is not independent, especially when it deals with cases of a political nature."

In an example, Mr. Tsunga "… cited the case of a magistrate who was pulled out of his office and physically assaulted because he made a ruling against war veterans." **[89z]**

13.08 In unusually outspoken remarks against the Zimbabwean government, Zimbabwe's Judge President, Rita Makarau, "… broke with tradition to openly criticise President Robert Mugabe's government for undermining the judiciary by starving it of resources and reducing it to 'begging for its sustenance'." ZimOnline reported on 16 January 2007 that during 2006 the High Court cancelling hundreds of criminal cases in Masvingo province, simply because there was no money to enable the court to travel. Ms Makarau also warned that a lack of funding for the judiciary was leading to noticeable and worrying levels of corruption. Ms Makarau, in a speech to mark the opening of the first term of the High Court in 2007, ended by stating that while members of the government and well paid business people could afford to buy food, expensive cars, education (for their children) and healthcare from abroad, justice in Zimbabwe could only be provided by the State through an adequately funded justice system. **[49ar]**

13.09 Kubatana.net reported on 16 January 2006 that some of Zimbabwe's judges and magistrates compromised themselves further by accepting land controversially seized from Whites. "Some of Zimbabwe's judges, such as Justices Ben Hlatshwayo and Chinembiri Bhunu, allegedly personally invaded farms while several other judicial officers were also allocated land by Mugabe's Government." **[55n]**

13.10 The Zimbabwe Human Rights NGO Forum's report entitled *Zimbabwe – Facts and Fictions*, published in November 2005, noted that even where courts have "…attempted to give effect to the rights of victims, court orders have been ignored or intentionally and blatantly disregarded…" by officials acting for the state. **[35y] (p23)** Zimbabwe Human Rights NGO Forum went on to note that:

"Since January 2005, there have been at least five high profile cases in which various arms of Government, including the Executive, three Ministries, a statutory body, local authorities and the police, have failed to comply with Court Orders… The Judiciary itself is partly responsible for the escalation of impunity. No public statement has been made by the Bench to assert and call for the reaffirmation of its independence; efforts by the Law Society and senior members of the Zimbabwe Lawyers for Human Rights to engage the Chief Justice of Zimbabwe and the Judge President of the High Court have been met by a resounding silence and apathy." **[35y] (p27)**

13.11 The Zimbabwe Human Rights NGO Forum went on to explain the prosecution of High Court Judge, Benjamin Paradza, who was seen as the last independent member of the High Court. Explaining the background to the arrest of Judge Paradza, the report noted that Justice Paradza was arrested on charges of subverting the course of justice not long after ordering the release of the opposition Movement for Democratic Change Mayor, Elias Mudzuri from police custody. The report claimed that the arrest "…created a fair perception that he was being targeted for ruling against ZANU-PF and going against the wishes of the executive in the matter." **[35y] (p24)**

13.12 Reporting developments in Judge Paradza's case, the IWPR noted on 20 February 2006 that:

"Benjamin Paradza…has fled the country and is believed to be in hiding in the United Kingdom… When Paradza, 51, was called for sentencing in January this year, in a trial regarded as trumped-up by the United Nations, Amnesty International, the International Commission of Jurists, the International Bar Association and other international movements, the judge disappeared. He is widely believed to have crossed the border to South Africa in a cargo truck, and made his way from there to Britain… Paradza was released on bail of about 600 US dollars and ordered to forfeit his passport. He was subsequently found guilty on all charges, but failed to appear at the Zimbabwe High Court in January to hear his sentence, which was likely to be three years minimum rising to a possible ten years imprisonment. Judge Simpson Mutambanengwe issued a warrant for his immediate arrest." **[77m]**

13.13 The House of Commons Library, Research Paper 05/58 – *Zimbabwe after the 2005 parliamentary election*, noted that:

"In December 2004 a report on *The state of justice in Zimbabwe* was submitted to the International Council of Advocates and Barristers by leaders of the Bars in the UK, the Republic of Ireland, Australia, New Zealand, South Africa and Hong Kong. The report was based on a visit to Zimbabwe in April 2004 and on the use of extensive published material. The report found that:

- Supreme Court and High Court judges who are reputedly sympathetic to the Government have been appointed and promoted above more senior and experienced colleagues. Some judges have been allocated land at nominal rents and at the Government's pleasure;

- Judges whose independence represents an impediment to Government policy or action have been removed through a combination of psychological and physical intimidation and threats of violence;

- Cases involving sensitive political issues are allocated to judges who are perceived as being sympathetic to the Government;

- Magistrates and prosecutors who are seen as unsympathetic to the Government have faced actual violence and attacks on their families and property;

- Lawyers representing politically unpopular causes have suffered psychological and physical intimidation and violence, and in some cases torture and attacks on their families and property.

The report concluded that the legal system in Zimbabwe had become 'profoundly compromised' over the past four years, and had been 'distorted and subverted for the illegitimate maintenance of political power'. It also noted that, while many in the Zimbabwe legal system had been driven out by pressure of various kinds, some of those still working within the system 'display courage and integrity of the highest order, in their efforts to act properly as judges, magistrates or lawyers'." **[104] (p.14)**

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ARREST AND DETENTION – LEGAL RIGHTS

ROLE OF POLICE AND SECURITY APPARATUS

14.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President's Office controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security. There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired." **[1] (Section 1d) [2m]**

14.02 The USSD 2007 report also stated that:

"Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, police officers being considered for promotion were reportedly required to give a 10-minute speech defending the country's widely criticized land reform policy as an exemplary model of agrarian reform. There were reports of ZANU-PF supporters wearing police uniforms while violently disrupting public gatherings and demonstrations and torturing opposition and civil society activists in police custody. There also were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU-PF. Corruption increased in part due to low salaries and a worsening economy." **[1] (Section1d)**

"Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials as necessary and justifiable actions to maintain public order. After security forces violently prevented a public gathering on March 11, President Mugabe was widely quoted as saying that 'the police have a right to bash' protesters who resist them." **[1] (Section 1d)**

"Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided." **[1] (Section 1d)**

14.03 An example of detainees being denied prompt access to lawyers was demonstrated when *The Observatory* reported on 16 May 2007 that two senior lawyers of the Zimbabwe Lawyers for Human Rights, Alec Muchadehama and Andrew Makoni, "…were arrested outside the High Court in Harare by members of the Law and Order Section of Harare Central Police. They were taken to the Central police station 'for interrogation' but were not provided with reasons for their arrest." Colleagues of the two lawyers were able to confirm

their presence at the station, but were prevented, along with family, from gaining access to the men. An application was filed at the High Court of Zimbabwe with the Court granting an order directing the police to allow Muchadehama and Makoni access to lawyers, food and if necessary, medical attention. However, *The Observatory* reported that in spite of the court order the police "… transferred Mr Makoni to Stoddart police station and Mr Muchadehama to Matapi police station. They also denied them access to their lawyers, relatives, food and medication. On the following day, the court reconvened and declared that the arrests were unlawful and that Messrs. Makoni and Muchadehama should be immediately released." The two lawyers were subsequently charged with obstructing the course of justice and remanded until 15 June. Lawyers representing the two reported that they were continually intimidated, threatened with arrest and violence while attempting to gain access and enforce the court order. **[53]**

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ARREST AND DETENTION

14.04 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the government provide an attorney, but this was rarely granted except in capital cases where the government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR). … The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed." **[1] (Section 1d)**

14.05 The USSD 2007 also reported that:

"Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charges. Security forces rarely were held accountable for abuses… Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, in practice a circular issued by the attorney

general giving a general authority to grant bail lessened the negative effect of the law. High court judges granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail." **[1] (Section 1d)**

14.06 The USSD 2007 report also noted:

"Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were "not available," especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court. For example, the whereabouts of Tsvangirai Mukwazhi, a photojournalist arrested while covering the events of the March 11 prayer rally, remained unknown until he appeared in court on March 13. Police repeatedly withheld information about his whereabouts from his lawyers." **[1] (Section 1d)**

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PRISON CONDITIONS

15.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Prison conditions remained harsh and life threatening. The government's 43 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000, according to media reports. Prison guards beat and abused prisoners. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhoea, measles, tuberculosis, and HIV/AIDS-related illnesses. Human rights activists' familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report Policing the State, "political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six," and those "who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying period of time." **[1] (Section 1c)**

15.02 According to the National Constitutional Assembly of Zimbabwe in April 2002, prisons are administered by the Zimbabwe Prison Service, under the command of the Commissioner of Prisons, who is appointed by the President. A Prison Service Commission of not less than two and a maximum of seven members are appointed by the President. One member of the Commission must have held the rank of Superintendent or a more senior rank in the Prison Service for a period of at least five years. **[31]**

15.04 The USSD 2007 report noted:

"In May the UN Office for the Coordination of Humanitarian Affairs (OCHA) IRIN news service reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhoea and skin diseases a permanent feature of prison life. A medical orderly employed by the health department and working in prison services told IRIN that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. The medical orderly noted that Zimbabwe Prison Services lacked resources to provide proper care, especially at Chikurubi Maximum Security prison, where as many as 10 deaths were recorded in one day.

"Most prison deaths were attributed to harsh conditions and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of the country's prisoners were HIV-positive. In February 2006 Zimbabwe Prisons Service commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern." However, the government made no effort to improve prison conditions during the year.

"The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The government granted local NGOs access on a number of occasions during the year." **[1] (Section 1c)**

15.05 A news report on 5 May 2007 noted that the 23 prisoners had died from pellagra, a disease caused by a poor diet and general shortage of food. "Pellagra is a vitamin deficiency disease caused by the shortage of vitamin B3 and protein, especially containing the essential amino acid trypophan. … a parliamentary committee which toured Chikurubi and other prisons last year… described conditions in some prisons as inhuman…" (ZimOnline, 5 May 2007) **[49bz]**

15.06 Describing the conditions in Chikurubi Maximum Security Prison, Save A Life noted that over crowding was so severe and conditions in the prison so poor that:

"… men have to sleep on mats spread out over the crowded cell floor. Some inmates refuse to wash, which results in blankets becoming lice infested. ... The cells are shared with people in the terminal stages of AIDS, Tuberculosis, Herpes and other highly infectious diseases, as well as some prisoners who are mentally ill. Many of the infected prisoners are unable to control their bodily functions, and this results in the cell floor and blankets being contaminated with body fluids; pus, phlegm, blood, urine, faeces. This is in contravention of Article 24 of the International Bill of Human Rights, which covers the state providing a safe environment." **[57]**

15.07 A report published by the Zim Independent on 21 December 2006 estimated that around 52 per cent of prisoners were living with HIV/AIDS. **[89ag]** However, the USSD 2006 noted that "One doctor who worked with former prisoners in the Harare area estimated that the prevalence figure was closer to 60 percent. In February Zimbabwe Prisons Service Commissioner General Paradzai Zimondi described the mortality rate in prisons as a 'cause for concern.'"

15.08 Freedom House noted in its *Zimbabwe 2007* report that: "… overcrowding, along with a major shortage of funds, has contributed to a rise in HIV/AIDS and tuberculosis infections, food shortages, and the deterioration of already poor health and sanitation facilities. Deaths in prisons are often caused by disease, poor sanitation, or beatings by guards." **[105d] (p10-11)** The IWRP report noted that "A report by Zimbabwe's independent Institute of Correctional and Security Studies estimates that 52 per cent of the country's prisoners are HIV-positive. However, Blessing Mukumba, a doctor who works with former prisoners in Harare, said he believed the true HIV infection rate of released prisoners is nearer 60 per cent. Detainees are denied condoms, though homosexual activity is widespread in prison." **[77o]**

15.09 Concerning children in prisons, the USSD 2007 report noted that: "Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. Due to overcrowding in police stations and remand prisons, pretrial detainees were often held in prisons with convicted prisoners until their bail hearings." **[2b] (Section 1c)** With regard to younger children, the IWRP noted on 7 August 2006 that there were "…more than 300 children in the country's prisons, the majority who are less than two-years-old." The report also noted that children had to share their mother's food rations and that additional blankets and children's clothing was not issued. **[77o]**

15.10 On the 16 October 2006, SW Radio Africa – Zimbabwe news, reported that the time some remand prisoners were being held before trial or sentencing had reached nine years, particularly in the case of suspects involved in robbery and murder cases. Zimbabwe's judge President, Rita Makarau, criticised the judicial system for allowing such backlogs to build-up; however, the report noted that the Government had continually failed to address this problem. The report also noted that the shortage of fuel (caused by the economic conditions) was affecting transportation of inmates to court. **[138b]**

15.11 Macon.com, reporting a report by Associated Press noted on 9 June 2006 that: "Prison authorities have often failed to take inmates to court for bail hearings and trial appearances because they do not have enough fuel, the lawmakers said. Few of Zimbabwe's impoverished families can afford to post bail, leaving many accused to languish in jail while their cases drag on, the report said. Delays in the court system mean some prisoners remain in custody up to five years while their cases remain unresolved." **[139]**

15.12 The IWPR noted on 7 August 2006 that the parliamentary committee that visited Zimbabwe's prisons "… reported [that] cooking pots and other kitchen equipment [was] so filthy they were 'not fit to carry food for human consumption'. Toilets and other sanitation facilities were in urgent need of repair, and they said prisoners must go for weeks without soap or toilet paper.

"Some inmates have resorted to using pages ripped from Bibles to wipe themselves clean'…" **[77o]**

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DEATH PENALTY

16.01 Hands Off Cain (accessed 21 August 2007) noted that Zimbabwe remains a retentionist country. The method of execution is hanging. Since independence from the United Kingdom a total of 244 people had been sentenced to death by the country's High Court between 1980 and 2001, 76 of whom were executed. “The rest had their sentences either commuted to life terms or quashed by the Supreme Court. Executions were suspended for several years due to lack of a public hangman, but resumed in October 2001 when a candidate was covertly appointed.” Four prisoners convicted of murder were hanged in June 2003. **[122a]**

16.02 Hands Off Cain also notes that: “The draft resolution on a moratorium on the use of the death penalty (document A/62/439/Add.2) was adopted by a recorded vote of 104 in favour to 54 against, with 29 abstentions”. Zimbabwe voted against. **[122b]**

16.03 On the 8 August 2007, the Foreign and Commonwealth Office reported that the last execution to take place in the country was on 22 July 2005. Prior to that, there were two executions on 4 June 2004. There were a total of 45 prisoners sentenced to death with appeals outstanding. 12 prisoners were on death row, having exhausted all appeals including to the President for clemency. No dates for forthcoming executions was available, although it was noted that the state funded Herald newspaper publishes the details of those executed the day after an execution. **[13j]**

16.04 The USSD 2007 report noted that: “The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed.” **[2b] (Section 1d)**

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

17.01 Freedom House in *Worst of the Worst: The World's Most Repressive Societies 2007*, noted that:

> "Zimbabwe is not an electoral democracy. Recent presidential and legislative elections have been marred by political violence and intimidation (perpetrated by security forces and ZANU-PF youth militias), a discriminatory electoral framework, biased media coverage, and the unscrupulous use of state resources. President Mugabe and ZANU-PF have dominated the political landscape since independence in 1980, overseeing at least 16 amendments to the constitution including the elimination of the post of prime minister that have expanded presidential power. Mugabe has on several occasions invoked the Presidential Powers Act, which enables him to bypass normal governmental review and oversight procedures. Presidential elections are held every six years. In December 2006, ZANU-PF delegates to the party annual conference approved a plan to postpone presidential elections originally scheduled for 2008 – until 2010, extending Mugabe's rule by two years (Mugabe has vowed to retire at the end of his current presidential term). The postponement will require another constitutional amendment." **[105e]**

17.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

> "Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The government raided the offices and inquired into the activities of some NGOs it believed opposed government policies." **[2b] (Section 2b)**

17.03 On the 10 May 2005 Amnesty International (AI) published a report entitled *Zimbabwe: Human rights defenders under siege*. The report noted the impact of the Public Order and Security Act (POSA) has had on the freedom of political expression. AI noted that: "Since its introduction POSA has been used by the authorities in Zimbabwe to arbitrarily arrest hundreds of opposition supporters, independent media workers and human rights defenders. This targeted use of POSA has resulted in violations of Zimbabweans rights to freely assemble, criticize the government and President…" **[14c] (p3)**

17.04 The USSD 2007 report noted that: "The government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a

new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008." **[2b] (Section 3)**

17.05 On 28 March 2005, the IWPR reported that "Fearless Bulawayo church leader calls for 'Orange Revolution' to topple president." Referring to Pius Ncube, the Roman Catholic Archbishop of Bulawayo, the report noted that Ncube is one of the few men in Zimbabwe who is willing to speak out in defiance of President Mugabe and the ruling ZANU-PF party. The IWPR reported that on Good Friday, Archbishop Ncube led a procession through the streets of Bulawayo from the Roman Catholic Cathedral to the city's Presbyterian church. The procession itself was led in defiance of Zimbabwean law, which forbids public gatherings of more than five people without police permission. The Archbishop called on Zimbabweans to organise a Ukrainian-style Orange Revolution to overthrow Mugabe, whom he labelled a "very, very evil man" stating that 'the sooner he dies the better. However, the IWPR reported that, President Mugabe had called the Archbishop "an unholy man, a satanic betrayer of Zimbabwe who has invited Britain, the nation's arch enemy, to invade". **[77j]**

17.06 ZimOnline reported on 14 July 2005 that a further 28 members of Women of Zimbabwe Arise (WOZA) were arrested in June 2005 while protesting against Operation Murambatsvina. **[49o]** Noting the continuing restrictions on free assembly, News24.com reported on 16 February 2006 that members of WOZA were again targeted by state security agents when 200 members of the organisation were arrested and held for two days for protesting against deteriorating living conditions. The article noted that "The marches on Monday in Bulawayo and Tuesday in Harare were to mark Valentine's Day with a protest against the rising cost of living." The women were each ordered to pay a fine of Zim$250,000 (US$2.50) for obstructing traffic. **[38k]** The BBC noted on 22 February 2006 that 181 WOZA women were detained in Bulawayo on the same day as the 200 mentioned above were held in Harare. The BBC also noted that 73 women were arrested and detained at a protest marking President Mugabe's 82nd birthday on 21 February. **[3bb]**

17.07 Freedom House also reported that "…Security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group and arrest demonstrators; in three years of protests, some 900 WOZA activists have been detained for violating the POSA …" **[105d] (p9)** Throughout 2006 WOZA activists continued to hold demonstrations against a range of issues such as school fees and the worsening economic conditions in the country. On 3 May 2006 police in Bulawayo arrested around 170 women and school children protesting against the increase in fees in schools and tertiary education, and held them in cells at Bulawayo Central Police station. **[49j]** WOZA demonstrations (over the issue of school fees) continued throughout May and June with large numbers of women being arrested and held in police cells. **[49ai] [49aa]** In addition to allegations directed at the police of abuse and heavy handedness, ZimOnline reported on 16 May 2006 that "Police in Zimbabwe's second largest city of Bulawayo had threatened prominent women rights activist, Jenni Williams, with death if she dared to organise any further anti-government demonstrations by her Women of Zimbabwe Arise (WOZA) group…" **[49ak]**

17.08 Another example of the government trying to prevent free political affiliation and expression was reported by ZimOnline on 26 July 2007, the article noted that: "The Zimbabwean government has withdrawn allowances for three chiefs and several headmen in the southern province of Masvingo for backing the main opposition Movement for Democratic Change (MDC) party. Zimbabwe's traditional leaders including chiefs and headmen receive monthly allowances from President Robert Mugabe's government for performing various duties in their areas." **[49b]**

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FREEDOM OF ASSOCIATION AND ASSEMBLY

17.09 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in February 2008, reported that:

"In 2007, hundreds of civil society activists and opposition members were arbitrarily arrested during routine meetings or peaceful protests against social, economic and human rights conditions… On February 21, 2007, in response to opposition attempts to hold rallies launching their election campaigns, the government imposed a three-month ban on political rallies and demonstrations in Harare. Police argued that the rallies would lead to a breakdown in law and order and political violence. Then, on March 11, 2007, police violently prevented a prayer meeting in Highfields township organized by the MDC and the Save Zimbabwe Campaign—a broad coalition of church and civil society organizations. More than 50 opposition members and civil society activists were arrested on their way to the meeting, including the leaders of the two MDC factions, Morgan Tsvangirai and Arthur Mutambara. Many were beaten in police custody, sustaining severe injuries including fractured skulls, broken bones and severe bruising that required hospitalization. The government has done little to address torture in Zimbabwe's prisons and police cells, and such incidents are rarely investigated." **[69k] (p1)**

17.10 The *Africa Research Bulletin* reported in its February 2007 update, that:

"Zimbabwe's police, on February 21st, imposed a three-month ban on political rallies and protests in several of Harare's increasingly restive townships. The opposition Movement for Democratic Change (MDC) denounced the measures as a 'state of emergency' that highlighted the growing insecurity of President Robert Mugabe's regime." The police were reported to have said that the ban was needed to prevent "…'pandemonium, looting and destruction of property'. It covers Harare's southern townships, including Highfield, which is now a hotbed of opposition." **[121b] (p16986)** News24.com reported on 29 June 2007 that the "… blanket ban on political rallies in the Zimbabwean capital Harare…" had been lifted although demonstrations would still need prior approval from police. However, the report noted that the lifting of the ban was meaningless because "the authorities have rarely given permission for the opposition to demonstrate either in Harare or other parts of the country… since independence in 1980." **[38t]**

17.11 Amnesty International's 2007 report noted that POSA "…and the Miscellaneous Offences Act continued to be used selectively to prevent the political opposition and civil society groups from meeting or engaging in

peaceful protest. Hundreds of human rights activists were arrested or detained under these laws during the year." **[14d] (p2)** However, Human Rights Watch noted that while POSA had been used widely to either prevent or break up demonstrations and public gatherings, many of the charges (used to arrest people and therefore break up public gatherings) were later dropped and those arrested released without charge. **[69j] (p2)**

17.12 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution provides for freedom of assembly; however, the government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought." **[2b] (Section 2b)**

17.13 Worldpress.org reported on 12 March 2006 that the provisions of the POSA are "regularly misunderstood or deliberately misapplied by the police who have raided private houses where clearly private meetings have been taking place… The police have even been found sitting in on ordinary leadership workshops of the opposition party." **[144]**

17.14 The USSD 2007 report also noted that:

"Although the constitution and law provide for freedom of association, the government restricted this right in practice. Organizations generally were free of governmental interference only if the government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The government raided the offices and inquired into the activities of some NGOs it believed opposed government policies." **[2b] (Section 2b)**

On June 6, police in Bulawayo used baton sticks to break up a crowd of 200 and arrested five during a WOZA march calling for the inclusion of civil society in mediation talks between ZANU-PF and the opposition. Police later arrested WOZA leaders Jenni Williams and Magodonga Mahlangu when marchers regrouped in front of the police station. Police released the five WOZA activists initially arrested on June 8 without charge; Williams and Mahlangu were released on June 9 after being charged with crimes against public order. The cases were pending at year's end. **[2b](Section 2a)** ZimOnline noted on 21 June 2006, "Under Zimbabwe's tough security laws, it is illegal to demonstrate without seeking approval from the police." **[49aj]**

17.15 In the latest example of the Zimbabwean Government preventing its citizens from being able to peacefully protest against government policies, *The New York Times* reported on 13 September 2006 that "A planned nationwide protest by Zimbabwe's labor movement against harsh economic and political

conditions ended before it began on Wednesday, crushed by riot police officers and militia and government threats to retaliate against anyone who joined in." The protest, planned and organised by the Zimbabwe Congress of Trade Unions (ZCTU) and led by Lovemore Matombo and Wellington Chibebe, effectively ended as soon as they were arrested while attempting to reach the rallying point for the march. The ZCTU cancelled the protests following the arrest of ZCTU President Lovemore Matombo and general Secretary Wellington Chibebe. "A spokesman for the congress, Last Tarabuku, said in a telephone interview that at least 180 people had been arrested in some of the 34 towns and cities nationwide that were to join the protests." **[61]**

17.16 Noting the police response to the protests, the BBC reported on 15 September 2006 that "Several of Zimbabwe's main trade union leaders, who were arrested after Wednesday's banned protests, have been transferred from prison to hospital." A lawyer representing the union officials claimed that 12 people were in hospital after having been beaten while in police custody. It was reported that Wellington Chibebe suffered "… two fractures on his left arm, cuts on his head and bruises on his body…". **[3ai]** Human Rights Watch reported in November 2006 that the beatings by the police "…were so severe that a number of the unionists lost consciousness." **[69b] (p19)**

17.17 A few days before the planned ZCTU protests, Sokwanele (a non-aligned civic action support group.) asked on 11 September 2006 why Morgan Tsvangirai's promise that the MDC would initiate a "sustained cold season of peaceful democratic resistance" had not happened. The article noted that as the winter in Zimbabwe was ending it was clear that Morgan Tsvangirai's pledge to "… lead from the front" a series of protests against ZANU-PF had come to nothing. **[115b]** *The Guardian* noted on 13 September 2006 that the MDC had failed to come out and lead protests during the winter as it had promised. It reported an MDC spokesman who was questioned why his party had not joined the ZCTU demonstration as stating that "…workers had a right to express themselves without being influenced by politicians. We respect the response taken by the workers but the planned stayaway by the workers is not the same programme that the MDC would embark on." **[34f]**

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Growing civil unrest and protests

17.18 In the wake of Operation Murambatsvina, Morgan Tsvangirai sustained criticism from opposition colleagues for failing to seize on the demolitions as an opportunity to rally opposition supporters against ZANU-PF. *The Guardian* noted on 13 September 2006, that following the split in the MDC, Morgan Tsvangirai in an attempt to appear to be seen to setting the opposition agenda, declared that he would lead a campaign of public demonstrations against the government's misrule. **[34f]** However, as Sokwanele pointed out, it was clear that the promises of a "sustained cold season of peaceful democratic resistance" and Morgan Tsvangirai's personal pledge to "… lead from the front" had come to nothing. **[115b]**

17.19 In the absence of clear leadership from the MDC, *The New York Times* reported that the Zimbabwe Congress of Trade Unions (ZCTU) announced

that it would stage nationwide protests against the harsh and worsening economic and political conditions in Zimbabwe. However, the protests planned for the 13 September 2006, were effectively ended as soon as they began with the brutal beating and arrest of ZCTU leaders by riot police. **[61]**

17.20 During December 2006 and January 2007, President Mugabe and government ministers repeated earlier warnings that any illegal protest would be crushed. On 8 January 2007, ZimOnline reported that Justice Minister Patrick Chinamasa warned that the government would crush demonstrations aimed at ousting President Mugabe from power. This was in response to a statement from Arthur Mutambara's faction of the MDC that stated that they would organise protests aimed at delivering a "… people-driven democratic constitution…" and that they would not "… respect any unjust and criminal laws." **[49bh]**

17.21 However, some economists point out that "Economics has replaced the political opposition as the main threat to the government of President Robert Mugabe…" with a "… wave of strikes by Zimbabwean doctors, teachers and others since the turn of the year reflecting intense frustration by the middle-class which has found it impossible to make ends meet when living costs rise at nearly 1,300% annually." (Voice of America, 9 February 2007) **[83k]** IRIN noted on the 7 February 2007, that while the ZCTU had been unable to mobilise people in significant numbers for a general strike, the economic conditions within Zimbabwe were such that the current wave of separate strikes is having the same effect. **[10i]**

17.22 Doctors working in state hospitals went out on strike in December 2006: protesting against poor wages and a lack of adequate facilities and medication, the doctors demanded major increases to salaries that had been eroded by inflation of over 1,000 per cent. **[38n]** On 11 January 2007, nurses at two of the country's biggest state run hospitals (Mpilo and the United Bulawayo Hospitals) joined doctors in striking for increases to their salaries. The ZimOnline article noted that only the most critical of cases were being dealt with, with most patients being turned away. (ZimOnline, 11 January 2007) **[49ay]** News sources reported that medical staff subsequently returned to work after reaching an agreement with the government in March and June 2007. **[6n] [37i]**

17.23 On 1 February 2007, Morgan Tsvangirai's faction of the MDC held a surprise demonstration in Bulawayo. The demonstration, described as the first of its 'Democratic Resistance Campaign (DRC)' attracted around 5,000 opposition supporters protesting against the government's mismanagement of resources and economy. The article also noted that the demonstrators, in response to plans to extend Mugabe's term of office until 2010, held "… placards and banners calling for a democratic constitution and for elections in 2008." It was reported that at least five of the demonstrators were arrested. (SW Radio Africa, 1 February 2007) **[138f]**

17.24 The Voice of America (VOA) reported on the 29 January 2007 that "The Progressive Teachers Union of Zimbabwe (PTUZ) announced on Monday that its members starting Wednesday would embark on a nationwide go-slow action preparatory to the launch on Monday, Feb 5, of a full-fledged strike over pay and conditions." The government increased teachers' salaries at the beginning of 2007 by 300 percent, but the lowest paid teachers still only earn

the equivalent of US$20 a month. **[83i]** The VOA reported on 5 February 2007 that PTUZ officials confirmed that it had begun strike action against the government aimed at obtaining salary increases. Some head teachers were reported to have been interrogated by police, but there were no reports of arrests. The article also noted that some members of the pro-government 'Zimbabwe Teachers Association' had heeded the PTUZ's strike call. **[83j]**

11 MARCH 2007 – OPPOSITION DEMONSTRATION SUPPRESSED/LEADERS TORTURED

17.25 The political unrest that had been building up over the previous six or seven months reached a "… high point on March 11, when police violently prevented a prayer meeting organized by the Save Zimbabwe Campaign - a broad coalition of church and civil society organizations - and the opposition MDC from taking place in Highfield, Harare. The subsequent arrest and violent assault of several senior MDC leaders led to further unrest and violence in the high-density suburbs of Harare South, and provided the pretext for the government crackdown on the opposition, civil society activists, and perceived and actual supporters of the opposition that followed." (Human Rights Watch, May 2007) **[69d] (p12)** Human Rights Watch noted that "levels of violence around the country had increased significantly" following 11 March. "Hundreds of opposition members and supporters, and civil society activists have been arrested, abducted or tortured, and scores have gone into hiding." Human Rights Watch reported that the crackdown by security forces was indiscriminate, with some of the victims being identified as "entirely unconnected to the opposition." (Human Rights Watch, May 2007) **[69d] (p17-18)** The events of the 11 March led to two people being killed by security forces and at least 150 arrested, many hurt, and the leaders of the MDC seriously injured after they were beaten in police custody. The detained were denied legal and medical assistance. (allAfrica.com, 13 March 2007) **[50h] [4j]**

Background

17.26 Since September 2006, the government has increasingly resorted to violent tactics and draconian laws to suppress dissent, including massive arrests and severe beatings as its response to civil society protests. (International Crises Group, 5 March 2007) **[100d] (p3)** The current crackdown on the Opposition should be seen in the context of Zimbabwe's continued and worsening "economic collapse" (Economist Intelligence Unit Country Report, April 2007) **[24h] (p1)** with the economy shrinking by 40 per cent since 1998, unemployment of 80 per cent, (International Crises Group, 5 March 2007) **[100d] (p2)** and inflation, according to the International Monetary Fund, on course to reach 4,279 per cent during 2007. The economic hardship felt across the country has in turn widened existing cracks in the ruling party with President Mugabe facing increased pressure from sections of his own party to step down in 2008 because of fears that the party is rapidly losing support among its core followers. (Economist Intelligence Unit Country Report, April 2007) **[24h] (p1-4)**

17.27 IRIN News.org reported that a new mood of defiance has led to mounting tension "…in Zimbabwe over the past two months: NGOs, church groups, labour and students have all staged sporadic demonstrations around the country." **[10o]**

17.28 The International Crisis Group reported that increasing willingness among opposition groups and civil society to organise street protests has led to increasingly serious clashes with police and state agents. In September 2006, a protest organised by the Zimbabwe Congress of Trade Unions (ZCTU) **[24h] (p4)** was closed down by the riot police before it had begun. (The New York Times, 13 September 2006) **[61]** The actions of the police in preventing the ZCTU's protest were described by one civil society leader as the worst beatings that had been witnessed following such a gathering, with fifteen union officials hospitalised and ZCTU leader, **[24h] (p4)** Wellington Chibebe suffering "…two fractures on his left arm, cuts on his head and bruises on his body…" (BBC News, 15 September 2006) **[3ai]**

17.29 During the weekend of the 3 and 4th March 2007 the Tsvangirai MDC held a number of rallies in defiance of a police ban [*On the 21 February 2007, the police banned all rallies and protests for three months to avoid "pandemonium and looting" **[100d] (p3)**] on public meetings and rallies. A rally at Makoni West on Sunday 4 March was held at Chiwetu shopping centre and was addressed by Morgan Tsvangirai. SW Radio Africa reported that "…police led by Rusape officer-in-charge only identified as Mai Muchene, threatened villagers at the rally and ordered the shopping centre to close. The MDC said the officer in charge had brandished an AK 47 rifle…" An earlier rally at Budiriro was broken up after police arrived and used teargas and baton sticks on the estimated 7,000 MDC supporters who had turned up. (SW Radio Africa, 5 March 2007) **[138g]**

11 March 2007 and subsequent events

17.30 IRIN News.org reported on 12 March 2007 that "Morgan Tsvangirai and Arthur Mutambara, the leaders of the two MDC groups, and several other party and NGO officials were arrested on Sunday ahead of a planned prayer meeting in Highfield, Harare's most populous working-class suburb, where an 'opposition ringleader' was shot dead and three policemen were injured in an altercation in the same suburb, also on Sunday." **[10o]** ZimOnline reported on 12 March 2007 that the rally was organised by the "Save Zimbabwe Campaign, a coalition of opposition parties, churches, students and labour that is pushing for political change in Zimbabwe…" **[49bj]**

17.31 ZimOnline noted that MDC youth activist Gift Tandare was shot and killed by police during the demonstrations. Senior members of the MDC were reported to have been arrested and beaten, including: Morgan Tsvangirai, Arthur Mutambara, Lovemore Madhuku, Tendai Biti, Grace Kwinje, Lucia Matibenga, Job Sikhala and Frank Chamunorwa. **[49bj]** SW Radio Africa reported on 12 March 2007 that Nelson Chamisa, Mike Davies and Elton Mangoma were also in custody. Grace Kwinji, the MDCs "…Deputy Secretary for International Relations was reported to be in a "critical state after sustaining head injuries." **[138h]** The Independent reported on 13 March 2007 that "Morgan Tsvangirai… was so severely beaten by police after his arrest on Sunday morning he lost consciousness three times…Eyewitnesses said Mr Tsvangirai was lucky to be alive and described seeing the police taking it in turns to smash his head against a concrete wall." **[4g]** The Telegraph reported on 14 March 2007 that he had been moved to intensive care with a cracked skull. **[5d]** SW Radio Africa reported that five opposition leaders were being treated in the intensive care unit at Avenues Clinic. The beating of Morgan Tsvangirai was reported to

have been so brutal that he required mouth-to-mouth resuscitation. (SW Radio Africa, 14 March 2007) **[138j]** The Independent article also reported that Lovemore Madhuku sustained a severe beating at the hands of the police and was reported to have been "unconscious in hospital with a broken arm". **[4g]**

17.32 Zimbabwejournalists.com reported on 13 March 2007 that following the arrests of the 11 March, there were reports that various activists in detention were being refused food and water and access to legal aid. Some of the detainees were reported to have been denied food for two days. **[143c]**

17.33 In addition to the protests in Harare, SW Radio Africa reported that demonstrations were also held in Mutare and Masvingo. In Mutare, 125 MDC activists were arrested with Godfrey Mubatsa (Manicaland Chairperson), Pishai Muchauraya (Provincial Spokesperson), and Prosper Mutseyami (Deputy Chairperson). In Masvingo, "Student leaders were arrested … following on-going class boycotts at Masvingo State University. 10 students were arrested including Gideon Chitanga, the Zimbabwean National Student's Union (ZINASU) Vice President who is being questioned on his involvement with the Save Zimbabwe Campaign." **[138h]**

17.34 On 14 March 2007, SW Radio Africa reported that "Sesel nZvidzai, the Gweru mayor who was elected on a Movement for Democratic Change (MDC) ticket was arrested yesterday for embarking on a demonstration in solidarity with arrested detainees and the Save Zimbabwe Campaign. The mayor was arrested together with 10 other MDC supporters." Police in Kwekwe arrested 10 activists protesting against the beating of Morgan Tsvangirai and other leaders. **[138j]**

17.35 Zimbabwejournalists.com reported that: "Two MDC activists were shot at point blank range around 4 am today at the funeral of Gift Tandare in Glen View. The two, Nickson Magondo and Naison Mashambanhaka were among a group of 500 mourners observing a vigil, consoling the Tandare family, a common practice at funerals in Zimbabwe. The two are recuperating in hospital." **[143c]**

Zimbabwe Congress of Trade Unions (ZCTU) stay away

17.36 The Independent reported on 14 March 2007 that police "…stormed the offices of the country's labour movement, the Zimbabwe Congress of Trade Unions, and seized documents and videotapes." The union was reported to have called for a two-day national strike. **[4i]** The strike was planned by the ZCTU to continue the campaign of opposition, and to "turn up the heat" on Mugabe's beleaguered government. (The Zimbabwe Situation, 3 April 2007) **[89ai]** However, the strike, organised as a stay-away rather than the street protests of September 2006, failed to encourage most workers to risk staying off work. ZimOnline reported on 4 April 2007 that the "…two-day stay-away called by Zimbabwe's largest trade union yesterday flopped as workers turned up for work and businesses opened but analysts attributed this to fear of a government backlash, a few weeks after police brutally stopped an opposition prayer rally. … Analysts also said Zimbabwe's high unemployment levels, which has seen eight in every ten people out of work, meant that there were few people to heed the ZCTU's call. Nearly 70 percent of the country's workers are now employed by the government." **[49bm]**

17.37 SW Radio Africa reported on 3 April 2007, that the presence of armed police on the first day of the stay-away was part of intimidatory tactics used by police. There were reports that "…there were disturbances in some high-density areas including Kuwadzana, Budiriro Dzivarasekwa, Mabvuku, Mufakose and Chitungwiza. Small groups of residents tried to block the streets using rocks and rubbish bins and some minibuses were also pelted with rocks. Muchemwa said truckloads of riot police had moved through these areas randomly assaulting anyone on the streets." **[138k]**

Mugabe threatens the diplomatic community

17.38 Mounting criticism from Western governments about the treatment of protesters on 11 March led the United Kingdom and United States to call for increased sanctions against the Zimbabwe government. In a statement following a meeting with President Kikwete of Tanzania, President Mugabe publicly denounced Western interference in his country saying that Western critics could "go hang". (BBC News, 15 March 2007) **[3i]**

17.39 Mugabe's comments; directly aimed at countries that he believes are involved in assisting and funding opposition activities, increased the pressure on the diplomatic community in Harare. The Times reported on 20 March 2007 that: "President Mugabe threatened to expel Western diplomats yesterday as his security forces pressed on with a violent crackdown to suppress a feared popular uprising. Simbarashe Mumbengegwi, the Foreign Minister, said that Zimbabwe was prepared to invoke the Geneva Convention to kick out envoys who, it claimed, offered support to Mr Mugabe's political opponents. …Mr Mumbengegwi accused the envoys of 'overstretching their competence' by allegedly siding with the opposition Movement for Democratic Change (MDC).

"The Zimbabwean Government has accused Western diplomats of organising food and water for victims of last Sunday's assault by police of 30 opposition activists, including Morgan Tsvangirai, leader of the larger faction of the MDC.

"The ambassadors summoned yesterday, from Western Europe, the US, Japan and Australia, were not allowed to address those claims or raise the long catalogue of violent abuse by the Government since the crisis began on March 25. Christopher Dell, the US Ambassador, walked out after Mr Mumbengegwi refused to take questions." (The Times, 20 March 2007) **[82l]**

17.40 The Times reported on 4 April 2007 that the government owned Herald newspaper published an editorial in which it accused Gillian Dare, first secretary at the British Embassy, of "…'blatant interference' in Zimbabwean politics by visiting injured members of the Opposition in hospital" The Herald articled threatened that Ms Dare could find herself "caught in the cross-fire" and would be returned home to the UK in a "body bag". The Times noted that: "The attack is the latest in a stream of bizarre accusations, mostly against the British and American ambassadors, whom Mr Mugabe accuses of using the MDC as a tool to bring down his Government." **[82n]** The Scotsman reported on the 4 April 2007 that "The Herald, which is closely controlled by Mr Mugabe's presidential spokesman, alleged that Ms Dare [who was also accused of being a spy by the newspaper] was the 'purse holder and the main financier of the violence being perpetrated by the MDC'." **[98c]**

The crackdown continues

17.41 "The police crackdown on the opposition continued on Monday [12 March 2007] when 140 MDC activists, including women and children, were arrested at the start of an anti-government protest in central Mutare.

"The protesters were demonstrating against the murder of MDC activist Gift Tandari by the police in Highfields on Sunday and the subsequent arrest and detention of the MDC leaders. …

"In Masvingo at least 10 students including Zimbabwe National Students Union vice-president, Gideon Chitanga were arrested Monday following on-going class boycotts at Masvingo State University, according to information from the Crisis Coalition." (SW Radio Africa, 12 March 2007) **[138i]**

17.42 On 13 March 2007, Morgan Tsvangirai, Lovemore Madhuku and around 50 other anti-government activists appeared in Harare court charged with inciting violence. The US ambassador to Zimbabwe, Christopher Dell, who was present at the court, reported that it was clear that Morgan had "suffered a severe beating". "Mr Dell said he saw one young man lying on the floor of the courtroom, who appeared to be nearly unconscious. … These serious injuries speak volumes of the callous disregard the Mugabe government has for its own people." (The Guardian, 14 March 2007) **[34j]** A number of sources stated that the assaults on the opposition activists had not been carried out by the police (The Independent, 14 March 2007) **[4i]**, but by specially drafted soldiers from a "crack Commando unit". The soldiers, disguised as police, were reported to have used drugs before the assault in what one eyewitness described as attempted murder. (ZimOnline, 14 March 2007) **[49bk]**

17.43 In the aftermath of the opposition demonstration of the 11 March, a number of sources reported that President Mugabe was considering clamping down further on opposition activists and NGOs by declaring a state of emergency. "At a meeting attended at Mugabe's Munhumutapa offices in Harare on Thursday, Mugabe is said to have pushed for the immediate declaration of a state of emergency that would give the state extra powers to effect mass jailing of Mugabe's opponents. Mugabe was however dissuaded from taking that route by his security chiefs who felt the action would be too drastic and would send the wrong signals to the international community. … security ministers are said to have told Mugabe to use 'maximum force without officially declaring a state of emergency'." (ZimOnline, 14 March 2007) **[49bl]**

17.44 "The Movement for Democratic Change (MDC) and its civil society allies have reported an increasing incidence of abductions and threats against activists, allegedly by state security agents, as a crackdown against perceived government opponents continues.

"Morgan Tsvangirai, the leader of the main camp of the MDC, told a press conference in Harare yesterday that 'More than 600 of our officials and supporters have been abducted since February 16, and the repression is continuing. People are under siege in the townships. We have about 150 people who have been hospitalised since the regime started its crackdown against the opposition,' said Tsvangirai." (Financial Gazette, 13 April 2007) **[37b]** On 10 April 2007, the MDC made an urgent appeal for "…medical supplies and funds to help meet escalating medical costs, food and legal

assistance." The appeal by the MDC for medical assistance follows its announcement that over 600 of its activists had been hospitalised since the government crackdown on opposition activities on 11 March. (SW Radio Africa) **[138m]**

17.45 "Zimbabwean police on Thursday fought running battles with opposition supporters in the second city of Bulawayo as political tensions remained high in the southern African country following the brutal assault of opposition leaders last weekend.

"The police blamed the disturbances on opposition Movement for Democratic Change (MDC) party supporters whom they accused of barricading the main railway line leading into the city with boulders and logs.

"The disturbances came a day after police arrested Lovemore Moyo, the MDC legislator for Matobo and another senior party official Samuel Sipepa Nkomo on Wednesday night.

"Moyo and Nkomo together with 16 other party officials were arrested on Wednesday for allegedly holding a "secret" meeting in the city that the police said was meant to plot violence at next weekend's prayer rally in Bulawayo." (ZimOnline, 16 March 2007) **[49bn]**

17.46 *The Times* reported on the 18 March 2007, that: "Nelson Chamisa, aide to Morgan Tsvangirai, the Movement for Democratic Change leader, was assaulted at Harare International Airport as he was leaving for Belgium via London to attend a meeting of the European Union and Africa Caribbean Pacific in Brussels, the party's secretary general, Tendai Biti, said from Johannesburg.

"He was beaten on the head with iron bars. There was blood all over his face. He is in a critical condition at a private hospital in Harare," Mr Biti said. …

"The assault follows the re-arrests at the airport Saturday of three opposition activists, who were allegedly assaulted along with Mr Tsvangirai at the March 11 protest. … Grace Kwinje and Sekai Holland, among the most severely injured in last week's incident, were prevented from leaving to receive medical care, and Arthur Mutambara, leader of an opposition faction, was later also arrested at the airport." (The Times Online, 18 March 2007) **[82o]**

17.47 On 28 March 2007 heavily armed Zimbabwe police officers using powers under POSA "… cordoned off much of the central business district in a bid to conduct searches on the Headquarters of the MDC at Harvest House. It is understood that Morgan Tsvangirai intended to have a press briefing at Harvest House on the spate of abductions of his party leadership in the month of March. Close to 80 people, including senior MDC officials, were arrested and bussed to Harare Central Police Station. It is alleged that those arrested were seriously tortured before being released the following day and the day after the courts ordered their release." (Zimbabwe Human Rights NGO Forum, 10 May 2007) **[35c]**

17.48 On 5 April 2007, SW Radio Africa reported that Alois Mudzingwa, a founder member of the MDC and National Executive member, had been found unconscious, in suspicious circumstances, on a sports field. He was reported

to have died soon after being found. Mr Mudzingwa was reported to have been an active and high profile member of the MDC who had in the past been beaten and tortured by police, militia and war veterans. One such attack resulted in his confinement to hospital for several weeks. **[138l]** In another news report, the Mail and Guardian reported on 10 April 2007 that Philip Katsande, a provincial official with the MDC had been shot and critically injured following a police raid on his home. The police stated that they were "…hunting for suspects behind a string of petrol bomb attacks on police stations. … The attack on Katsande comes days after the badly-beaten body of an abducted television cameraman, Edward Chikomba, was found on the outskirts of Harare, in a killing some suspect was linked to his work. Chikomba allegedly leaked footage to foreign media of a badly beaten Tsvangirai after his release from custody last month – images that provoked a torrent of international condemnation of the regime of Robert Mugabe." **[6l]**

17.49 On 26 May 2007, riot police again stormed Harvest House (the HQ of the Tsvangirai faction of the MDC) arresting MDC youth members. The meeting of youth members, called to discuss democracy in Africa, was broken up by police in riot gear who reportedly used force to arrest 211 youth members. There were reports that those arrested were beaten and interrogated by the police and denied access to lawyers or any food. The 211 youth members were all released by the following evening without charge. Nelson Chamisa, spokesman for the MDC stated that he believed that the government was attempting to deflate morale within the party before the 2008 elections. (SW Radio Africa, 28 May 2007) **[138t]**

17.50 "On March 28, police stormed Harvest House in Harare, the political headquarters of the Tsvangirai-led faction of the MDC, and arrested more than ten MDC members and supporters. Several others were arrested in the days and weeks that followed, in Harare, and other parts of the country. The government claimed that the MDC members and supporters were behind the recent petrol bomb attacks, and that they had found dynamite and detonators at some of their homes. Lawyers representing the activists informed Human Rights Watch that they were initially not allowed to see their clients, and alleged that the MDC members were severely beaten and tortured in police custody. In Harare, 13 MDC members were denied bail and remain in custody accused of organizing and carrying out the petrol bomb attacks. In a press statement on April 15, ZADHR condemned the denial of medical access for eight of the MDC members while in custody, and the forcible police removal of the activists from the private hospital where they were receiving treatment for their injuries on March 31. According to the MDC, at least 32 of its members and supporters are in police custody in various police stations around the country accused of planning and carrying out the recent petrol bomb attacks. The reports of abuse and torture of nine of the members raises deep concerns as to whether the activists will receive a fair trial, if one occurs." (Human Rights Watch, 2 May 2007) **[69d] (p25-26)**

17.51 On 12 June 2007, the Zimbabwean courts ordered the release of seven members of the MDC accused of orchestrating the campaign of petrol bombings. In total, 27 members [this conflicts with the 32 members reported above] of the MDC (New Zimbabwe, 12 June 2007) **[41i]** had been arrested by security services following a raid on the MDC's headquarters. ZimOnline reported on 26 July 2007 that a further fifteen members of the MDC were "… released from police custody on Z$10 million bail after spending four months

in remand prison." **[49w]** The final two members of the MDC were released on bail on 9 August 2007 after the government failed to present sufficient evidence to the High Court to keep them on remand. Morgan Komichi and Denis Murira, described by the police as the brains behind the bombing campaign, were released after having been held for over 90 days in custody. **[49ax]**

17.52 On the 25 July 2007, 243 members of the National Constitutional Assembly (NCA) were arrested following a series of demonstrations in most major towns across Zimbabwe. Chairperson of the NCA, Dr Lovemore Madhuku, reported that of the 243 members arrested by the police, 170 were hospitalised after being tortured and beaten whilst in police custody. "It's reported the violence was more severe in Harare where police also followed some of the demonstrators to the NCA headquarters and continued to assault them. … Police fired shots in the air and threw tear gas at the activists at the offices." (SW Radio Africa, 26 July 2007) **[138aa]**

(For additional information see: 7.01 – Recent Developments for further details concerning student protests)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

The Movement for Democratic Change (MDC)

17.53 The Economist Intelligence Unit's Zimbabwe Country Profile 2008 (April) noted that:

"The official results were to be announced by the Harare offices of the Zimbabwe Electoral Commission's (ZEC), but they arrived very slowly. By April 3rd the official results showed that the Tsvangirai wing of the MDC had won control of parliament with 99 seats to ZANU-PF's 97 seats. It was the first time since Zimbabwe became independent in 1980 that ZANU-PF did not control parliament. The Arthur Mutambara faction of the MDC won ten seats, and the independent candidate, Jonathan Moyo, won a seat in Matabeleland, while three other seats were undeclared because the candidates had died." **[24m]**

17.54 Following the MDC's third successive defeat at the March 2005 parliamentary elections, earlier tensions in the leadership of the party came to the fore. *The Sunday Mirror* reported on 7 August 2005 that while the party considered that the election had again been rigged there was disagreement over how the party should proceed. In contradiction to Morgan Tsvangirai, the grouping around the Secretary General, Welshman Ncube publicly urged the party to challenge ZANU-PF's legitimacy through the courts and by continuing to participate in elections, while Tsvangirai's camp had taken the line that the election had been won by Mugabe and other means were needed to secure power. **[64b]**

17.55 A few months after the March 2005 parliamentary elections, the Government launched Operation Murambatsvina. This resulted in the demolition of poor and unplanned housing making over 700,000 people homeless. The actions of

the Government, seen by most commentators as a way of punishing MDC supporters, has reduced the MDC's power bases in the towns and cities. (Solidarity Peace Trust) **[65b] (p16)** Zimbabwe Updates, reporting an article published by *New Zimbabwe* on 26 July 2005, noted that while "…Mr Mugabe carried out his assault on the townships, bulldozing the homes or livelihoods of 700,000 people, the opposition failed to offer any coherent response. The MDC was paralysed by factional warfare and incapable of opposing Mr Mugabe." A number of reports of intra-MDC violence have been reported including serious assaults. **[29a]** The International Crisis Group in a report entitled, *Zimbabwe's Operation Murambatsvina: The Tipping Point?* noted that while the MDC had become embroiled in leadership and strategy debates it failed to influence or capitalise upon the events surrounding Operation Murambatsvina. This has cost it dearly in political confidence and in support from the electorate. **[100c] (Executive summary)**

17.56 As 2005 progressed further reports emerged of the growing split in the party. On 24 July 2005, the *Sunday Mirror* noted rumours that "A number of MDC officials, including Kuwadzana MP and national youth chairman Nelson Chamisa have blamed the problems plaguing the party on 'serious infiltration by enemy forces [CIO]'." **[64c]**

17.57 Noting the growing criticism of Morgan Tsvangirai, the International Crisis Group's August 2005 report noted that he (Tsvangirai) has devoted more attention to the internal disputes than to addressing the problems unleashed by the Government. The report also noted that a number of important donors are known to have withheld or reduced support recently out of dissatisfaction with the party's course. **[100c] (p.10)**

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

17.59 The Zimbabwe Situation reporting ZimOnline noted on 4 November 2005 that "Divisions in the MDC that insiders say had simmered over the last three years broke into the open last month when Tsvangirai refused to accept a narrow vote by the party council to take part in a November 26 election for a new senate that political analysts say will be used by President Robert Mugabe to extend his patronage network." **[89k]** The Zimbabwe Situation reporting the *Financial Gazette* (20 October 2005) noted that "The party's national council last week voted 33 for and 31 against participating in the elections, but Tsvangirai said the party had voted 50-50 and he had cast his vote against participation in what party officials say is a sham." **[89l]**

17.60 *The Voice of America* (VOA) in an article published on 4 November 2005 noted that the current crisis within the MDC came to a head over the question of whether or not the party should participate in senate elections scheduled to be held on 26 November: "Mr Tsvangirai wanted a boycott and has campaigned actively against participation." **[83c]** The BBC noted on 27 October 2005 that "The other five of the party's six top officials, led by

secretary general Welshman Ncube, want to participate – and 26 party members have gone ahead and registered their candidacy." **[3av]**

17.61 The Institute for Security Studies in a report published on 7 September 2005, noted that from its inception the MDC was formed from an unlikely alliance of political, civic, business and trade unions interest, who were united in opposing Mugabe's increasingly personal, authoritarian and anti-democratic rule: "The MDC is therefore a coalition united more by distaste for Mugabe and ZANU-PF than by unity of political purpose." **[113] (p8)** Noting a more obvious strand in the alliance of different groupings within the MDC, the IWPR noted on 16 November 2005 that "There is clear evidence of a full-scale conflict along tribal lines raging inside the MDC. Ncube's [Welshman] pro-senate camp is made up almost entirely of Ndebele's including party vice-president Sibanda and treasurer Fletcher Dulini-Ncube. Sources in the party say the Ndebele camp may be planning to form their own party out of the current confusion, effectively becoming the heirs to ZAPU." **[77k] (p2)**

17.62 Noting a significant deterioration in the relationship between the two MDC factions, the Zimbabwe Situation reported on 15 November 2005 that intra-factional violence flared up during Morgan Tsvangirai's anti-senate tour of Zimbabwe. A plot to disrupt Mr Tsvangirai's White City Stadium rally resulted in clashes between the opposing camps with more than 20 party supporters being arrested by police after an MDC official lost an eye. "Bekhitemba Nyathi, an MDC youth official in Bulawayo, lost the eye and was recovering in Richard Morris Hospital on Monday after he and other party youths were attacked by members of a pro-senate faction." **[89r]**

17.63 The Zimbabwe Situation reporting the *Financial Gazette* noted on 26 October 2005 that Morgan Tsvangirai believed the pro-senate position taken by some of his colleagues had been hijacked by state security agents for the purpose of exaggerating divisions within the party. The article noted that a lot of what was happening was believed to be a direct result of CIO involvement. **[89m]** The BBC noted on 27 October 2005 that "The Tsvangirai camp maintains that the Central Intelligence Organisation is actively supporting the electoral ambitions of the 26 candidates (the 26 candidates that have defied Morgan Tsvangirai's ruling). 'What is particularly worrying is the information we received indicating that some of these candidates were brought into the city by the CIO and driven to the nomination court a few minutes before 4pm yesterday (Monday, the nomination deadline),' Last Maengahama, MDC secretary for Harare province, said in a statement." **[3av]**

17.64 ZimOnline reported on 21 October 2005 that the Central Intelligence Organisation (CIO) had infiltrated the MDC. The article noted that "Intelligence minister Didymus Mutasa has said state secret agents are working hard to manipulate divisions rocking Zimbabwe's main opposition Movement for Democratic Change (MDC) party to accelerate its collapse, ZimOnline has learnt. Sources who attended the meeting said Mutasa described bitter wrangling in the MDC over whether the party should contest the senate election as a godsend that the state's spy Central Intelligence Organisation (CIO) had to exploit to the full. 'My boys (CIO spies) are on it big time. This is a God-given opportunity and if we fail to destroy them (MDC) this time, then we might never ever get another chance like this. My ministry will not miss this opportunity,' a source quoted Mutasa as having told his colleagues. According to sources, Mutasa did not give details of what state intelligence operatives

were doing to fuel division in the MDC but said he only indicated that huge resources including large quantities of money had been set aside to be used to infiltrate the opposition party and buy off some of its feuding senior leaders." **[49s]**

17.65 IRIN News reported on 28 November 2005 that the two rival factions of the MDC could engage in a war of attrition over the ownership of the party's name and assets. The article also reported that "The MDC's pro-senate faction announced that Vice-president Gibson Sibanda had suspended Tsvangirai last week on Thursday, after a disciplinary committee allegedly found him guilty of violating the party's constitution by issuing a call to boycott the [senate] poll." However, Morgan Tsvangirai is reported to have told IRIN that only the party's congress, expected to be held in February, had the power to suspend him. **[10bi]**

17.66 *Africa Research Bulletin* (volume 43 number 1), dated 1–31 January 2006 states that:

"Zimbabwe's opposition Movement for Democratic Change (MDC) has split into two parties, Welshman Ncube, the MDC's secretary-general, said on January 12th. 'It's self-evident that we have parallel parties now. The issue is which of the two groups is the lawful and legal MDC.' Mr Ncube's dissident faction appointed MP Gibson Sibanda as its acting president; and plans to elect a new president at a congress in late February. In tacit acknowledgement that there are now two parties, some of its members are calling it the Pro-Democracy MDC.

"Morgan Tsvangirai, who still claims to be MDC president and retains mass support in urban areas across Zimbabwe, plans to hold his own national congress on March 18th–19th. Formerly one of Africa's best organised opposition parties, the MDC has split over tactical issues and claims by Mr Tsvangirai's opponents that he has condoned violence and ignored the will of party members. Mr Tsvangirai has rejected the claims...

"Dissident party members… criticised Mr Tsvangirai for his leadership style, including a reliance on an unelected 'kitchen cabinet' that took decisions without consulting elected party officials. The dissident faction claims Mr Tsvangirai scuppered an investigation into allegations that he deployed youth activists to beat up dissident party members, comparing him with Robert Mugabe, the country's autocratic president…Since nearly winning a majority in parliament five years ago, the MDC has seen its influence wane. Sympathetic critics say it has failed to capitalise on Mr Mugabe's unpopularity. The opposition has seen its representation in parliament fall over a series of elections that it, and some independent observers, claimed were rigged. The MDC also failed to exploit the discontent caused by the government's mass evictions campaign in mid-2005 in which 700,000 people lost their homes."

"A senior advisor to Mr Tsvangirai stated that the so-called Pro-Democracy faction knows it has "… nowhere to go unless it joins Zanu-PF. 'Already some of the Ncube group, fearful of losing their seats in parliament, are seeking to change sides and rejoin us.'" **[121a]**

17.67 On 27 February 2006, ZimOnline noted that Arthur Mutambara was elected President of the pro-senate faction of the MDC at the splinter party's congress.

[49u] ZimOnline noted on 23 February 2006 that he is "…a respected robotics scientist and businessman, is popular among Zimbabwe's fast-dwindling middle class and intelligentsia who remember him from his days as a firebrand student leader in the late 80s." **[49v]**

17.68 *The Times* reported on 5 July 2006 that Trudy Stephenson, a member of the pro-senate faction of the MDC, was seriously hurt following an attack by assailants identified as members of the MDC. Ms Stephenson who was ambushed following a meeting with colleagues, suffered severe head injuries and a broken arm. Morgan Tsvangirai, the leader of the anti-senate faction condemned what he called the "barbaric attack" and added that he would expel any member found to have been responsible for the attack. **[82d]**

17.69 ZimOnline reported on 20 December 2006 that a number of prominent figures in Zimbabwean society believe that the two factions of the MDC have missed an opportunity to rally Zimbabweans against the government following a proposal to extend President Mugabe's term in office until 2010. Archbishop Pius Ncube, a long standing critic of Mugabe and the government, stated that both factions of the MDC lacked what he described as "… visionary leadership and had actually become a stumbling block to efforts to achieve democratic change in the country." University of Zimbabwe political scientist, Eldred Masunungure, stated that "This (extending Mugabe's rule) would be enough ammunition to propel all the opposition movements into some form of co-ordinated resistance campaign…" but this opportunity had effectively been squandered. **[49bb]**

17.70 Following the *Mail and Guardian's* report of 11 January 2007 that Morgan Tsvangirai had made moves to discuss reunification with the Mutambara faction of the MDC, **[6j]** there was growing evidence of a rapprochement between the two groups. This was evidenced by their joint participation in the Save Zimbabwe Campaign's prayer meeting on 11 March 2007 and an agreement from both leaders that they would not stand against one another in the 2008 presidential election. (SWRadioAfrica, 16 March 2007) **[138s]** However, on the 4 July 2007, the Mutambara faction announced that unity talks had broken down over the issue of the number of vice presidents (if successful in the 2008 presidential election), and the system for nominating parliamentary candidates. (ZimbabweJournalists.com, 10 July 2007) **[143e]** ZimOnline reported on 2 August 2007 that while the two factions would continue to participate in talks with President Thabo Mbeki (of South Africa), differences between the two factions appeared to be insurmountable. **[49ap]**

17.71 The Economist Intelligence Unit (EIU) noted in its Zimbabwe Country Report dated 15 May 2008 that:

"Morgan Tsvangirai won Zimbabwe's March 29th presidential election with 47.9% of the total vote, compared to 43.2% for the president, Robert Mugabe, according to official results eventually released by the Zimbabwe Electoral Commission (ZEC) on May 2nd, more than a month after the polls. However, Mr Tsvangirai was not declared the next president because, according to electoral laws, the winning candidate must take more than 50% of the total vote, so a run-off election is required. Former finance minister, Simba Makoni, won 8.3% of the presidential vote and will not take part in the run-off."

"The run-off should take place within 21 days of the May 2nd announcement of the election results, which would mean a poll on May 23rd. But on May 11th the electoral commission chief, George Chiweshe, said in the state media that more time is needed to prepare for the elections and that more funding is needed from the government. A date of June 27th was eventually set, by which time Mr Mugabe will be more confident that he can win the poll, via a probable combination of rigging and intimidation." **[24l]**

17.72 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008." **[2b](Section 3)**

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Women of Zimbabwe Arise (WOZA)

17.73 Women of Zimbabwe Arise (WOZA) was founded by Jenni Williams in 2003 and is a well respected protest group that campaigns for equal rights for women in Zimbabwean society. (Kubatana.net, last updated: 27 June 2007) **[55r]** A report published by WOZA in September 2007 noted that: "WOZA, an acronym for Women of Zimbabwe Arise, is an Ndebele word meaning 'come forward'. The movement has a countrywide membership of over 55,000 women and some men. … The majority of WOZA members are low-income earners from urban high-density suburbs. They are mostly vendors, or cross border traders…" **[78] (p2)**

17.74 The WOZA report went on to note that the organisation based its "activities on the principles of strategic non-violence, WOZA creates space to allow Zimbabweans to articulate issues they may be too fearful to raise alone. … WOZA has conducted over 100 protests on various issues of civil rights and social justice in its five-year existence and up to 3,000 women have spent time in custody. Many have been detained more than once, most for 48 hours or more and 112 members once spent five days in police cells." **[78] (p3)**

17.75 The Zimbabwe Human Rights NGO Forum published a report in December 2006 entitled 'A Woman's Place is in the Home? – Gender Based Violence and Opposition Politics in Zimbabwe'. The report noted that: "The numerous demonstrations called by this group have all ended in the arrest and detention of most of the women concerned. Despite the fact that the group has no overt political agenda... [they] are perceived by government as being opposition

affiliated." WOZA demonstrations were usually broken up by the police with the use of brutal and disproportionate force. Following arrest, WOZA members (and sometimes their children) were often held in appalling conditions with little or no access to food, water and basic facilities. **[35d] (p14)**

17.76 Following the arrest of WOZA activists, police often seek "… to justify the arrests in terms of the … Public Order and Security Act (POSA). However, both in the case of WOZA and other demonstrations the police have interpreted the provisions of POSA as giving them even broader powers than the … provisions of the Act itself. The result has been the acquittal of demonstrators in most instances when the matter comes to court. While the intent behind the arrests is usually harassment and deterrence, rather than successful prosecution, the impact on already overburdened courts and the police force has, in 2006, resulted in a change of tactics by the Zimbabwean state." **[35d] (p14)**

(For additional information on WOZA see paragraphs: 11.21, 11.22, 11.96, 17.06, 17.07, 17.15, 20.05, 25.16, 25.17, 25.18 & 37.14.)

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FREEDOM OF SPEECH AND MEDIA

OVERVIEW OF THE ZIMBABWEAN MEDIA

18.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

> "The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the 'interest of defense, public safety, public order, state economic interests, public morality, and public health.' The government restricted these rights in practice. Journalists and publishers practiced self-censorship…The government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the ICA during the year increased the government's ability to monitor speech and to punish those who criticized the government." **[2](Section 2a)**

18.02 The USSD 2007 also noted:

> "Using the Official Secrets Act, Public Order and Security Act (POSA), or Criminal Law Act authority, the government arrested individuals for criticizing President Mugabe in public; they were usually fined and released. For example, on August 23, the government charged and convicted Tendai Murove for contravening sections of the Censorship and Entertainment Control Act after he was found in possession of an e-mail sent to him by a friend. The message reportedly mocked President Mugabe for his economic policies and the country's record inflation. Murove plead guilty and was fined… There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the government were frequently targeted for harassment, abduction, and torture." **[2](Section 2a)**

18.03 Freedom House in *Freedom of the Press 2007* noted that:

> "Press freedom in Zimbabwe remained extremely restricted in 2006, as President Robert Mugabe's government continued to tighten control over domestic media and attempted to block the efforts of foreign outlets to circulate unfiltered news within the country. Despite constitutional provisions for freedom of expression, officials display an openly hostile attitude toward media freedom, and a draconian legislative framework continues to effectively inhibit the activities of journalists and media outlets." **[105b] (Zimbabwe)**

18.04 The Foreign and Commonwealth Office *Human Rights Report 2006* reported that, "Despite international condemnation, the government has further strengthened existing repressive legislation, such as the Access to Information and Protection of Privacy Act (AIPPA)." **[13f] (p125)** Freedom House went on to note that: "Authorities continue to employ a range of restrictive legislation - including the Official Secrets Act, the AIPPA, the Public Order and Security Act (POSA), and criminal defamation laws—to harass journalists. Section 15 of the POSA and Section 80 of the AIPPA criminalize the publication of 'inaccurate' information, and both laws have been used to intimidate, arrest, and prosecute reporters. The 2005 Criminal Law (Codification and Reform Bill) increased prison sentences for similar violations to a maximum of 20 years.

The General Laws Amendment Act, which tightened the 'presidential insult' and 'communication of falsehoods' provisions of the Public Order and Security Act (POSA), was signed into law in February. Several times during the year, the AIPPA was used to threaten the remaining independent press." **[105b]**

18.05 "A range of draconian laws and institutions, along with prison sentences for "publishing false news", are used to clamp down on critical comment. Journalists who fail to register with a government body risk imprisonment.

State-run Zimbabwe Broadcasting Corporation (ZBC) operates the country's only TV and radio stations. ZBC formerly had two TV channels; its second network was leased to private station Joy TV which closed in 2002. Some of its programmes were said to have ruffled government feathers. Surveillance, threats, imprisonment, censorship, blackmail, abuse of power and denial of justice are all brought to bear to keep firm control over the news

Radio is the main source of information for many Zimbabweans. Although there are no private stations, the country is targeted by overseas-based operations.

The Voice of the People, set up by former ZBC staff with funding from the Soros Foundation and a Dutch organisation, operates using a leased shortwave transmitter in Madagascar. Another station, the UK-based SW Radio Africa, aims to give listeners in Zimbabwe "unbiased information".

From the US, the government-funded Voice of America (VOA) operates Studio 7, a twice-daily service for listeners in Zimbabwe which aims to be a source of "objective and balanced news". Radio broadcasts by foreign stations deemed hostile to the government have been jammed. (BBC Country Profile, 3 December 2008) **[129c]**

18.06 Reporters Without Borders (RWB) reported that:

"Zimbabwe's press today lies in ruins. If, in 2007, Reporters Without Borders has recorded fewer press freedom violations than in previous years, it is because there are very few journalists left to arrest, newspapers to close or foreign correspondents to expel. A handful of privately-owned publications do still appear, but under tight surveillance, forced to come to terms with the presidential party. The journalists who can still work in the country protect their accreditation, renewed each year by the all-powerful Media and Information Commission (MIC). They face two years in prison if caught working without this precious document. The management of the few remaining private titles to still appear are under heavy pressure to adopt the political line of the ruling party and to prevent the more critical journalists from working. No foreign reporter can legally work in Zimbabwe, without fear of arrest, being paraded like a trophy and expelled after high-speed sentencing." **[44g]**

18.07 Reporters Without Borders (RWB) also reported that:

"In any event, the life of independent journalists has become impossible. Two episodes reveal interference in the media by Central Intelligence Organisation (CIO) with disastrous results. The independent-minded editor of the privately-owned weekly the Financial Gazette (FinGaz), Sunsleey Chamunorwa, was blocked from entering his office on 13 March and told that he had been

dismissed without notice. The newspaper has belonged to the CIO since 2001, after a financial operation using the governor of the Central Bank, Gideon Gono, as cover. "The editor managed to hang on until now because Gono refused to bend to pressure from the ruling party and the CIO, which complained about the party's editorial line, which supposedly harmed the party and favoured the MDC", [Movement for Democratic Change, the main opposition party], a source at the paper who requested anonymity, told Reporters Without Borders. In another similar incident on 7 March, Tichaona Chifamba, CEO of the publishers of the Daily Mirror, announced to staff that the paper was being forced to stop appearing because of a financial crisis. The CIO had taken control of the paper in 2004, after driving out its founder Ibbo Mandaza. Since then, sales had fallen to a circulation of only 2,000 copies a day and debts amounted to 500 million Zimbabwe dollars (about 1.5 million Euros)." **[44g]**

18.08 The *Mail and Guardian* reported on 13 November 2006, that: "The Zimbabwe government has directed the country's largest journalism training school to accept only students who have completed a controversial national youth service training programme - blamed by critics for brainwashing youths into zealots of President Robert Mugabe's ruling Zanu-PF party." The reported noted the views of some observers who stated that the governments new directive was "…an open attempt by Mugabe's government to ensure the college that trains the bulk of journalists in the country produces pliable and uncritical journalists." **[6d]**

18.09 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government also continued to restrict freedom of the press. The Ministry for Information and Publicity controlled the state-run media, including the two remaining daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers and in the state-controlled media as a whole generally portrayed the activities of government officials positively, portrayed opposition parties and other antigovernment groups negatively, and downplayed events or information that reflected adversely on the government. For example, in the April 3 edition of the Herald, an opinion column by David Samuriwo accused a senior British diplomat in Harare of directing an antigovernment 'terror and propaganda campaign,' suggesting that the diplomat might return to London 'in a body bag'." **[2](Section 2a)**

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NEWSPAPERS AND JOURNALS

18.10 The Media Information Commission (MIC), in spite of its supposed role as media self-regulatory body, continued to uphold the interests of the government. Chaired by an old comrade of Robert Mugabe, it has the power to grant or cancel media licences, to issue or withdraw journalists' accreditations. (Reporters Without Borders, 'Zimbabwe: Annual report 2007') **[44f]** The Foreign and Commonwealth Office (Human Rights Report 2006) reported that, "The Media and Information Commission (MIC) continued to impede or delay accreditation for foreign and independent journalists." **[13f] (p124)** However, RWB was encouraged by the actions of the judiciary who, in

response to prosecutions brought by the MIC, started in 2006 to publicly "… disavow the government and its agencies" by quashing an MIC decision to refuse a publishing licence to the publishing house of the Daily News. (Reporters Without Borders, 'Zimbabwe: Annual report 2007') **[44f]** On 9th May 2007 the High Court dismissed an application by the Associated Newspapers of Zimbabwe (ANZ) in which they sought an order allowing them to resume publication of the Daily News and Daily News on Sunday. However, in a judgment by Justice Anne-Mary Gowora, the court reaffirmed an earlier ruling finding that the state-controlled Media and Information Commission (MIC) would be biased in considering the application further and recommended that an impartial commission consider the application. (The Media Institute of Southern Africa, 9 August 2007) **[17b]** ZimOnline reported on 18 October 2007 that the Information Minister Sikhanyiso Ndlovu was in the process of approaching individuals to sit on a committee to hear ANZ's application in compliance with the High Court's ruling. **[49c]**

18.11 Freedom House Zimbabwe Country Report 2007 reported that:

"Freedom of expression and of the press is severely restricted in Zimbabwe. The country's draconian legal framework includes the recently amended Access to Information and Protection of Privacy Act (AIPPA) and Criminal Law (Codification and Reform) Bill. The AIPPA requires all journalists and media companies to register with the government-controlled Media and Information Commission (MIC), gives the information minister sweeping powers to decide who can work as a journalist, and mandates prison sentences of up to two years for journalists working without accreditation. In January 2006, freelance journalist Sidney Saize was detained for three days on charges of practicing journalism without a license and filing a "'false story' for Voice of America (VOA). Authorities use a range of restrictive legislation—including the Official Secrets Act, the AIPPA, and the Public Order and Security Act (POSA)—to harass journalists. Section 15 of the POSA and Section 80 of the AIPPA criminalize the publication of 'inaccurate' information, and both laws have been used to intimidate, arrest, and prosecute journalists. The new Criminal Law (Codification and Reform) Bill increases prison sentences for similar violations to a maximum of 20 years.

"The government dominates the print media. Coverage in state-controlled dailies such as the Chronicle and the Herald consists of favorable portrayals of Mugabe and the ruling ZANU-PF party and attacks on government critics. The Daily News , the country's only independent daily, was shuttered in 2003 for not adhering to the AIPPA and continued to be denied a license by the MIC in 2006. Constitutional challenges to the AIPPA by the affiliates of the Daily News have proven unsuccessful. In January 2006, the weekly Financial Gazette withdrew an article suggesting that the MIC was controlled by intelligence officers after the commission threatened the newspaper with revocation of its license.

"In April 2006, the government introduced new legislation, the Interception of Communications Bill, that would allow government officials to intercept electronic communications to prevent a 'serious offence' or a 'threat to national security.' The bill would require internet service providers (ISPs) to pay the cost of surveillance. In August, media advocates and ISP representatives uniformly opposed the bill at a parliamentary hearing. While technology for implementing the legislation was already undergoing tests,

officials said in November that the bill would be amended to reflect the concerns of the parliamentary legal committee." **[105e]**

18.12 The USSD 2007 report also stated that:

"There were two independent major weekly newspapers, the Zimbabwe Independent and the Standard, and a semi-independent weekly paper, the Financial Gazette, all three of which continued to operate despite threats and pressure from the government. The newspapers continued to criticize the government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws…On March 8, the Zimbabwe Mirror Newspaper Group, which published the independent Daily Mirror and Sunday Mirror, closed due to financial problems after the Ministry of State for National Security gained a controlling interest in the newspaper group in 2002… In April the Zambian independent Post newspaper opened a bureau in Zimbabwe." **[2] (Section 2a]**

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TELEVISION AND RADIO

18.13 ZimOnline reported on 11 May 2007 that in addition to jamming radio broadcasts, the government had re-introduced a parliamentary "… Bill seeking to empower the state to monitor and intercept private communications between individual citizens or organisations. The Bill - which human rights groups and journalists say could be the last nail in the coffin…" for freedom of expression in the country. "The Interception of Communications Bill seeks to establish a centre for monitoring and intercepting both fixed and mobile telephone communications, as well as ordinary postal articles deemed detrimental to the interests of the state." **[49a]** SW Radio Africa reported on 6 August 2007 that President Mugabe signed the amended Bill into law on 3 August 2007. The law, which in theory allows the government to spy on private communications may not be fully implemented because of the high costs involved to internet service providers. The article noted that internet service providers will be expected to install monitoring equipment on all their service platforms. However, some experts suggested that it would still be possible for private individuals to avoid government monitoring of their communication by using secure email platforms such as Hushmail, s-mail.com and KeptPrivate.com. Annonymising software was also reported to be available. **[138z]**

18.14 *The Zimbabwe Independent* reported, on 10 August 2007, the that the government had started a new national radio station called The Voice of Zimbabwe to counter "negative publicity" **[11t]** from what it termed "pirate" radio stations operated by Western media organisations. The new station, which is based in Gweru, was launched on 25 May 2007. However, the article noted that the new stations' broadcasts were being interrupted by the very same radio jamming equipment purchased to disrupt western broadcasts. (Zimbabwe Independent, 6 July 2007) **[11n]**

18.15 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2007, reported that:

"Radio remained the principal medium of public communication, particularly for the majority of the population that lived in rural areas. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity… The popularity of independent shortwave and medium-wave radio broadcasts to the country continued to grow, resulting in further government jamming of news broadcasts by radio stations based in other countries, including both the Voice of America and SW Radio Africa **[2a] (Section 2a)**

18.16 The source went on to note that: "The government controlled the only domestically based television broadcasting station. International satellite television broadcasts were available freely through private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency." **[2a] (Section 2a)**

18.17 The source continued:

"The Broadcasting Services Act, which parliament's legal committee found to be unconstitutional but which was still in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government controlled signal carrier. Throughout the year legal rights groups criticized the act for limiting free speech." **[2b] (Section 2a)**

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THE INTERNET

18.18 The USSD 2007 report noted that "There were no government restrictions on the Internet; however, the ICA, enacted in August, permits the government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers." **[2a] (Section 2a)**

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TREATMENT OF JOURNALISTS

18.19 Human Rights Watch (HRW) annual report 2008 noted that:

> "Intimidation, arbitrary arrest, and criminal prosecution of journalists continue to seriously limit freedom of expression and information. Several of the journalists who tried to report on the events of March 11, 2007 and its aftermath were arrested, including independent journalist Gift Phiri, who was reportedly tortured in police custody. He was released on bail after four days, and charged with practicing without a license and "abusing journalistic privilege." On the day of the March prayer meeting itself, police assaulted photojournalist Tsvangirai Mukhwazi and held him in custody for three days, even though he had the required media accreditation. Four days later, police severely beat another photographer and his brother in Glenview, Harare when they attempted to take pictures of a group of people at a shopping mall mourning the death of an opposition activist." **[69k]**

18.20 Freedom House in *Freedom of the Press 2007* noted that:

> "Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure at the hands of the police, government officials, and supporters of the ruling party. Instances of arbitrary arrest and detention occur primarily when reporters are trying to cover politically charged stories. In July, two journalists covering an antigovernment demonstration were arrested, detained, and then released after paying a fine. Mike Saburi, a cameraman with Reuters Television, was assaulted by police officers and jailed in September after he filmed the police beating people involved in a banned trade union march in Harare." **[105b]**

18.21 In similar circumstances, following the arrest and torture of opposition leaders on 11 March 2007, *The Independent* reported on 4 April 2007 that Edward Chikombo, a journalist with reported links to the opposition, was "…found murdered following an escalation of the government's campaign of violence and intimidation. … Chikombo, a part-time cameraman for the state broadcaster ZBC, was abducted from his home in Glenview township outside Harare last week. His body was discovered at the weekend near the village of Darwendale, 50 miles west of the capital… There are concerns in Harare that the killing may be linked to the smuggling out of the country of television pictures of the badly injured opposition leader Morgan Tsvangirai after he was beaten up by police on 11 March **[4j]**

18.22 Amnesty International reported on 27 January 2006 that Arnold Tsunga, chairperson of the Zimbabwe Human Rights Association (ZimRights) and a

trustee of the radio station Voice of the People (VOP), "…has received a credible warning that the Zimbabwe Military Intelligence Corps has been ordered to kill him. Amnesty International believes his life is in grave danger." Warnings that Mr Tsunga possibly faced being killed by the security forces followed his arrest, along with five VOP trustees, "…on charges of unlawfully possessing broadcasting equipment without a licence; only the state-run Zimbabwe Broadcasting Holdings has a licence. All six were freed on bail." **[14l] (p1)**

18.23 Serious concerns' were expressed by the Committee to Protect Journalists (CPJ) on 28 September 2007, when it was reported that a list of 15 independent journalists was sent to the editor of the London based *The Zimbabwean*; The list is purportedly a government document highlighting the names of 15 journalists who are to be "placed under strict surveillance and taken in." **[30a]** ZimOnline on 27 September 2007 suggested that the leaked document was a "hit list" of independent journalists that the government wished to silence before elections in 2008. The article went on to note the recent shooting of its editor Abel Mutsakani, who was seriously injured after three men broke into his South African home and shot him close to the heart. It also noted the death of Edward Chikombo (see information in previous paragraph). **[49cl]** However, while expressing concerns about the safety of journalists in Zimbabwe, the CPJ noted that similar lists had appeared in the past in what were believed to be government ploys to "ratchet up tension". Editors at *The Zimbabwean* noted that "it's not the first time… If a fake, it may be designed to cause unnecessary concern; if genuine, it's not news that we are under surveillance." **[30a]**

18.24 Noting what appeared to be a new crackdown on the existing independent press in Zimbabwe, News24 reported on 1 February 2007 that Iden Wetherall, projects editor of the Independent Media Group, reported receiving a large envelope containing a live bullet and two newspaper cuttings. "One of the cuttings was a recent cartoon in the Standard [part of the Independent Media Group] in which baboons were shown laughing at the wages of soldiers in Zimbabwe… The other was an old editorial from the same paper entitled 'The sham of state paranoia', which accused the government, the army and the secret Central Intelligence Organisation (CIO) of human rights abuses…" The bullet and newspaper cuttings were accompanied by a hand written note that warned the editor to "watch your step". "Wetherall said the threat had been reported to the police and followed a piece by a columnist in a government-controlled daily mocking the weekly's acting editor Bill Saidi and suggesting the newspaper could get 'hurt'." **[38p]**

18.25 The Media Institute of Southern Africa (MISA) predicted that as the 2008 presidential election campaign gathered pace, so would the Government's crackdown on the opposition. The organisation "…expressed fear for the safety of Zimbabwean journalists, warning of 'unknown dangers that lie ahead'…" (ZimOnline, 11 April 2007) **[49bp]**

18.26 Freedom House also noted that:

"During the past several years, dozens of Zimbabwean journalists have fled the country, and according to a report by the Committee to Protect Journalists, more than 90 currently live in exile, predominantly in South Africa and Britain.

"Foreign journalists are not allowed to reside full time in the country and are regularly denied visas to file stories from Zimbabwe. Locally based correspondents for foreign publications, particularly those whose reporting has portrayed the regime in an unfavourable light, have been refused accreditation or threatened with lawsuits and deportation. The Committee to Protect Journalists reported that in April, police arrested two journalists from BTV, the state broadcaster of neighbouring Botswana; they were accused of practicing journalism without a license and violating Zimbabwean immigration law, and in November they were convicted and fined roughly $20 each. Publisher Trevor Ncube, who owns several newspapers in both Zimbabwe and South Africa, faced repeated harassment, as authorities attempted to strip him of his citizenship and confiscate his passport." **[105b]**

18.27 Following the government's decision to strip newspaper proprietor Trevor Ncube of his citizenship, the Mail and Guardian reported on 4 January 2007 that he was in the process of challenging the government's decision in the High Court. Fears that the loss of Ncube's Zimbabwean citizenship would lead to the closure of the Standard and Zimbabwe Independent reduced slightly when a statement from "… the Media and Information Commission (MIC) said the two papers will be allowed to continue publishing." The MIC continued: "The [Access to Information and Protection of Privacy Act] in fact allows any newspaper already publishing at December 31 2002 to maintain their ownership and shareholding structure even when shareholders are foreigners…" **[6i]**

18.28 The Zimbabwean High Court ruled on the 25 January 2007 that the Registrar General should reinstate Trevor Ncube's citizenship. "In a ruling on Thursday, Judge Chinembiri Bhunu said there was no legal justification to deny Ncube citizenship or travel documentation and ordered Registrar General Tobaiwa Mudede to give Ncube a passport and not to interfere with his use of it." **[41f]**

18.29 Reporters Without Borders (RWB), states in its Zimbabwe Annual Report 2005, that:

"Foreign journalists have all left the country. Those who were not actually expelled left of their own accord, sickened by the constant obstacles thrown up to prevent them from working. Their media continue to operate as best they can with the help of local journalists who have to work in extreme secrecy. Robson Sharuko, Tendai Ndemera and Rex Mphisa, respectively head of sport and sports journalists on the government daily *The Herald*, were dismissed at the beginning of February for contributing to US public radio Voice of America (VOA)." **[44b] (p2)**

18.30 On 20 January 2006, the Committee to Protect Journalists reported the detention of Zimbabwean journalist Sydney Saize. "Police accused Saize of working without accreditation and filing a 'false' story for the U.S. funded radio Voice of America, according to the Media Institute for Southern Africa (MISA) and a local CPJ source. Police allege that Saize filed a story for Studio 7, the Zimbabwe service of VOA, alleging that militants of the ruling ZANU-PF party had beaten teachers in Mutare, according to MISA." **[30e]**

18.31 *The Zimbabwean* reported on 28 February 2006 that:

"Former *Tribune* and *Zimbabwe Independent* senior reporter, Gift Phiri, who has been working as an international freelance journalist was assaulted by three unidentified men recently and accused me of writing for anti-government agencies and being anti-Zanu (PF).

"Phiri sustained several injuries at the hands of his assailants, who accused him of working for *VOA News*, ZimOnline and *ZimDaily* – which he does not. They also demanded to know the names of other journalists writing for independent radio and web-based news organisations. 'Blood-soaked, I headed straight to Sunningdale Police Camp where I made a report,' said a still-shaken Phiri, who suspects that he knows the identity of at least one of his attackers.

"Despite having the name of the investigating officer, a case number and a promise that the case would be fully investigated leading to an ID parade of suspects, no progress has been made for three weeks.

"Phiri said the attack was ominous in that it came hard on the heels of State Security minister Didymus Mutasa's warning that the 'net was closing' on anti-government journalists. 'I now fear for my life,' he said." **[99c]**

18.32 The USSD 2007 reported numerous incidents regarding the treatment of journalists. **[2a] (Section 2a)**

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PUBLIC ORDER AND SECURITY ACT (POSA)

18.33 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"In February 2006 the government passed the General Laws Amendment Act (GLAA), which amended sections of the Public Order and Security Act (POSA) to allow authorities to monitor and censor 'the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt or ridicule of--the president or acting president.' The GLAA recommends a prison term for any journalist who 'insults the president or communicates falsehoods'." **[2](Section 2a)**

18.34 The USSD 2007 also noted:

"The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons. On April 11, former information and publicity minister Jonathan Moyo revised his claim to $1,000 (2 billion Zimbabwean dollars) in damages in a defamation case against ZANU-PF National Chairman John Nkomo. Moyo filed the suit in 2005 over statements Nkomo allegedly made claiming Moyo organized a

meeting in Tsholotsho, attended by several ZANU-PF provincial chairpersons, to plot a coup against President Mugabe and other top ZANU-PF leaders to remove the national leadership of the government. The case was pending at year's end." **[2](Section 2a)**

18.35 The USSD further noted:

"There were credible reports that the deputy minister of information routinely reviewed Zimbabwe Broadcasting Corporation news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the government. POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA." **[2](Section 2a)**

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

HUMAN RIGHTS ACTIVISTS

19.01 Human Rights Watch, in November 2006, reported that:

"Violent repression of civil society activists by state authorities in Zimbabwe continues to escalate. Over the past year the government has reacted to a spate of nationwide protests against its policies on social, economic, and human rights conditions in the country by intensifying its efforts to intimidate, silence, and punish those who expose abuses and exercise their basic rights.

"In the past three years human rights violations against opposition supporters and civil society activists have increasingly been carried out by uniformed army and police personnel and state security agents. The government has taken no clear action to halt the rising incidence of torture and ill-treatment of activists while in the custody of police or the intelligence services. Recent statements by President Mugabe appear to condone acts of torture and other serious human rights violations." **[69b] (p1)** The Foreign and Commonwealth Office noted that: "Democratic space has been severely restricted, and basic human rights such as freedom of expression, assembly and association systematically dismantled." **[13g] (p189)**

19.02 However, the recent increase in civil society activity has brought crushing and violent consequences for those participating in protests against government policy. The Zimbabwe Human Rights NGO Forum reported in May 2007 that: "Following the violence on 11 March, an orgy of violence and a resurgence in abductions ensued, mainly perpetrated against human rights defenders, MDC supporters and leadership reportedly by state agents. Another disturbing trend has been the abduction of MDC supporters by suspected CIO agents usually driving unmarked vehicles. The abductees in most instances have been dumped outside Harare after having been tortured. Cases of lawyers being physically and verbally assaulted whenever they visited their clients at police stations have been recorded. The situation was so bad that in some of the cases, lawyers witnessed their clients being tortured in front of them." **[35c] (p1 – Overview)**

19.03 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in January 2007, reported that the situation of human rights defenders remained very difficult. The report noted:

"The authorities intensified their attacks on human rights defenders and lawyers in an attempt to silence their condemnation of the government's poor human rights record. Government officials routinely accuse human rights groups of being supporters of the opposition and of receiving funds from western donors whom the government accuses of trying to destabilize the country. Human rights defenders and lawyers are constantly subjected to harassment, arbitrary arrests, and attacks by the police, intelligence agents and government officials. In May two human rights lawyers from the organization Zimbabwe Lawyers for Human Rights were threatened by supporters of the ruling ZANU-PF party and state agents when they attempted to represent students arrested by the police for protesting the high cost of student fees.

"Hundreds of members of the women's organization Women of Zimbabwe Arise were arrested throughout the country in 2006 during peaceful protests against the worsening social, economic, and human rights situation. Scores of the organization's members were subjected to ill-treatment while in custody." **[69j] (p3-4)** Amnesty International (AI) noted in its 'Annual Report – Zimbabwe 2007' that: " The Public Order and Security Act (POSA) and the Miscellaneous Offences Act continued to be used selectively to prevent the political opposition and civil society groups from meetings or engaging in peaceful protests. Hundreds of human rights activists were arrested or detained under these laws during the year." **[14d]**

19.04 AI also noted that "Human rights defenders came under sustained attack by the authorities and the police. Repressive legislation continued to be used to obstruct their work, and hundreds were subjected to arbitrary arrest, torture, ill-treatment and harassment." (Amnesty International: Zimbabwe Annual Report 2007) **[14d] (p3)**

19.05 *The Mail and Guardian* reported on 16 April 2007 that political tension caused by a wave of strikes and protests against Robert Mugabe's government has led the Government to announce that it had cancelled licences for all NGOs operating in the country. ZANU-PF accuses NGOs of being fronts for Western powers wishing to topple the government. **[6k]** Reuters reported on 17 April 2007 that by deregistering all NGOs and requiring them to submit new applications, the government was attempting to weed out groups that it believes are working with the opposition to oust President Mugabe. **[75a]** *The Times Online* reported on 17 April 2007 that the recent launch of the Save Zimbabwe campaign by a coalition of churches, civic groups and aid groups wishing to highlight the current economic crises in the country, has been effectively used by Mugabe to justify his claims that NGOs have been infiltrated by opposition figures. **[82l]**

19.06 The Zimbabwe Human Rights NGO Forum's report entitled *Zimbabwe – Facts and Fictions*, published in November 2005, noted that: "Through the use of state machinery, especially the police, government takes advantage of repressive laws such as POSA and the outdated Private Voluntary Organisation Act (PVO Act), to systematically harass NGO personnel. Police have visited and searched offices, without notice or adequate documentation of specific NGOs in many instances. On several occasions, the police raided and physically attacked members of staff of the National Constitutional Assembly, the Amani Trust, ZimRights, Media Institute for Southern Africa (MISA), among others." In a footnote the report noted that "Armani Trust was finally forced to close offices as a result of persistent harassment of staff, uncalled for police raids and media attacks." **[35y] (p55)**

19.07 The Zimbabwe Human Rights NGO Forum noted that police used powers under POSA to harass the opposition. The report noted that on 28 March 2007 heavily armed Zimbabwe police officers "… cordoned off much of the central business district in a bid to conduct searches on the Headquarters of the MDC at Harvest House. It is understood that Morgan Tsvangirai intended to have a press briefing at Harvest House on the spate of abductions of his party leadership in the month of March. Close to 80 people, including senior MDC officials, were arrested and bussed to Harare Central Police Station. It is alleged that those arrested were seriously tortured before being released the

following day and the day after the courts ordered their release." (Zimbabwe Human Rights NGO Forum, 10 May 2007) **[35c]**

19.08 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; increasing poor women's access to the courts; constitutional and electoral reform; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major local human rights NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZLHR, Zimbabwe Peace Project, NCA, SST, and WOZA." **[2b] (Section 4)**

19.09 The USSD 2007 report stated that:

"The government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the government as groups that merely did the bidding of 'Western governments'.

"The government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Restore Order.

"In October 2006 the government submitted its long overdue 7th, 8th, 9th, and 10th combined periodic report to the ACHPR in accordance with Article 62 of the African Charter on Human and Peoples' Rights. Although African Union (AU) member states are required to submit updates on the human rights situation in their countries every two years, the report covered an eight year period. According to a shadow report submitted to the ACHPR in May by a coalition of five internationally respected human rights organizations, the government's 'glowing account of Zimbabwe's record on civil and political rights' and the claim that the government 'has shown commitment to the protection and promotion of the human rights' were undermined by the realities on the ground. The report stated that the government was acting in violation of the African Charter. On May 19, a group of NGOs in attendance at the 41st Session of the ACHPR in Ghana declined to make an address during the proceedings, citing fear of retribution by the Zimbabwean government. In an earlier briefing, Justice Minister Patrick Chinamasa had accused NGOs operating in Zimbabwe of working to destabilize the country. At the 42nd Session of the ACHPR in November, the Commission adopted a resolution on the upcoming elections and the status of freedom of expression in Zimbabwe. The resolution reaffirmed the fundamental importance of freedom of expression as a cornerstone of democracy and called on the Zimbabwean government to ensure that it created conditions conducive to free, fair, and credible elections by pursuing the ongoing SADC talks with the political opposition.

"In September parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. Critics charged that the law would circumvent efforts by

international human rights organizations to accurately report on the country's human rights situation. No further action was taken toward establishing the commission by year's end." **[2b] (Section 4)**

19.10 It was reported that the government closely monitored NGO activity. The Association of Zimbabwe Journalists reported on 8 June 2007 that the Central Intelligence Organisation (CIO), had deployed "dozens" of its operatives in "… various stations in the rural areas to monitor the activities of non-governmental organizations…" who were distributing food aid in Matabeleland South [MDC support is especially strong in Matabeleland North/South]. A source close to the CIO is reported to have told zimjournalists.com that each NGO in "… the drought stricken province was being watched by 'case officers'." The source added that "… more officers had been called in from other provinces and would operate under the cover of various jobs that will arise when the relief programmes begin. Government is reportedly concerned that NGOs will meddle in politics and use food aid as a way of turning the people against ZANU-PF and government." **[143f]**

19.11 The Foreign and Commonwealth Office noted in its annual human rights report published in July 2005, that:

"The government has used existing legislation (the Private Voluntary Organisations Act) to increase harassment of NGOs. This includes refusing work permits and temporary entry permits for foreign (predominantly European) NGO staff and demands by the government for details of NGOs' use of funds. The NGO bill, which passed through parliament in December 2004, was designed to stifle further NGO activity. It required Zimbabwean NGOs to register annually with a government controlled body. It banned domestic NGOs concerned with governance and human rights from receiving foreign funding, and it banned international NGOs from work in this area. The President referred the bill back to parliament in May 2005, but it has already led NGOs to circumscribe their activities and focus on how they will deal with the consequences of the bill, reducing their focus on their core functions. Unless significant amendments are made when it passes again through parliament, the implications of the bill would be severe if passed into law. It would restrict the operations of NGOs, many of whom perform vital functions in areas where the government is failing; and severely curtail freedoms of expression and association." **[13d] (chapter 2 – p93)**

19.12 Amnesty reported in a report dated 27 January 2006, that "Human Rights defender Arnold Tsunga has received a credible warning that the Zimbabwean Military Intelligence Corps has been ordered to kill him. Amnesty International believes his life is in grave danger." AI went on to note that Arnold Tsunga is the chairperson of the Zimbabwe Human Rights Association (ZimRights) and a trustee of the radio station Voice of the People (VOP). He is a prominent lawyer, currently acting secretary of the Law Society of Zimbabwe, which regulates the country's legal profession. "He is also Executive Director of the Zimbabwe Lawyers for Human Rights (ZLHR)." **[14l] (p1)**

19.13 The Economist Intelligence Unit noted in its Zimbabwe Country Report dated December 2005 that the Zimbabwean and South African Governments had signed an agreement of co-operation between their two intelligence services that establishes a new joint commission on defence and security. **[24c] (p20)** The Zimbabwe Situation reporting a story broadcast by SW Radio Africa on 24

November 2005, confirmed that the two Governments had signed a 'defence and security' deal increasing co-operation by sharing security information and co-operating in enforcing immigration laws. However, the report noted that a Zimbabwean official boasted that they would now be able to obtain information regarding the operation of NGO's in South Africa; however, a spokesperson for the South Africans denied there was such an arrangement. **[89h]** In a separate article of the same date, the Zimbabwe Situation reported that: "Top Zimbabwean spy Aggrey Maringa told the Johannesburg based Sunday Times newspaper that 'There are some NGO's under the microscope, we will be comparing notes. We have not given each other prescriptions as to boundaries.' This has been interpreted as a clear indication they got assurances from [South Africa that they would] get access to this information. Coincidentally state security minister Didymus Mutasa told a gathering in Cape Town that journalists and NGO's posed the greatest threat to Zimbabwe's stability. The South Africans were however quick to issue a denial of the Zimbabwean claims." **[89y]**

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FREEDOM OF RELIGION

20.01 Freedom House noted in its 2006 report on Zimbabwe that freedom of religion was generally respected. **[105d] (p7)** However, the USSD RFR 2007 noted that while the Government continued to maintain good relations with religious groups "…it continued to criticize, harass, and intimidate religious leaders who were critical of government policies or who spoke out against human rights abuses committed by the Government. Unlike in previous years, there were no reported instances of violence against religious leaders who were critical of government policies; however, church leaders and members who criticized the Government faced arrest, temporary detention, and, in the case of foreigners, possible deportation." **[2c] (Introduction)**

20.02 The USSD RFR 2007 reported that:

"There is no state religion, and the Government showed no favouritism to any group based on religious affiliation although the majority of political elites adhered to mainstream Christian denominations." **[2c] (section 2)**

20.03 The report continued:

"Divisions between mainstream Christian religious groups and practitioners of indigenous religions continued. An interfaith council formed in 2004 continued to work towards creating closer ties between different religious groups." **[2c] (Section 1)**

20.04 The report also noted that:

"While the Government has historically had good relations with religious groups, it continued to criticize, harass, and intimidate religious leaders who were critical of government policies or who spoke out against human rights abuses committed by the Government. Unlike in previous years, there were no reported instances of violence against religious leaders who were critical of government policies; however, church leaders and members who criticized the Government faced arrest, temporary detention, and, in the case of foreigners, possible deportation. … Religious groups continued to be challenged by the Government's restrictive laws regarding freedoms of assembly, expression, and association. Although not specifically aimed at religious activities, the Public Order and Security Act (POSA) continued to be used to interfere with religious and civil society groups organizing public prayer rallies. Although POSA exempts "religious" activities/ events, the Government generally views any public gatherings that are critical of the regime as political even if the nature of the event is religious." **[2c] (Section 2)**

20.05 Furthermore, the report stated that:

"The Government does not require religious groups to be registered; however, religious organizations that operate schools or medical facilities are required to register those specific institutions with the appropriate ministry regulating their activities. Religious institutions are allowed to apply for tax-exempt status and duty-free privileges with the Customs Department. These requests were generally granted." **[2c] (Section 2)**

20.06 The USSD RFR 2007 also stated that:

"The country has a long history of Catholic, Anglican, and Methodist primary and secondary schools. The Government permits, and does not regulate, religious education in these private schools. Since independence there has been a proliferation of evangelical basic education schools. Christian schools, the majority of which are Catholic, constitute one-third of the schools in the country. Islamic, Hindu, and Hebrew primary and secondary schools are also found in the major urban areas such as Harare and Bulawayo. Additionally, several private institutions of higher education include religious studies as a core component of the curriculum." **[2c] (Section 2]**

20.07 The Afrol Gender Profile – Zimbabwe (accessed on 31 August 2006) noted that "Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accept and promote polygyny and the marriage of girls at young ages; they also generally approve of healing only through prayer and oppose science-based medicine including the vaccination of children." **[73a]**

20.08 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The government and the religious communities historically have had good relations; however, the government continued to criticize and harass religious leaders who spoke out against the government's human rights abuses. Church leaders and members who criticized the government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies, such as the March 11 prayer rally that was violently disrupted by police during which one person was killed and numerous others were arrested and beaten." **[2b] (Section 2b)**

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Religious groups

20.09 The USSD Religious Freedom Report 2007 noted that:

"Practitioners of indigenous religions, including traditional healers, experienced improved relations with the Government. The Government was more inclusive of indigenous religions, of which it has traditionally been suspicious, and tolerant of witchcraft practices, which it had previously attempted to restrict. Unlike in previous years, President Mugabe made no negative statements about evangelical or indigenous churches, and he also met with leaders from these groups." **[2c] (Section 1)**

20.10 The report continued:

"It is estimated that between 70 and 80 percent of the population belong to mainstream Christian denominations such as the Roman Catholic, Anglican, and Methodist Churches; however, over the years a variety of indigenous

churches and groups have emerged from these mainstream denominations. Evangelical denominations, primarily Pentecostal churches and apostolic groups, were the fastest growing group during the reporting period.

"While the country is overwhelmingly Christian, the majority of the population continues to believe, to varying degrees, in indigenous religions as well. Religious leaders also reported an increase in adherence to traditional religion and healers.

"Islam accounts for 1 percent of the population and also continued to grow, particularly in rural areas where Muslim-led humanitarian efforts are often organized. The remainder of the population includes practitioners of Greek Orthodoxy, Judaism, and traditional indigenous religions. There are also small numbers of Hindus, Buddhists, Baha'is, and atheists." **[2c] (Section 1)**

20.11 The report also noted that:

"There were continuing reports of tensions between traditional indigenous religions and mainstream Christian churches. Some indigenous churches' acceptance of polygamy and avoidance of modern medicine were common sources of tension. One leader of a traditional religious group reported that he believed that traditional religious leaders were not always consulted or taken seriously by the mainstream religious groups, especially in terms of addressing the country's problems. However, religious leaders from a wide spectrum of churches and groups continued to discuss these matters productively in meetings of the interfaith council and suggested possible areas of cooperation, such as HIV/AIDS." **[2c] (Section 3)**

20.12 IRIN News reported on 19 June 2006 that, following intervention by the Social Welfare Department, Zimbabwean police arrested the leaders of the Mudizmu Unoyera, or Holy Spirit cult. The cult led by founders Mai Maria, or Mother Mary, and Enwas Nyanhete, referred to as Baba Josefa or Father Joseph claim to be the parents of the cult's spiritual leader Girl Jesus. The cult, which was set up in 1998, is accused by the police and the Social Welfare department of abusing children who were in most cases left with the cult by their parents in the hope that family businesses would prosper as a result of their children being left at the cult's shrine. The report noted that all children found at the shrine were now being cared for at safe houses. **[10n]**

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WITCHCRAFT

21.13 The USSD Religious Freedom Report (USSD RFR) 2007 noted that during the year the Government softened its stance towards indigenous religions which it had previously tried to restrict.

"Practitioners of indigenous religions, including traditional healers, experienced improved relations with the Government. The Government was more inclusive of indigenous religions, of which it has traditionally been suspicious, and tolerant of witchcraft practices, which it had previously attempted to restrict. Unlike in previous years, President Mugabe made no

negative statements about evangelical or indigenous churches, and he also met with leaders from these groups.

"In July 2006 an amendment to the previously criticized Witchcraft Suppression Act (WSA) took effect that criminalizes any practice 'commonly associated with witchcraft' only if that practice is intended to cause harm. Under this new framework, spoken words alone are no longer considered a witchcraft practice or evidence of illegal activity. The amendment also criminalizes witch hunts, imposes criminal penalties for falsely accusing others of witchcraft, and rejects killing of a witch as a defence for murder. At the end of the reporting period, there were no new or outstanding cases under the witchcraft law. Attacks on individuals in witchcraft related cases appear to be prosecuted under laws for assault, murder, or other crimes.

"Proponents of the WSA amendment applauded it for recognizing certain elements of witchcraft as part of traditional culture and regarded it as a positive step in recognizing indigenous religions. Zimbabwe National Traditional Healers Association (ZINATHA), for example, welcomed the amendment for differentiating negative witchcraft from traditional beliefs and enabling traditional healers to operate more openly, without fear of either witch hunters or prosecution." **[2c] (Section 3)**

21.14 BBC News reported on 2 July 2006 that the Zimbabwean government had "… lifted a ban on the practice of witchcraft, repealing legislation dating back to colonial rule." From July the Government will recognise the practice of witchcraft but will prohibit its use to cause harm. The BBC noted that "There are many… accounts of the use of magic, and the new law effectively legitimises many practices of traditional healers." However, it pointed out that "… there will be some legal grey areas… and prosecuting someone under the new legislation may prove difficult. The new Criminal Law and Codification and Reform Act will demand proof that a person has supernatural powers and that they are using them to harm others." **[3s]**

21.15 Afrol Gender Profile – Zimbabwe (accessed on 31 August 2006) noted that: "There were increasing reports of ritual murders associated with traditional religious practices." **[73a]** The USSD RFR 2007 also noted that: "Reports of possible ritual killings and mutilations continued to be cited by newspapers and women and children's rights groups throughout the reporting period. Police usually inquired into these killings; however, limited resources prevented police from conducting many investigations or identifying perpetrators." **[2c] (Section 3)**

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ETHNIC GROUPS

22.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

On October 2, parliament passed the Indigenization and Economic Empowerment Bill; however, President Mugabe had yet to sign it into law at year's end. The bill's official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980--the date of the country's independence--was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF". **[2b] (Section 5)**

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SHONA

22.02 The International Crisis Group reported on 7 June 2005 that most members of the Government are members of the Shona Zezuru clan. **[100a] (p.11-12)** The USSD 2007 noted that the Shona make up 82 per cent of the population of Zimbabwe. **[2b] (Section 5)**

22.03 Jane's Sentinel Security Assessment –Zimbabwe (Demography, date posted: 26 April 2007), noted that:

"The Shona are a group of culturally similar peoples living in the eastern half of Zimbabwe, north of the Lundi River. The number of Shona speakers is estimated at over nine million, or 75 per cent of the estimated total population in 2003. … The main tribal/dialect groupings are the Karanga (Midlands and Masvingo; about 40 per cent), Zezeru (central Mashonaland; about 31 per cent), Manyika (Manicaland; about 10 per cent), Ndau (Manicaland and Masvingo; about seven per cent) and Korekore (northern Mashonaland; about six per cent). Most of the Ndau and Manyika sub-groups live in Mozambique. A smaller, more distinct group of Shona, the Kalanga (about three per cent), lives near Plumtree and the Botswana border and is divided from the main body by broad areas of Ndebele settlement. … Personal and political relations are largely ruled by a kinship system governed by exogamous clans and localised patrilineages. Descent, succession and inheritance are largely patrilineal. Chiefdoms, wards and villages are administered by hereditary leaders." **[111b] (p95)**

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NDEBELE

22.04 Jane's Sentinel Security Assessment –Zimbabwe (Demography, date posted: 26 April 2007), noted that "The Ndebele of Zimbabwe, or Matabele, are a different group to the Ndebele of South Africa, and are closely related to the Zulu. The Zimbabwean Ndebele numbered about 2.5 million or 20 per cent of the estimated total population in 2003. A husband will allocate land and livestock to his wives; the eldest son of the first wife is the principal heir and inherits this property. They practise the custom of the levirate, in which men inherit the wives and children of their deceased brother." **[111b] (p95)**

22.05 *The Guardian* noted on 12 November 2003 that during the early 1980s Robert Mugabe (a member of the Shona majority) was blamed for sending the army's elite Fifth Brigade into Matabeleland to crush a low-level insurgency. The campaign led to 20,000 Ndebele civilians being killed. **[34i]** The USSD 2006 noted that "The disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue." **[2b] (Section 5)**

22.06 Freedom House in *Freedom in the World – Zimbabwe (2007)* reported that:

"The ruling party, which is dominated by the majority Shona ethnic group, continues to encourage political and economic discrimination against the minority Ndebele people. The Ndebele tend to be marginalized politically, and their region (Matabeleland, an opposition stronghold) lags behind in economic development." **[105d] (p11)**

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WHITES

22.07 The USSD 2007 Report stated that:

"The government attempted to attribute the country's economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program." **[2b] (Section 5)**

22.08 The USSD 2007 report also noted that:

"The constitution and law provide that no person can be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, sex, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems. The government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately." **[2b] (Section 5)**

22.09 Kubatana in *Development Denied: Autocratic Militarism in Post-Election Zimbabwe*, dated 28 July 2005, reported that during the 31 March parliamentary election campaign, ZANU-PF claimed that the White population was responsible for undermining the national liberation project and the economy. The report went on to note that Whites were accused of being agents of UK Prime Minister, Tony Blair in trying to destabilise the economy. **[55g] (p.11)**

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ASIANS

22.10 The Canadian Immigration and Refugee Board (IRB) noted on the 7 February 2006 that: "According to the country's most recent census, conducted in 2002 and released in 2005, there were 11,492 Asians living in Zimbabwe…" **[48]** Although they were a smaller group than Zimbabwean Whites, the UK *Independent* newspaper of 10 April 2000 concluded that, in many towns, they were more visible than Whites because they ran shops and factories rather than farms. During the violence of the campaign for the June 2000 elections, there were reports that racial intimidation was spreading beyond the White-owned farms to include the Asian business community. Pamphlets were reportedly circulated in Bulawayo threatening Indians. **[4a]**

22.11 The Canadian IRB noted on the 7 February 2006 that: "According to a March 2005 *Cape Times* news article, some members of various ethnic communities, such as those with Indian backgrounds, have been affected by the 'Citizenship Amendment Act of 2001, which denies citizenship to anyone whose parents were born outside Zimbabwe unless he/she renounces a claim to a second citizenship'. This piece of legislation has reportedly affected some Indians negatively by imposing restrictions on their legal and civil status within the country." **[48]**

22.12 In April 2002, Andrew Ndlovu, leader of the Liberation War Veterans' Association, warned Zimbabwean Asians that their businesses and lands could be seized. In a report in the state-owned *Herald* newspaper, it was claimed that Asians had exploited Black Zimbabweans. The *Herald* reported that Ndlovu had told Asian traders and small business owners to reduce rents, stop trading in currency on the black market, bank their money in Zimbabwe and raise wages. **[5a]** In May 2002, Ndlovu was arrested and charged with extortion and breaching the Public Order and Security Act. The local newspaper, *Daily News*, claimed that he allegedly printed a document entitled, *Operation Liberation – Indians Watch Out*, accusing the Indian community of sabotaging the economy through illegal currency dealing and ordering Indians to surrender parts of their properties to the Government. He was released on bail of Z$100,000. **[9z]**

22.13 The USSD 2005 report noted that: "During a cash shortage in 2003, the government controlled newspapers often accused Asians of hoarding millions of dollars to the detriment of the economy; however, such charges were not repeated during the year." **[2h] (Section 5)**

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FARM WORKERS OF MALAWIAN, ZAMBIAN AND MOZAMBICAN ORIGIN

22.14 The *Zimbabwe Independent* noted on 31 August 2001 that there were between 350,000 and 400,000 farm workers in Zimbabwe, who numbered up to two million with their families. Most of these people were third generation Zimbabweans whose grandparents came to Zimbabwe from Mozambique, Malawi and Zambia during the colonial era. Many had "lost contact with their countries of origin" and had "lived on white-owned farms throughout their lives". **"**War Veterans**"** targeted these farm workers in their campaign against White ownership of commercial farms. Hundreds of thousands of farm workers were reportedly displaced along with the White owners of commercial farms when squatters occupied the farms. **[11c]** IRIN News reported in February 2003 that the numbers of commercial farm workers who had been affected by the Government's resettlement programme had increased to around one million. **[10ae]** The *Zimbabwe Independent* newspaper called it "ethnic cleansing". **[11c]**

22.15 The USSD 2007 report noted that the Government amended the citizenship laws requiring all "…all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals." **[2b] (Section 3)**

22.16 IRIN (Relief Web) (10 October 2003) highlighted the concerns about the vulnerability of displaced farm workers. Reported to make up over half of the estimated 100,000 displaced persons in Zimbabwe, farm workers faced continual harassment. According to RI "Many of them have been expelled from communities in which they have attempted to resettle. They are often, according to relief workers, excluded from lists of beneficiaries for food and other international assistance. Others have been re-employed by new owners of commercial farms, but farm wages have fallen". **[10bj]**

22.17 On 10 February 2004 ZWNews reported an MDC claim that Shemi Chimbarara, a farm worker on MDC MP Roy Bennett's farm, was shot and killed by soldiers on 8 February 2004. A group of ZANU-PF supporters, led by Chamunorwa Muusha and Charles Chigamba, a former police officer known as Nasho, burned the house and car of another farm worker. This incident came days after one woman was reportedly raped by Muusha and another woman and a girl were sexually abused by Chigamba. **[67b]**

22.18 BBC News reported on 24 August 2005 that historically, many people from neighbouring countries such as Mozambique, Zambia and Nyasaland had migrated in the 1950s and 1960s, some seeking work on white-owned farms in the more developed Southern Rhodesia (Zimbabwe). For a variety of reasons, a number of these people left the farms where they had worked and moved to the larger towns and cities across Zimbabwe. However, as the BBC article explained "In the wake of the government's crackdown on illegal buildings and unlicensed traders, Zimbabweans of foreign parentage are finding themselves in a particularly difficult situation…. While thousands of

Zimbabweans who can trace their ancestry to a Zimbabwean rural village are being transported to the countryside, those whose parents or grandparents were immigrants are left in limbo. 'To say every Zimbabwean has a rural home is not true," says Alouis Chaumba, head of the Catholic Commission for Justice and Peace in Zimbabwe. "Some are the grandchildren of people who came here during the Federation.'" **[3b] (p1-3)**

22.19 Kubatana.net in *Development Denied: Autocratic Militarism in Post-Election Zimbabwe*, dated 28 July 2005, reporting on non-Zimbabweans caught up in Operation Murambatsvina, noted that "Those without Zimbabwean ID were initially taken to fenced holding camps and stored like beasts. The razed suburb of Mbare had many Mozambican traders, Hatcliffe many of the 200,000 displaced Malawian ex-farm workers from the misnamed 'Land Reform' of previously white-owned farms." **[55g] (p3)**

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ALBINOS

22.20 IRIN reported on 16 February 2006 that "Zimbabwe has around 14,000 people living with albinism…" **[10b]** SNNi.org (Smart News Network International) noted on 7 January 2006 that albinos in Zimbabwe face a great deal of social stigmatization. "Discrimination against albinos, especially women, is rampant in all sectors in Zimbabwe. 'Most employers call you for an interview and when they see you they just tell you there is no job,' says Brenda Savanhu, a qualified secretary. 'They do not tell you the reason, but we know why they are doing it.'"

Many albinos have difficulties affording sun creams and sunglasses needed to protect their sensitive skins, rendering them more prone to skin cancers. The article noted a more worrying situation for albino women; that of men sleeping with them in the mistaken belief that sex with an albino woman will cure them of any sexually transmitted disease (STD). **[126]** Noting a rise in violence against albino women, ohmynews.com reported on 8 November 2005 that "In Zimbabwe, albinos are not only treated as lepers, there is a rise in the rape of albino women in the belief that if a HIV positive man sleeps with an albino woman, he is automatically cured." **[127]** The USSD 2007 report noted that: "NGOs continued to lobby to include albinos in the definition of 'disabled' under the law." **[2b] (Section 5)**

22.21 IRIN reported on 16 February 2006 that: "About 65 percent of people with albinism in Zimbabwe are aged under 20. 'Mortality is incredibly high – most of our people are aged between 33 to 50 years – very few people live beyond that, and it is sad because skin cancer is curable,' commented Makumbe [founder of the Zimbabwe Albino Association (ZIMAS)]." The IRIN article also noted that across southern Africa most people with albinism are regarded as "unnatural and even cursed" with discrimination in the workplace being common. **[10b]**

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OTHER ETHNIC MINORITIES

22.22 The Lemba or Lembaa [also know in Zimbabwe as the Remba] are a small group of people in southern Africa who while speaking languages similar to their neighbours, have specific religious practices similar to those in Judaism, and a tradition of being a migrant people with clues pointing to an origin in the Middle East or North Africa. **[128] (The Lemba, p1-2)** Afrol Gender Profile – Zimbabwe (accessed on 31 August 2006) noted that: "The Remba [or Lemba] ethnic group practice infibulation, the most extreme form of Female Genital Mutilation (FGM)." **[73a] (p2)**

22.23 The World Directory of Minorities notes that, the Shangaan, Venda and Tonga peoples make up about two per cent of the population. The Shangaan and Venda live mainly in the far south of Zimbabwe. In 1985–86 the Government introduced teaching in primary schools in these groups' own languages. In 1995 the national radio station began broadcasting programmes in the three minority languages. **[16] [27] (Tribal map)**

22.24 Mulonga.net reported in an article dated 27 December 2005 that the Tonga form "…the third largest ethnic and language group after the Shona and Ndebele and the most marginalised in the country." **[40a]** The World Directory of Minorities noted that the Tonga live in north-western Zimbabwe. In the 1950s about two-thirds of their population, some 57,000 people (in both Zimbabwe and Zambia) were moved from their ancestral lands to make way for the Kariba Dam. Tonga leaders claimed that central government investment and relief, including "cultural support such as primary school instruction in the Tonga language", was "inadequate". **[16] [27] (Tribal map)** IRIN reported on 5 September 2007 that since the construction of the Kariba dam the Tonga suffer from some of the highest levels of unemployment and poverty in Zimbabwe. **[10p]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

23.01 NewZimbabwe.com reported on 10 July 2006 that the Criminal Law (Codification and Reform) Act of 2004 took effect on 8 July 2006. The changes to the law affect previous legislation concerning homosexual men. The report noted that "Before the changes to the law, sodomy, under Section 73, referred only to anal sexual intercourse between males. The code has expanded the scope of this crime. It now includes not only acts of anal sexual intercourse, but also includes any act involving physical contact between males that would be regarded by a reasonable person as an indecent act. Professor Geoff Feltoe of the University of Zimbabwe, in a commentary on the new criminal code, says a seemingly intimate embrace or hug between two men would presumably be construed as a crime." **[41c]**

23.02 With regard to the status of Lesbians in Zimbabwe, the Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 9 May 2007, noted that: "The common law prohibiting consensual lesbian sexual acts had previously fallen into disuse and [t]his law has not been revived by the codification and modification of the criminal law." **[42c]**

23.03 Prior to the introduction of the amendments to the Criminal Law (Codification and Reform) Act of 2004 on 8 July 2006, *Gay Times* reporting on 'Lesbian and Gay Zimbabwe' (accessed on 21 August 2006) noted that:

"Whilst there is no statutory legislation prohibiting homosexual activities in Zimbabwe, there are criminal offences under Common law which effectively make homosexuality illegal in Zimbabwe. Common Law prohibitions include Sodomy defined as the 'unlawful and intentional sexual relations per anum [i.e. - via the anus] between two human males'. And Unnatural Offences defined as the unlawful and intentional commission of an unnatural sexual act by one person with another person. The meaning of "Unnatural" involves a value judgement which can be interpreted how you will…

"Zimbabwean law therefore criminalised sex and even the display of affection between men and criminalises 'unnatural' sexual acts between two persons which in theory could be applied to two women though in practice never has. Although these outdated laws are not always applied, the threat of being caught still hangs over the gay and lesbian community in Zimbabwe.

"S11 of The Censorship and Entertainments [Act] has also been used to harass gay people in Zimbabwe. This provides that no person shall import, print, publish, distribute, or keep for sale any publication which is undesirable. A publication is undesirable if it is 'indecent or obscene or is offensive or harmful to public morals or is likely to be contrary to public health'." **[118]**

23.04 The Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 9 May 2007, noted that:

"The Zimbabwean constitution provides for freedom of association. There is nothing illegal about forming an association to cater for the needs and

interests of LGBTI people in Zimbabwe. Government would, therefore, have to resort to illegal means to close down GALZ." **[42b]**

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GOVERNMENT ATTITUDES

23.05 The Zimbabwean government has a long history of homophobia, with President Robert Mugabe having in the past referred to gays as "less than pigs and dogs". During 2006 Mugabe was again reported to have used discriminatory and homophobic language when he referred to homosexuality as a "white disease". (365Gay.com, 17 July 2006) **[147a]**

23.06 *The Mail and Guardian* reported on 22 September 2006 that the Zimbabwean government banned the attendance of gays and lesbians at a United Nations workshop on human rights. The workshop, based in Kariba, was "expected to lay the groundwork for the creation of the Zimbabwe Human Rights Commission." **[6b]**

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SOCIETAL ILL-TREATMENT OR DISCRIMINATION

23.07 *The Independent* noted on the 21 November 2006 that homosexuality, which in Shona is called ngochani, had historically been widespread and accepted. Only since the colonial period has homosexuality been taboo in most African societies. **[4c] (p1-2)**

23.08 allAfrica.com noted on 15 September 2003 that societal discrimination against homosexuality was rife in Zimbabwe. Gays and lesbians often hide their sexuality from their families, leading some to be forced into marriages. According to one gay man, he was evicted from his lodgings by his landlord. The same report questioned a lesbian, who stated that her partner had had stones thrown at her. Some have suffered "verbal abuse and assault". However, the same report went on to note that an article in Zimbabwe Standard stated that homosexuality issues slid down the government's agenda as they faced serious economic and political problems. Keith Goddard, the director of GALZ, believed that the government's stance on homosexuals was just political rhetoric and that it was using the gay and lesbian community as scapegoats. **[20g]** An article published on 23 May 2004 by 'Manniskohjalp' (a Swedish NGO) noted that "Intolerance [of gay and lesbians], particularly at the official level, seems to have mellowed into indifference. The random and all too frequent arrests of gays appears to have ceased, while the police's last raid of the Gays and Lesbians Association of Zimbabwe (GALZ) office was in 1996. 'We have a good relationship with our local station,' says Keith Goddard, who heads the 400-member organisation. 'They treat us with great professionalism'." **[119]**

23.09 The Gays and Lesbians of Zimbabwe (GALZ) website, accessed on 9 May 2007, noted that:

"Zimbabwe is not the worst place in the world in which to be gay or lesbian even though the President, government officials and church leaders have whipped up a climate of hysterical homophobia. Nevertheless, there is growing tolerance of LGBTI in Zimbabwe especially amongst younger people in urban areas who have grown up with the knowledge that gay and lesbian people exist within their midst." **[42b]**

23.10 UN Integrated Regional Information Networks reported on 26 October 2006 that GALZ has a membership of around 6,000 men and women, with around 400 new members joining each year. The report went on to note that:

"Despite the pervasive homophobia in Zimbabwe, GALZ has seen its membership rise steadily, with about 400 new members joining each year.

"'It is apparent that homosexuality exists throughout society, including rural areas,' said Madzikure. 'Even if Mugabe does not accept it, it [homosexuality] is there, and it will not go away. We have to accept that it exists, so that we can work together in addressing HIV/AIDS among the gay community.'

"Chairman of the Zimbabwe National Network for People Living with HIV (ZNPP+), Benjamin Mazhindu, called for legislation on homosexuality to be changed. 'What we need to do is fight for a change of laws so that gays are given recognition. Without that, fighting AIDS among homosexuals will be futile.'" **[10q] (p2-3)**

23.11 Behind the Mask reported on 18 June 2007 that GALZ had opened a new Gay and Lesbian centre in Bulawayo. GALZ Director, Keith Goddard was reported to have said that the opening of the Bulawayo centre along with the introduction of "affinity groups" across Zimbabwe was as a result of the significant growth of the organisation's membership. Mr Goddard said that "We are definitely growing as more and more people are gaining courage and are comfortable about their sexual orientation in Zimbabwe." The Bulawayo centre is reported to want to focus on women's needs. **[92c]**

23.12 Commenting on the people who use the GALZ social centre in Harare, Keith Goddard is reported to have said:

"'A lot of the people who come [to the GALZ centre] are quite happy to walk out in the street in drag and demonstrate,' Goddard says. 'Or appear on television. Or write to the paper and use their real names. Or simply say to friends, `I'm tired of this homophobic bullshit, I'm a Gay person…'" (The Washington Blade, 28 April 2000) **[86] (p5)**

The article continued:

"This activism has sparked some negative responses - such as those seen in the constitutional commissioners' outreach reports. And while more and more people, particularly young black men, are living deliberately open lives as Gay people, there are dangers. Most of the people who come to GALZ's center regularly have been physically attacked at some point, occasionally by state agents. But as the center's very existence suggests, those attacks are increasingly rare. And while Mugabe's government has issued strong threats, it has not raided the GALZ center since its early days. As Goddard stresses, this shows that even the state has come to accept Gays' existence." **[86] (p5-6)**

23.13 The USSD 2006 report noted that:

> "On August 5, six unidentified men approached the Gays and Lesbians Association (GALZ) exhibit at the Zimbabwe International Book Fair, seized GALZ literature, and forcibly removed the GALZ members from the event. Police officers and security guards working at the event stood by and watched without intervening. A nearly identical incident occurred at the same book fair in 2005. GALZ staff members believed these actions were part of an ongoing government campaign of discrimination and harassment against homosexuals. No action was taken against those who threatened the GALZ staff members in 2005 or during the year." **[2b] (Section 5)** *The Independent* noted on the 21 November 2006 that abuse and violence at the Harare International Book Fair has become an annual homophobic ritual. **[4c]**

23.14 *Gay Times,* reporting on 'Lesbian and Gay Zimbabwe' (accessed on 21 August 2006), noted that: "The only gay scene that exists in Zimbabwe is an underground scene organised through groups such as Gay.zim. Given the current turmoil in Zimbabwe (both economic and political and which seems to get worse year by year) plus the intense homophobia displayed by the current regime we would not recommend that you visit Zimbabwe." **[118]** However, this opinion was slightly at odds with that held by Zimbabwe's main Gay and Lesbian group, GALZ, who emphasised that while the situation for sexual minorities was difficult, the country still manages to have a fairly "vibrant" and "flourishing" scene. (GALZ, accessed 9 May 2007) **[42a]**

23.15 A further indication of what GALZ describes as "vibrant" and "flourishing" scene is the fact that the Jacaranda Queen (Drag Queen) competition continues to be held in Zimbabwe. The drag pageant has taken place in one form or another since the 1970s, the most recent incarnation began in 1995 at the height of government pronouncements against Lesbians and Gays. (GALZ, accessed 23 November 2007) **[42d]** (Behind the Mask, 1 November 2002) **[92a]** 'Samantha', the 2005 winner of the competition, was reported as saying on receipt of the prize "I will utilize this opportunity to do charity work and show a better side of our community. I am very happy; I have to call my mother…" **[92b]**

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DISABILITY

24.01 The National Association of Societies for the Care of the Handicapped (NASCOH) noted in a disability update published on 20 February 2007 that over 1,200,000 people, around 10 per cent of the population of Zimbabwe were considered to be disabled in some way. The disabled population were reported to be among the poorest in society with over 70 per cent of people with disabilities without employment. **[91]**

24.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that the law specifically prohibited "…discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived." **[2b] (Section 5)**

24.03 The USSD 2007 continued:

"According to the National Association of Societies for the Care of the Handicapped, persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector was largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. Additionally, there was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education." **[2b] (Section 5)**

24.04 The USSD also noted:

"Operation Restore Order in 2005 severely affected persons with disabilities, and, according to the UN special envoy's report on the operation, the government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population. The government broadcasts a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities." **[2b] (Section 5)**

24.05 The NASCOH report noted that many in Zimbabwe still believe that disability is a punishment caused either by angry "… spirits for a wrong committed by a family to another family, bewitching by vindictive or aggrieved parties, a curse for wrongdoing, use of magic gone awry within the family, or use of the disabled member as a sacrificial pawn…" **[91]**

24.06 Kubatana.net reported on 19 April 2006 the views of Alexander Phiri, Director for Southern African Federation of the Disabled (SAFOD), who stated that people with disabilities in Zimbabwe were still waiting for official Government

recognition of the issues relating to their disabilities. Mr Phiri noted that "In 1991, the Zimbabwean government created the Disability Act, which was revised in 1996. The revised edition makes provision for the welfare and rehabilitation of disabled persons and mentions the creation of a public office for the Disabled Persons Affairs. Eleven years after the act was introduced there is still no such office in Zimbabwe." Mr Phiri's research also revealed that while the "…government is providing financial assistance to disabled people through the Department of Social Welfare and the Ministry of Health and Child Welfare," the "…monthly grant for one adult and a child buys just one loaf of bread and an egg." **[55m]**

24.07 On 11 September 2006, allAfrica.com reported that little had been done to address the needs of disabled people with regard to HIV/AIDS. With 10 per cent of Zimbabweans or 1.2 million people registered as disabled, the article noted that "Except for a very limited and short-lived effort in the mid-1990s, the instructions for the use of condoms have never been distributed in Braille for people with visual impairments." And, "No attempt has ever been made to advertise condoms in sign language for those with hearing impairments, thereby the two groups remain uninformed…" The article went on to note that "…some cultural or traditional practices put people with disabilities in a particularly vulnerable position." It noted that some people believe that having sex with a disabled person can cure AIDS. **[50c]**

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WOMEN

25.01 The Department for International Development's country overview of Zimbabwe (last updated in April 2007) noted that women living in Zimbabwe had the lowest life expectancy of any country in the world. The report noted that AIDS and poor economic conditions had contributed towards an average life expectancy in the country to drop to 34 years. **[148b] Womankind.org reported on 1 July 2007 in Why Zimbabwe** "Deteriorating economic and political conditions have led to an escalation in violence against women, particularly in temporary resettlement areas [i.e. following land seizures and Operation Murambatsvina]. In Zimbabwe, violence against women, in particular domestic violence, is pervasive and widely tolerated. … Nearly a fifth of marriages are estimated to be polygamous: some women see polygamy as preferable to monogamy where they might otherwise be socially excluded due to their unmarried status." **[125]**

POLITICAL RIGHTS

25.02 Freedom House in *Freedom in the World – Zimbabwe (2007)* reported that, "Women serve as ministers in national and local governments and hold seats in Parliament. Joyce Mujuru is second vice president of Zimbabwe and a possible successor to Mugabe." **[105d] (p11)**

25.03 Kubatana.net reported in *Development Denied: Autocratic Militarism in Post-Election Zimbabwe*, dated 28 July 2005, that during the March 2005 parliamentary election many women who were ZANU-PF supporters were pleased by the central role given to gender in the election, which included the use of "women only" shortlists and the appointment of Joyce Mujuru as a Deputy President in the lead up to the poll. "Although others contest that 'women only' shortlists were used disproportionately in constituencies where the sitting ZANU-PF MP was thought to be less than loyal, and some see Comrade Mujuru's appointment as expedient in preventing a more weighty candidate for the Presidency from emerging, ZANU-PF loyalists saw a commitment to gender and development, enhanced by International Women's Day rallies during the election campaign." **[55g] (p.9)**

25.04 In spite of women only shortlists, mentioned by the Kubatana report, Zesn.com noted on 7 April 2005 that following the 31 March parliamentary elections, the number of women in parliament only increased slightly to 20. **[103]** The Afrol *Gender Profile – Zimbabwe* (accessed on 31 August 2006) reported that "Women are underrepresented in government and politics. Twenty of the 150 M.P.s are women, including the deputy speaker of the parliament. Three cabinet ministers with portfolios, three ministers of state, and three deputy ministers are women. Women participate in politics without legal restriction; however, according to local women's groups, husbands – particularly in rural areas – commonly direct their wives to vote for the husband's preferred candidates." **[73a] (p3)** Afrol also noted that in an attempt to increase the representation of women within ZANU-PF the party congress in December 2004 passed a motion that allocated one in every three party positions to women; however, Afrol reported that this had not been implemented. **[73a] (p3)**

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SOCIAL AND ECONOMIC RIGHTS

25.05 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses." **[2b] (Section 5)**

25.06 The USSD 2007 report also stated that:

"Women and children continued to be adversely affected by the government's forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband's family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband's family in rural areas where resources were already strained.

"The Ministry of Women's Affairs, Gender, and Community Development showed some improvement in efforts to advance the cause of women. The ministry, through collaboration with local NGOs, introduced training workshops for traditional leaders in the rural communities to create more awareness on women's issues. Women's Affairs Minister Oppah Muchinguri also established 'gender units' in every ministry to advance women's rights. The government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the government.

"Several active women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS." **[2b] (Section 5)**

25.07 With regards to women's inheritance rights, a report published by HIV-AIDS Zimbabwe (HAZ) reported on 18 July 2007 the case of a woman who had "… won the right to stay in her matrimonial home after a fierce legal wrangle with her late husband's relatives who wanted to take her home away from her." The report noted that there were a number of legal associations who specifically take on women's cases – some of these services are offered free of charge. **[106] (p2)**

25.08 Afrol noted that:

"The Legal Age of Majority Act (LAMA) and the Matrimonial Causes Act recognize women's right to own property independently of their husbands or fathers. While unmarried women may own property in their own names, women married under customary law are not allowed to own property jointly with their husbands. During the September land conference, women's rights organizations effectively lobbied the Government to agree to create legislation giving married women joint spousal title to property offered under the resettlement program; however, no such legislation had been enacted by year's end.

"The Administration of Estates Amendment Act, which came into effect in October 1997, removed inheritance laws unfavourable to widows. Women's groups regard the act as a major step toward ending the unfair and unequal distribution of inherited assets for women. The President signed the new Inheritance Amendment into law. However, in February [2006] the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family; the Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws are favourable to women, but women generally lack awareness of their rights under the law." **[73a] (p1-4)**

(For related information see Section 26 Children – Customary marriages)

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REPRODUCTIVE RIGHTS

Reproductive rights - infertility

25.09 The New Internationalist reported in July 1998 that fertility in Zimbabwe has traditionally been highly prized, with the success of a marriage often being measured by a couple's offspring. However, the report also noted that where a couple were unable to conceive, the woman was often the one who was blamed. Many men in these situations often choose to seek another partner, partly as a means of "… exonerating himself from the stigma of being the infertile one. … Women without children suffer social rejection and are made to feel personally inadequate. Male fertility, on the other hand, is a taboo subject, to be concealed at all costs. Covering up for men is usually done through a traditional practice called *chiramu* which involves the clandestine bringing-in of the husband's close relative (usually a brother) to impregnate the wife."

In the current economic climate, where basic drugs like paracetamol are unavailable to many, infertility treatment is an option only to the rich in Zimbabwe. In these circumstances, many people continue to turn to traditional healers and religious practitioners. **[59] (p1-2)**

Access to abortion

25.10 The United Nations Population Division (Department of Economic and Social Affairs) noted, in a report dated 23 November 2005, that abortion in Zimbabwe was only legally sanctioned in the following circumstances:

- to save the life of the mother;
- to preserve the physical health of the mother;
- following rape or incest; and,
- foetal impairment.

Abortion was not available on request or for the following reasons:

- to preserve mental health; and,
- economic or social reasons. **[74] (p189)**

25.11 The UN report went on to note that:

"A legal abortion must be performed by a physician in a designated institution with the permission of the superintendent of the institution. If the pregnancy resulted from unlawful intercourse, a magistrate of a court in the jurisdiction where the abortion will be performed must certify that the alleged intercourse was reported to the police and that pregnancy may have resulted from it. When the abortion is requested because the pregnancy poses a threat to the life or physical health of the pregnant woman, or on grounds of foetal impairment, two physicians that are not members of the same practice must certify to the relevant hospital superintendent that one of these conditions exists. However, if the woman's life is in danger, a physician can perform the abortion in a place other than a designated institution and without a second medical opinion." **[74] (p189)**

25.12 IRIN news reported on 30 March 2005 that the protracted process of satisfying the conditions of the 'Termination of Pregnancy Act (1977)' "… coupled with the fact that legal abortions are not free, have led to a growing 'black market' for the procedure, where back street terminations are often performed by unskilled personnel in unhygienic surrounding." As a result it was reported that 70,000 illegal abortions take place in Zimbabwe every year. **[10m]**

25.13 One consequence of illegal abortions reported by IRIN, was a large number of young women (usually between the ages of 15 and 24) seeking post abortion medical assistance. Professor Jonathan Kasule, from the Obstetrics and Gyaenocology Department of the University of Zimbabwe noted that "They come in bleeding, with septic reeds stuck in their private parts, and if you do not immediately work on them, they die – it is one of the commonest causes of maternal mortality." However, the report noted that "Broader abortion legislation was thought to be unlikely, as the country was largely Christian and conservative, with a strong pro-life lobby." **[10m]**

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CULTURAL NORMS/CONSEQUENCES

25.14 Freedom House in *Freedom in the World – Zimbabwe Country Report (2007),* reported that:

"Women enjoy extensive legal protections, but de facto societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and hold seats in Parliament. Joyce Mujuru is second vice president of Zimbabwe and a possible successor to Mugabe. In April 2006, the World Health Organization reported that Zimbabwean women's life expectancy of 34 years was the world's shortest and was four years shorter than that of Zimbabwean men. Sexual abuse is widespread, including the use of rape as a political weapon. A recent upsurge in gender-based violence spurred renewed calls for the enactment of the Prevention of Domestic Violence Bill, which has lingered in Parliament for seven years. In 2005, the domestic NGO Girl Child Network recorded an average of 700 rapes per month of girls under 16 years of age. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. Traditional practices such as polygamy and lobola —the negotiated price a groom must pay to marry a bride—remain legal, and there were reports of girls being offered as settlements in interfamily disputes. A December 2004 report from UNICEF noted a gap between the existence and the implementation of many laws relating to women's and children's rights. Homosexuality, decried as un-African by Mugabe, is illegal in Zimbabwe." **[105e]**

25.15 Afrol stated that "Women remain disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms subject women to societal discrimination. Customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing; the custom of forcing a widow to marry her late husband's brother; and the custom of offering a young girl as compensatory payment in interfamily disputes is deeply rooted in Zimbabwe." **[73a] (p1-4)**

25.16 Womankind.org noted in *Why Zimbabwe* (accessed on 17 October 2007) that: "There are three types of marriages, namely civil marriages, registered customary marriage and unregistered customary marriages. Customary marriages are traditional unions, which are sometimes registered, but which often remain informal. The legal status of a marriage determines the rights of a wife after divorce or the death of a spouse. Nearly a fifth of marriages are estimated to be polygamous: some women see polygamy as preferable to monogamy where they might otherwise be socially excluded due to their unmarried status." The report also noted that "An estimated 80% of marriages in Zimbabwe are 'customary marriages', in which a woman's right to inherit property upon the death of her husband can be severely compromised. Around 18% of women are in polygamous marriages, which further limit a wife's property rights. Childless widows are often evicted, as are those who refuse to be physically 'inherited' by a male relative of their late husbands." **[125]**

25.17 Afrol also noted that societal attitudes towards women's rights had improved in recent years. It noted that "… gender issues, which belonged to the private and family sphere, are now discussed in public and abuse is starting to be taken to court." However, the profile states that "Violence against women, especially wife beating, is common. Domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. The

media increasingly reports incidents of rape, incest, and sexual abuse of women." **[73a] (p1)** afrolNews reported on the 8 March 2006 that it is still "…culturally permissible for a man to physically 'discipline' his wife…" **[73d]**

25.18 Afrol also noted that Female Genital Mutilation (FGM) is still practised by a small ethnic group called the Remba [or Lemba]. **[73a] (p2)**

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VIOLENCE AGAINST WOMEN

25.19 afrol News reported on the 8 March 2006 that "Press reports and data collected at workshops and through non-governmental organisations (NGOs) indicate a steep rise in violence against women in Zimbabwe." The report noted that while there has was no hard statistical evidence to support this view, indicators from the Zimbabwe Demographic Health Survey of 2005 – the first documented data on gender-based violence, pointed to an increase. The report also noted that beliefs concerning HIV and a virgin's ability to cure those affected meant that gender-based violence was frighteningly common in Zimbabwe. **[73d]**

25.20 The BBC reported on 25 July 2007 that Amnesty International claimed in a new report that "women who oppose Robert Mugabe's regime in Zimbabwe are suffering increasing violence and repression…" The report also noted that "'Detained women human rights defenders have been subjected to sexist verbal attacks, and denied access to food, medical care and access to lawyers… Some have been severely beaten while in police custody, in some instances amounting to torture.'" **[3be]**

25.21 Freedom House also reported that "…security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group and arrest demonstrators…" **[105d] (p9)** ZimOnline noted on 21 June 2006 that "Under Zimbabwe's tough security laws, it is illegal to demonstrate without seeking approval from the police. But WOZA has often defied the police ban on demonstrations to protest against worsening economic conditions in Zimbabwe." **[49aj]**

25.22 The Zimbabwe Situation reported on 16 February 2006, that "Hundreds of activists from the pressure group Women of Zimbabwe Arise (WOZA) were still languishing in police custody at Harare Central Police station, and officials say they are being physically abused by the police … Police are denying them food, denying them water." A spokesperson for WOZA noted: "A WOZA statement said that several women were assaulted, with some being slapped with open palms across the face. Others were allegedly kicked in their sides by booted officers as they sat on the floor in detention." **[89t]** Throughout 2006 WOZA activists continued to hold demonstrations against a range of issues such as school fees and the worsening economic conditions in the country. However, as with previous demonstrations, the police arrested demonstrators (in this instance, around 170) and held them in cells at Bulawayo Central Police station. **[49j]** The BBC reported on 7 November 2006 that the case of 180 women charged with taking part in anti-government protests in Bulawayo during August was dismissed by magistrates following a lack of evidence against the WOZA activists. **[3c]**

25.23 WOZA demonstrations (over the issue of school fees) continued throughout May and June with large numbers of women being arrested and held in police cells. **[49ai] [49aa]** In addition to allegations directed at the police of abuse and heavy handedness, ZimOnline reported on 16 May 2006 that "Police in Zimbabwe's second largest city of Bulawayo had threatened prominent women rights activist, Jenni Williams, with death if she dared to organise any further anti-government demonstrations by her Women of Zimbabwe Arise (WOZA) group…" **[49ak]** IRINnews reported on 29 November 2006 that a further WOZA demonstration by 60 women in Bulawayo ended in arrests and allegations from 40 of the women that they were beaten and assaulted by police. One WOZA activist claimed that "The level of police brutality was shocking". It was reported that the injuries sustained by the women included 9 fractures and multiple soft tissue injuries. **[10e]**

25.24 The USSD 2007 report noted that:

"Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

"On October 25, the government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in December 2006. The government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 15 killing of his wife. The case was pending at year's end.

"During the year the government conducted a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups reported that awareness of domestic violence increased following the October enactment of the Domestic Violence Act." **[2m] (Section 5)**

25.25 The USSD 2007 report continued:

"There were continued reports of rape, incest, and sexual abuse of women. Approximately 1,100 rapes were reported in Harare in 2002. Although the government refused to supply figures subsequently, the rate reportedly increased. In many cases the women knew their rapist. Few cases of rape, especially spousal rape, were reported to authorities, because women were unaware spousal rape was a crime and, particularly in rural areas, feared losing the support of their families. Musasa Project reported that most women

initially came to the organization for other counselling, and information about the rape only came to light after several sessions. During the year there were reports of women raped and murdered as part of witchcraft rituals. Human Rights NGO Forum reported four politically motivated rapes although Musasa Project reported that cases of political rape were no longer common. There was no evidence that authorities took action to address rapes at national youth service camps. … On September 18, the Union for the Development of Apostolic Churches in Zimbabwe Africa announced a resolution to ban polygamy in order to combat the spread of HIV." **[2m] (Section 5)**

25.26 An article in the *Guardian Unlimited* on 18 March 2003 reported that there were reports of women being held in militia camps, and being raped or even forced to be concubines for the militiamen. These women are also at increased risk of HIV and AIDS. **[34b]** The Zimbabwe Women Lawyers Association estimated that some 1,000 women were held in militia camps in 2002, according to a UNOCHA statement in April 2003. **[10aa]** Freedom House in *Freedom in the World – Zimbabwe (2007)*, reported that "ZANU-PF youth militias use rape as a political weapon." **[105d] (p11)**

25.27 UNOCHA revealed (8 April 2003) that during 2000 and 2001, human rights groups documented widespread torture of opposition supporters, and approximately 40 per cent of these were women. Although assaults, being stripped naked and humiliated were common forms of abuse, few were raped or sexually abused. After June 2001, however, rape and sexual abuse became more commonplace. Rapes often occurred in front of neighbours or family members as a form of punishment, leaving an impact on a wider group of people than just the individual concerned. Tony Reeler, a human rights activist, described this as one individual's physical torture becoming a psychological torture for the wider community. He continues, stating that there are three types of rape in Zimbabwe. Firstly political rape to punish individuals, families or communities for holding different political views. Secondly, opportunistic rape when state agents act with impunity when they can take advantage of the population. Thirdly, forced concubinage: the kidnapping of girls and women to cook, clean, porter and have sex with soldiers/militiamen. **[10aa]**

25.28 Kubatana.net, reporting an article carried in *The Herald* on 15 June 2005, noted that "On average six girls, most of them from child-headed families, report rape daily in Zimbabwe, the Girl Child Network (GCN) said yesterday. This translates to about 6,000 girls who report rape annually, and according to the non-governmental organisation's statistics, three times the number does not report rape due to lack of courage, counselling and quality health service delivery". **[55h]** A further report published by Kubatana.net on 17 May 2005 noted that the Southern African region has recorded some of the highest rates of rape and sexual violence in the world. It noted with regard to Zimbabwe that:

"Zimbabwe

- 1 in 4 women report having experienced sexual violence.
- 60% of murder cases are related to domestic violence.

- In Harare a study at a sexual abuse project showed that 12% of the 13-16 year olds tested HIV positive.

- 95% of rape perpetrators are remanded out of custody and there is an evident breakdown of victim-friendly courts.

- 14 girls were raped and 28 indecently assaulted recently at Macheke Primary School. Some of these are already feared to be HIV positive." **[55i]**

25.29 On 24 August 2005, Kubatana.net reported a story of the alleged attempted rape of a female employee at the state-run *Herald* newspaper by a senior editor. It also reported a further allegation of a serious assault, noting that "The case has been reported to the police. However the perpetrator in this case, Ceasar Zvayi has boasted about his assault on Thelma Chikwanha and threatened other staff that he will deal with them the 'Thelma way'." **[55j]**

(For additional information on violence against women see Section 17 – Women of Zimbabwe Arise & Section 26 – Child abuse)

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LEGAL PROVISIONS AND ACCESS TO THE LAW

25.30 Freedom House in *Freedom in the World – Zimbabwe (2007)*, reported that "Women enjoy extensive legal protections, but de facto societal discrimination and domestic violence persist." The report went on to note that a report published by UNICEF in December 2004 stated that while there were many laws that protect women in most areas of society, these are either not upheld or are not always implemented. **[105d] (p12)**

25.31 The United Nations Development Fund for Women (UNIFEM) noted in a 'News Flash June 2006' that the Zimbabwean cabinet had approved the "long awaited" Domestic Violence Bill. The new Bill, seen by women's NGOs as a major step forward in protecting women's rights, was due to be debated by parliament sometime in August. **[141]** However, as the above report by Freedom House notes, it is generally not a lack of legislation in Zimbabwe that deprives women of the same rights as men, but the lack of implementation of relevant laws.

25.32 The Veritas Trust published the draft *Domestic Violence Bill, 2006* on 30 June 2006. The memorandum to the Bill says that the purpose of the Bill is "…to afford the victims of domestic violence the maximum protection… that the law can provide and to introduce measures which seek to ensure that the relevant organs of the State give full effect to the provisions of…" the Bill. The main result of the Bill is the criminalisation of many acts of domestic violence not previously punishable under the law. The Bill states that "…all acts of domestic violence as defined in section 3 [see original document] with the exception of emotional, verbal and psychological abuse and economic abuse and stipulates the relevant penalty." Clause 4 of the Bill provides that every police station will have a section dedicated to dealing with domestic violence issues. It also "…places a legal duty on the police to assist a complainant of domestic violence." And, that the police should, where appropriate, assist victims in obtaining shelter and medical treatment. Clauses 8, 9 and 10

provide for "interim protection order[s]" and "final protection order[s]." Clauses 14 and 15 provide "…for the appointment of anti-domestic violence counsellors." **[142] (pi-iii)** *The Herald* reported on 3 March that President Mugabe had "… assented to the Domestic Violence Act, effectively making it law." **[109a]** However, the Foreign and Commonwealth Office reported on the 8 August 2007 that the Act still needs to be enacted. **[13i]** No information as to when this was likely to happen was available.

25.33 The USSD 2007 report also noted that:

"Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year." **[2b] (Section 5)**

25.34 The USSD 2007 report continued:

"The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and, feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases, and the government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV." **[2b] (Section 5)**

25.35 The USSD 2007 report continued:

"The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights." **[2b] (Section 5)**

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CHILDREN

BASIC INFORMATION

26.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the UN Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country." **[2b] (Section 5)**

26.02 The USSD 2007 report continues:

"During the 2005 Operation Restore Order, the government detained many street children and took them to transit camps or juvenile detention centers. At year's end NGOs were uncertain how the operation affected the number of children living on the streets, which in previous years had risen dramatically. One local child welfare advocacy group reported that the continuing economic decline and the government's lack of support to social welfare institutions contributed to a noticeable rise in the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers." **[2b] (Section 5)**

26.03 According to the *Daily News* on 2 May 2003, following a landmark court ruling, a mother whose child is born out of wedlock can now obtain a birth certificate or passport for her child, without the father's consent. **[9k]**

26.04 *The Daily Mirror* reported on 18 January 2006 that the experience of children and the parents of children with disabilities was often difficult with discrimination of disabled children still very common. The report noted that disabled "…children face a lot of challenges ranging from lack of adequate schooling facilities, transport problems and accommodation…" Most "…disabled children spend the better part of their time indoors as their parents try to hide them for fear of victimisation by their able-bodied counterparts." The mothers of disabled children are sometimes blamed for their child's disability with some women being labelled a 'witch'. **[145]**

26.05 The Department for International Development's (DFID) country overview of Zimbabwe (last updated in April 2008) noted that "1 in 12 children die before the age of five: 82 per 1,000 births. Almost 40% of these will die in the first month of life." However, DFID noted that international funding, partly from the UK, had helped increase the number of children being vaccinated with the result that "Zimbabwe is expected to be declared polio free by the WHO within a short time." **[148b]**

26.06 The Institute for War and Peace Reporting (IWPR) noted on 5 June 2007 that the effects of Operation Murambatsvina were still being felt some two years after the government cleared away the homes of the poor. The report noted that a combination of harsh government policies, poverty and HIV/AIDS had caused a growing number of children to seek shelter on the streets of Harare and Zimbabwe's other large towns and cities. Some estimates suggest that, in Harare alone, there were thousands of homeless street children having to beg, steal or prostitute themselves to make enough money to feed themselves and sometimes younger siblings. One contributor to IWRP commenting on sexual abuse faced by many street children, noted that: "Some of the kids are picked up while begging at street corners by men in cars and others are raped where we sleep…" Police do not investigate complaints made by street children. **[77x]**

Age of consent

26.07 The legal age of majority in Zimbabwe, as set down in the Legal Age of Majority Act (No.15 of 1982), is eighteen years of age. However, the Childwatch International Research Network noted in its *Zimbabwe Country Case Study* that while the Act does not define the exact meaning of the term 'majority' it appears to mean that a person reaching eighteen years of age has full legal capacity to act independently. The age of consent for sexual relations is currently sixteen years of age. **[28] (p1)**

26.08 The USSD 2007 report noted that:

> "The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans. In July IRIN news service reported that poverty had driven many heads of households to demand a large amount of money or other commodity as the dowry price for their daughters." **[2b] (Section 5)**

Customary marriages

26.09 ZimOnline reported on 16 May 2006 that a continuing background of economic hardship and a scarcity of cheap food has resulted in some families resorting to centuries-old traditional marriage practices in an attempt to survive. The ZimOnline report noted that over the past few years there had been an increase in the numbers of "…forced and illegal marriages of poor

young girls to rich old men…" A leading Zimbabwean social scientist noted that such marriages were being reported with increasing frequency as desperate families "battle for survival". The article noted that "Although there are efforts including by the government to stop forced marriages, Eunice Chipfatsura, a pastor with a local Pentecostal church in Nyamajura, said there would be no easy solutions to the problem not least because community leaders, who are invariably men, still have a right to determine the future of female members of a family." **[49ah]**

26.10 IRIN reported on 17 July 2007 that worsening economic conditions in the country were leading increasing numbers of parents to look to traditional dowry/bride price practices as a way making ends meet. In one example, the report noted the case of a 15 year old girl who was married "… to a polygamous businessman thirty years older than she was." In exchange for agreeing to the marriage, the girl's father was given US$115 and the mortgage on the family home was paid off. **[10d]**

26.11 On the subject of child marriage and the age of consent, the USSD 2007 report noted that:

"The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans. In July IRIN news service reported that poverty had driven many heads of households to demand a large amount of money or other commodity as the dowry price for their daughters." **[2b] (Section 5)**

26.12 Womankind.org noted in *Why Zimbabwe* (accessed on 17 October 2007) that "Child marriage is common in Zimbabwe and 21% of children (mostly girls) are married before the age of eighteen." **[125]**

26.13 The US State Department Religious Freedom Report (USSD RFR) 2007, noted that some indigenous churches accepted polygamy. **[2c] (Section 3)** The Summary Record of the 9th meeting of the United Nations Economic and Social Council held on 2 May 1997 confirmed that from a wider societal aspect, where adolescent girls are forced into marriage, laws on the age of majority and rape can be invoked. **[15a]**

Child abuse

26.14 The USSD 2007 report stated that: "Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. The local NGO Girl Child Network reported cases of child sexual abuse had increased during the year. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to

the belief among some that having sex with a virgin would cure men of HIV and AIDS." **[2b] (Section 5)**

26.15 A report published by the Parliament of Zimbabwe Research Department in September 2006 noted that in the state education sector alone, there were more than 700 cases of rape against girls (aged 5 to 16) during 2005. **[45]** A United Nations (UN) news report noted on 2 August 2006 that one local NGO recorded 4,146 cases of sexual abuse against children in its area of operation during 2005. **[56]**

26.16 News 24 reported on 17 November 2006 that new data concerning child abuse showed that one child every hour in Zimbabwe is the victim of either physical or sexual abuse. "The Child Protection Working Group said sexual abuse was worsened by beliefs that having sex with a virgin could cure sexually transmitted diseases, including HIV/AIDS." **[38h]** The UN reported a case where a teacher raped a six year old pupil believing that the girl would cure his HIV infection. UN News Service, 2 August 2007 **[56]** The Voice of America (VOA) reported on 20 November 2006 that UNICEF had highlighted the fact that child abuse and sexual predation was increasing , driven by the country's large and growing population of children orphaned by AIDS. Officials of Childline Zimbabwe reported that in the first nine months of 2006 they had received more than 34,000 reports of child abuse. **[83g]** However, it was reported that: "UNICEF [was] working in partnership with Government ministries and several non-governmental organisations support[ing] a national campaign of 'Zero Tolerance Against Child Abuse'." As part of the campaign, UNICEF was supporting training workshops aimed at informing government officials, NGOs, journalists, police and teachers. **[56]**

26.17 Anna Tibaijuka's report for the United Nations about the events surrounding Operation Murambatsvina noted that overcrowding following the clearances, in temporary and sometimes makeshift accommodation, had led to increases in child abuse and domestic violence. **[25] (p 42 & 45)** IRIN noted on 13 June 2007 that another reason for the rise in child abuse was that economic conditions were causing parents to seek work in other countries with the result that children were often being left with extended family members or friends. "Betty Makoni, director of Girl Child Network (GCN), an NGO advocating the protection of girls from abuse, said the 'horrific trend' of parents leaving their children, in some cases newborn babies, to search for employment in other countries had increased the vulnerability of children to such a degree that one in every 10 cases of reported child abuse concerned a child whose parents had left the country. … The absence of parents had negative psychological effects on children…" In addition, the report noted that "The separation of children from their parents was also creating a window of opportunity for child traffickers, who offered assistance to parents attempting to bring their children to the country they had settled in." **[10h]**

26.18 Afrol News (accessed on 31 August 2006) reported that initiation rites practised by the small Remba ethnic group in Midlands province include infibulation, the most extreme form of FGM. **[73a]**

26.19 The USSD 2007 report stated that:

"Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to

take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims." **[2b] (Section 1e)**

26.20 *The Times* reported on 2 April 2006 that children were suffering enormous hardship as a consequence of the economic collapse in Zimbabwe. There has been a "…'dramatic' increase in malnourished children…" being seen in Harare's hospitals. However, the most serious aspect of the report concerned "dead gutter babies", a recent phenomenon where desperate mothers are abandoning new-born babies because of an inability to support them. Up to 20 babies a week were reported to have been found by Harare council workers. A surgeon in Bulawayo, who asked to remain anonymous for fear of repercussions, stated that children in the country were dying "like flies". **[82j] (p1-2)**

26.21 The VOA reported on 7 July 2006 that "Bulawayo City Council officials said 33 people, mostly children under the age of four, died of malnutrition-related illnesses in March alone, while deaths attributed to food deprivation reached some 110 in the first three months of 2006 in the city." **[83e]** A further report from VOA on the 25 October 2006 reported that Zimbabwe's health minister admitted that child mortality rates had increased in recent years, with one in every 15 children dying before its first birthday. A survey of the key health indicator of child mortality noted that "Maternal mortality more than doubled from 283 per 100,000 live births in 1994 to 695 between 1995 and 1999." The increasing cost of healthcare and HIV/AIDS was blamed for the poor figures. **[83f]**

Child labour

26.22 The USSD report 2007 report stated:

"Under the LRAA, child labor is punishable by a fine, two years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education".

"The government released the 2004 Child Labor Report in March 2006. According to the survey, approximately 46 percent of children between the ages of five and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 80 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold mining, as street vendors, and as car-watchers. In

addition there were reports of an increasing number of girls engaged in prostitution. Although the government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, they were unable to gather concrete data on the number of cases".

"Although the incidence of child labor on commercial farms decreased as a result of land redistribution, most economically active children still worked in the agriculture industry. The General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) estimated that, of the country's approximate 200,000 farm workers, 10 percent were children under the age of 16. GAPWUZ also reported children continued to work on tea and sugar estates".

"Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay".

"The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. On October 1, the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphased program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children.." **[2b] (Section 6d)**

26.23 On the 8 August 2007, the Foreign and Commonwealth Office reported that "… at the Government's request, IOM [International Organisation for Migration], ILO [International Labour Organisation], UNDP [United Nations Development Programme] and UNICEF [United Nations Children's Fund] are undertaking a joint assessment to define the worst forms of child labour in Zimbabwe. The project is expected to start in June and to last 12-18 months. The assessment will be done in consultation with unions, business, the government and representatives of civil society." **[13h]**

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HIV/AIDS ORPHANS

26.24 On 17 November 2005 the International Federation of Social Workers (IFSW) noted that the number of child-headed households as a result of HIV/AIDS had increased dramatically from 50,000 in 2002 to 318,000 in 2005. **[146]** The Department for International Development's country overview of Zimbabwe (last updated in April 2007) noted that "There are 1.8 million orphans and vulnerable children largely as a result of the AIDS pandemic." **[148b]** Over 240,000 children are believed to be infected with the virus. **[146]** However, UNICEF estimated that "… only six per cent of children have access to antiretroviral drugs…" (ZimOnline, 18 July 2007) **[49cg]**

26.25 The USSD 2007 report noted that:

"There were an estimated 1.6 million HIV/AIDS orphans in 2006, and the number was increasing. The number of AIDS orphans (including children who lost one as well as both parents) was about 10 percent of the country's population. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving many children destitute." **[2b] (Section 5)**

26.26 Kubatana.net, reporting *The Herald* on 15 June 2005, noted the comments of Betty Makoni, Director of Girl Child Network (GCN) who stated that:

"As the country observes the Day of the African Child, it is imperative to note that there are 1.1 million orphaned children in Zimbabwe while over 3 000 people are dying of HIV/Aids per week. 'Due to gender and age, girls are more vulnerable to HIV and Aids and most of the girls get infected as a result of poverty as they resort to commercial sex work, forced marriages and other risky income generating activities,' she said. Ms Makoni said about 20 percent of young girls were not attending school due to poverty and of those who manage to complete their primary education, only 50 percent proceed to secondary school. 'Fifty percent of rural girls miss five days of school per month due to lack of sanitary towels as a result of menstruation and lack of other necessities." **[55h]**

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EDUCATION

26.27 The Economist Intelligence Unit's Zimbabwe Country Profile 2007 noted that:

"The newly independent government invested heavily in education in Zimbabwe in the 1980s and, with the introduction of free primary school education, by 1990 it was broadly agreed that Zimbabwe had achieved universal primary education. However, even though the country's education system is still widely regarded as among the best in southern Africa and the population is one of the most well-educated in the region, the quality of the education system has come under serious threat recently. This mainly reflects the government's budgetary crisis, the erosion of real incomes and the departure of the best teaching staff to employment both within the region and in the US and Europe (teachers have also been subject to intimidation by the current regime, notably by spells of re-education). In addition, private schools suffer from political attacks by the government, which sees them as bastions of white privilege (although the white student population is now highly limited). One such dispute did lead to them being temporarily shut down in 2004.

"According to the Ministry of Education, Sports and Culture, despite the introduction of fees at government schools, the net enrolment rate at primary schools rose from 82% in 1994 to 92.5% in 2000; according to World Bank data this figure had fallen to 80% in 2001 and is 65% at present, while the ratio of primary school pupils per teacher has risen to 39:1 (although this

remains below the Sub-Saharan average). Up-to-date data on school enrolment rates are much harder to obtain, but according to the World Bank's World Development Indicators 2007, 36% of the relevant age group were enrolled in secondary school in 2005. The rapid deterioration of the economy in the last two years suggests that drop-out rates will have risen still further." **[24e] (p.20)**

26.28 The Zimbabwean reporting on a draft UNICEF report due for publication in early 2007 noted that attendance of primary age children at school had dropped by 40 per cent as dire economic conditions drove up school fees. The draft UNICEF report stated that most of the drop-outs were girls, who were expected to care for parents suffering with HIV or siblings when their parents died. Additionally, funding for disadvantaged children through the government's Basic Education Assistance Module (BEAM) was reported to have "dried up". (The Zimbabwe Situation, 5 January 2007) **[89ah]**

26.29 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Primary education is not compulsory, free, or universal for any children. According to the UNICEF Humanitarian Action Report 2007: Zimbabwe: "the education system has been eroded by deteriorating infrastructure, reduced public expenditure and high attrition of human resources. School enrollment ratios are low, attendance and completion ratios declining, and learning spaces and teaching/learning materials scare." The Central Statistical Office's consumer price index statistics showed that education costs increased nearly 1,162 percent from April 2006 to April 2007. In February the IRIN news service reported that increased tuition fees forced many parents to withdraw their children from school."

"UNICEF estimated 82 percent net primary school enrollment through 2005; however, children's welfare activists believed the number to be much lower than in 2005 due to Operation Restore Order and the displacement of thousands of children from their homes and schools. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls."

"In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In October 2006, in collaboration with UNICEF and other partners, the government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school."

"According to Children Crossing Borders, a July report by Save the Children UK, unaccompanied children as young as seven crossed the South African border to find work. Many of them could not afford school fees." **[2b] (Section 5)**

26.30 The USSD 2007 continues:

"The government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the government to carry out political violence." **[2b] (Section 5)**

A report from UNICEF seemed to support President Mugabe's claims of primary school attendance, with figures of 90 per cent attendance quoted – there was "…no significant difference between enrolment for boys and girls. However, 25 per cent of primary schoolchildren do not complete school because of the unaffordable costs." **[85b]**

26.31 Freedom House noted in *Freedom in the World – Zimbabwe (2007)* that:

"Academic freedom is limited. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy. The Constitutional Amendment Bill passed in September 2005 brought all schools under state control. In 2006, the Zimbabwe Peace Project reported that school heads loyal to ZANU-PF were distributing education aid based on parents' political loyalties." **[105d] (p7)**

26.32 On 26 October 2006, ZimOnline reported that Zimbabwean police arrested 43 students in Bulawayo and another 12 students in Masvingo as students protested against the worsening conditions in the country's universities. Students demanding that the Government end an exodus of lecturers and reduce tuition fees were prevented from presenting a petition to the Bulawayo's provincial governor, Cain Mathema. **[49y]**

26.33 ZimOnline reported on 14 November 2007 that the Progressive Teachers Union of Zimbabwe (PTUZ) had estimated that since January 2007 around 25,000 teachers had left the country seeking employment in neighbouring countries. "The union said its survey had also revealed that the exodus was no longer limited to mostly junior to middle – ranking teachers, with senior and more experienced educationists such as district education officers and provincial directors also leaving." **[49cv]** SW Radio Africa noted on 30 October 2007 that the government had drafted army and police to take over the marking of primary and secondary school examinations following a boycott of these duties by teacher staff demanding increased allowances. The boycott is likely to delay the publication of results for the third year running. **[138ai]**

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CHILD CARE

26.34 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"The government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions

continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the UN Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country." **[2b] (Section 5)**

26.35 UNICEF noted in *At a Glance: Zimbabwe* (accessed on 22 August 2006) that Zimbabwe has 1.3 million orphans, the vast majority of whom have been orphaned by AIDS. **[85a] (p2)** The International Aids Society noted in a report entitled, "Last Option: Residential Orphan Care in Zimbabwe" dated 14 July 2004, that it had for the purposes of the report visited all 55 institutions providing residential care for orphans and vulnerable children in Zimbabwe. **[72]**

26. 36 Kubatana.net (accessed 22 March 2006) noted that there were well over 30 non-governmental organisations throughout Zimbabwe that championed the plight of, and/or provided assistance and shelter for orphaned children. **[55o]** HIV-AIDS Zimbabwe (HAZ) reported on 18 July 2007 that economic conditions were making it increasing difficult for the country's orphanages to care for the increasing numbers of children who have lost one or both parents to AIDS. However, the report noted that the Roman Catholic Diocese of Mutare had recently established two children's houses under its 'Home of Hope' initiative. "The two completed homes are part of an on going project to construct 13 homes for OVCs [Orphans and Vulnerable Children]." Each home will house eight children and access to the facility will be via the social welfare department. **[106]**

26.37 The *Daily Telegraph* reported on 19 June 2005 that during Operation Murambatsvina an orphanage run by Dominican nuns in Hatcliffe was demolished making the 180 orphans homeless. The article noted that many of the orphans had lost their parents to AIDS and now had nowhere to go. **[5f]**

26.38 IRIN News reported on 15 November 2005 that "According to the national census, Zimbabwe had 50,000 child-headed households in 2002; three years later the figure has jumped to 318,000… New statistics released by the National AIDS Council (NAC) show that 1.3 million children under the age of 15 years have lost one or both parents due to the virus, and an estimated 240,000 children are believed to be infected.

"Despite government efforts to help child-headed households through the NAC and initiatives such as the Basic Educational Assistance Module (BEAM), officials admit their efforts, though well-meaning, have only limited impact.

"Through BEAM, NAC assists orphaned children with school fees, school uniforms, stationery and their general upkeep. But the available funds are being overwhelmed by demand, and a soaring cost of living has worsened vulnerability.

"NAC is funded by a monthly income tax levy, but unemployment is estimated at 70 percent and rising, reducing revenue. According to the latest audit, NAC has incurred a budget deficit of Zim $41 billion (US $3.5 million) on its projected earnings.

"The slightly more than 50 registered child-care centres nationwide can only cater for a total of about 5,000 children at any given time.

"NAC executive director Tapuwa Magure said his cash-strapped agency had turned to mobilising communities to strengthen the extended family and encourage fostering children orphaned by AIDS." **[10bj]**

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TRAFFICKING

27.01 The US State Department's Trafficking in Persons Report, dated 12 June 2007, placed Zimbabwe in tier 2. In effect, there are four tiers, 1, 2, 2 "watch list" and 3. Tier 2 was an improvement on last year's report that placed Zimbabwe in Tier 3. The US State Department defined tier 2 as: "Countries whose governments do not fully comply with the TVPA's [Trafficking Victims Protection Act] minimum standards but are making significant efforts to bring themselves into compliance with those standards" **[2e]**

27.02 The Report noted that:

"The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Over the last year, the government displayed a more vigorous commitment to addressing trafficking in person's issues. To further its efforts to combat trafficking, the government should complete investigations of pending cases and prosecute suspected traffickers; advance comprehensive anti-trafficking legislation; and launch a broad awareness raising campaign that educates all levels of government officials, as well as the general public, on the nature of trafficking and the availability of assistance for victims." **[2e]**

27.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"No laws specifically or comprehensively address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons. Trafficking was a serious problem. Rural children were trafficked into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under the false pretenses of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children were reportedly trafficked for sexual exploitation in towns along the borders with the four surrounding countries. There were also reports that young women and girls were lured to South Africa, the People's Republic of China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor." **[2b] (Section 3)**

24.04 The USSD 2007 continued:

"Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by 'guides' when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their 'employers' reported them to authorities as illegal

immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members."

"The constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of two years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws."

"The government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases".

"There was no statistical tracking of trafficking prosecutions. The primary government authority to combat trafficking was the ZRP, which relied on NGOs to alert them to any cases. In April 2006 the government formed an interministerial taskforce to coordinate efforts to combat trafficking, but had not registered any notable accomplishments by year's end. The Interpol National Central Bureau Zimbabwe's 'antitrafficking desk' was staffed with ZRP officers who assisted with international investigations."

"There were anecdotal reports that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The government took steps during the year to educate and train officials to combat trafficking. Several senior government officials attended an International Organization for Migration (IOM) seminar on trafficking during the year. Officials from social services, law enforcement, immigration, and health care agencies attended five antitrafficking workshops conducted by IOM during the year." **[2b] (Section 3)**

27.05 The USSD 2007 also noted that, with regards to protection:

"Although the government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. During the year, the government allocated land to the IOM to open a second reception center in the town of Plumtree on the border with Botswana."

"Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims".

"The government-run media prominently featured articles about trafficking in persons, and the government had prevention programs to provide alternatives for children at risk. The government also cooperated with the IOM and Interpol in a public awareness radio campaign that led to the identification of several victims during the year." **[2b] (Section 3)**

27.06 And with regard to prevention, the USSD Trafficking report noted that:

"Human trafficking received increasing attention during the year, though efforts remained modest. There is a general lack of understanding about trafficking across government agencies, especially at the local level. However, senior government officials frequently speak out about the dangers of trafficking and illegal migration, and the state-run media printed and aired warnings about false employment scams, prostitution, and exploitative labor conditions. In April 2006, the government established an inter-ministerial taskforce on trafficking, but the taskforce took no concrete action during the year. Zimbabwe has not ratified the 2000 UN TIP Protocol." **[2e]**

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TEACHERS

28.01 Education International has reported in an article, dated 14 January 2008, that

> "The two major teacher unions in the country are the Zimbabwe Teachers' Association (ZIMTA), an EI member, and the Progressive Teachers Union of Zimbabwe (PTUZ) which has applied for EI membership. Both unions were heading for a showdown with government over their demands for better wages. Under the new pay structure, a junior teacher will earn a gross salary of Z$260 million. This is broken down into a Z$150 million basic, Z$78 million transport allowance and Z$30 million in housing allowances. Senior teachers will earn in the region of Z$330 million. Additionally, transport and housing allowances will be exempt from tax… A series of strikes last year got their salaries raised to Z$15 million but within weeks that figure actually made them far worse off. The new offer of a 1000 percent pay hike is almost exactly what the unions had demanded. The problem is, from the time the demands were made in November up to now, prices of basic commodities and services have gone up massively." **[50d]**

28.02 NewsVoA has reported in an article, dated 6 February 2008, that:

> "The Progressive Teachers Union of Zimbabwe said Wednesday that district education officials in company with suspected state security agents have been visiting schools and demanding the names of union members who are on strike. The union said it has received reports of such intimidation from Mashonaland East, Mashonaland Central, Harare, Gweru, Masvingo and Matabeleland. PTUZ members and some other teachers are in the third week of a strike backing their demand for a monthly entry-level salary of Z$1.7 billion, about US$280. Union officials said about 80% of public schools in the country have been affected." **[83d]**

28.03 SW Radio Africa has reported in an article, dated 20 February 2008, that:

> "A group of 9 officials from the Progressive Teachers Union of Zimbabwe (PTUZ) are receiving treatment at the Avenues Clinic after they were severely assaulted by ruling party supporters at ZANU-PF offices on Tuesday… ZANU-PF has offices on Fourth Street close to the bus terminus and the rank marshals in the area are believed to be youth militia members and ruling party supporters. They forced the group to march to the ZANU-PF offices, supposedly to verify that they were indeed teachers. The Fourth Street offices are notorious for their use by ZANU-PF as a torture centre…Among those assaulted was the PTUZ President Takavafirei Zhou and Secretary General Raymond Majongwe. With them was [sic] Linda Fumhunda, Harrison Mudzuri, Bernard Shoko, Charles Mbwandarika and Ladistos Zunda… The PTUZ officials were released without charge and went to Harare Central Hospital for treatment. But Madziva said the doctors there refused to provide them with any medical assistance. They ended up at the Avenues Clinic, a private hospital that has been treating victims of political torture for years." **[138ak]**

28.04 AllAfrica.com has reported in an article, dated 29 February 2008, that:

"Zimbabwe teachers downed their chalks on Thursday in protest after President Robert Mugabe secretly awarded huge pay rises to the security forces ahead of elections set for next month…The increments were meant to cushion them against rampant inflation now estimated at more than 100,000 per cent, the world's highest… This prompted the largest union, the Zimbabwe Teachers Association (ZIMTA), which in the past avoided confrontation with government to instruct its members to stay at home and join their colleagues from the militant Progressive Teachers Union of Zimbabwe who went on strike early this month… Last week, soldiers got windfalls of between Z$1 billion (Sh6,900) and Z$3 billion (Sh20,000) depending on the rank this month, while teachers were paid Z$500 million (Sh3,450). Other civil servants got less and they are angry. The opposition accuses Mr Mugabe's government of vote-buying and trying to rig the March 29 elections." **[50d]**

28.05 There were reports of violence against teachers following the commencement of planned strike action on 21 February 2007. (Solidarity Peace Trust, 24 March 2007) **[65d]** ZimOnline noted on 22 February 2007 that there were reports of teachers having been beaten by the police for having joined the strike. "Armed police details reportedly stormed Shiriyedenga, Ruvheneko and Chembira schools in the high-density suburb of Glen Norah, allegedly assaulting teachers and forcing some of them to eat chalk." **[49ce]** However, the teaching unions agreed to call off the strike two days later (23 February 2007) after the government agreed pay increases that took the average salary over the Poverty Datum Line. **[65d]**

28.06 SW Radio Africa reported on 7 May 2007 that:

"The Progressive Teachers' Union of Zimbabwe (PTUZ) reports that at least 4,500 teachers have resigned from their jobs since January this year citing poor salaries and working conditions. … Teachers are demanding a 650% salary increase, to bring their salaries from a minimum of Z$500,000 to Z$4 million starting this month. These demands were submitted to the Public Service Commission last week. … Teachers' salaries were increased by government in March, but those gains are already meaningless due to hyperinflation. …Most teachers who have left have gone to seek greener pastures in neighbouring countries. Last year's survey revealed that 5,000 teachers had left the country in 12 months. In 2007 it's taken just 4 months to reach that amount. **[138r]** The same source noted on the 18 June 2007 that five teachers in Mt Darwin were assaulted by war veterans and ZANU-PF youth following reports that teachers at the school had ridiculed a former student for wearing a ZANU-PF t-shirt. The five teachers were reported to be in hiding in a safe house. **[138aj]**

28.07 Following a further strike by 12,000 members of the Progressive Teachers Union of Zimbabwe (PTUZ) in support of increasing salaries by 500 per cent, there were reports that the Central Intelligence Organisation (CIO) had moved around schools intimidating teachers into returning to work. A spokesman for the PTUZ stated that the response from teachers had been overwhelming with 80 per cent turning out in support. (SW Radio Africa, 11 September 2007) **[138ag]**

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MEDICAL ISSUES

GENERAL

29.01 The World Health Organisation (WHO) in *Health Action in Crises* (accessed on 31 July 2007) noted that Zimbabwe's "…health care delivery system, once considered as a model for the region, has collapsed due to under-funding, lack of foreign exchange for importing drugs, and attrition of qualified staff, leading to a reduced management and delivery capacity… Maternal mortality, a measure of the robustness of the health services, deteriorated from 695 per 100,000 live births in 1999 to more than 1,000 in 2002." The report went on to note that:

"… in rural areas a collapse in water treatment facilities was resulting in increases in diarrhoeal diseases and cholera epidemics. At the primary level, utilization of services has declined, due to a lack of essential drug supplies, staff shortages, low quality of services, poor maintenance of health facilities and an inability of patients to pay user fees for care. Due to the deterioration of the health care system, 75% of patients at central hospitals are self-referred…" **[97b] (p2)**

29.02 WHO also noted that economic instability had "…severely impacted the livelihood of the population. Food insecurity is severe and diffuse: due to limited food availability and affordability, 5 million people – out of the total population of 11.6 million – are unable to meet their minimum food requirements and are at risk of starvation." **[97d]**

29.03 Commenting on the collapse of health services in the country, the Economist Intelligence Unit noted that as the economy has shrunk, so has funding allocated to the health care sector.

"Much of the equipment in major hospitals is broken or not operating owing to a lack of spare parts, and many drugs are not available now that the Ministry of Health and Child Welfare is required to make payments in advance for most products. The service is also seriously undermanned: many doctors and nurses have sought employment abroad as wages have tumbled and conditions deteriorated. Thus there were just 0.2 physicians per 1,000 people in 2000-05, according to the World Bank, and the proportion has almost certainly declined still further since then. According to official end-2006 estimates, almost 70% of medical specialists have left the country, while 90% of junior doctors trained by the University of Zimbabwe Medical School leave the country less than four years after graduating. Unsurprisingly, therefore, the under-five mortality rate, per 1,000 children, has risen from 80 in 1990 to 132 in 2000-05; male life expectancy at birth dropped from 59 to 37 years over the same period." (Zimbabwe Country Profile 2007) **[24e] (p21)**

29.04 Union Aid Abroad – APHEDA, funded by Australian Trades Unions, commenting upon the current state of the Zimbabwean health service noted on 12 April 2006 that shortages of foreign exchange had ruined "A once robust network of hospitals and hundreds of rural clinics…" It went on to note that "Only some private clinics and pharmacies are still able to provide health services and medications, but of course at much higher prices, which are

unaffordable for most of the population. Access to treatment has ceased to be a basic human right and has become a luxury." **[137] (p2)**

29.05 The Institute for War and Peace Reporting noted on 18 May 2007 that basic health care in Zimbabwe was being further jeopardised by the crisis in the utilities sector as electricity and water suppliers grapple with a lack of foreign exchange. The Zimbabwe Water Authority has been unable to provide clean water to all urban centres citing a lack of foreign currency to buy treatment chemicals. The Zimbabwe Electricity Supply Authority recently announced that it was rationing domestic supplies of electricity to only four hours per day - the company is saddled with debts to neighbouring electricity suppliers running into tens of millions of (US) dollars. **[77u]** The FCO travel advice for Zimbabwe (updated on 9 August 2007) confirmed that there were continuing "… frequent and prolonged power cuts … and water shortages. A water rationing system has been set up in Bulawayo and water is only available for a limited number of hours a day, if at all." **[13m] (p2)**

29.06 Noting the effects of water shortages and poor sanitation, News 24 reported on 20 August 2007 that health centres in Harare were treating around 900 cases of diarrhoea a day. "Water supplies in some [of the poorer] suburbs of Harare … have been erratic for at least two years." **[38i]**

29.07 Shortages of petroleum due to the collapsed economy was reported to be having a devastating effect on the health service, reported the *Sunday Times* on 23 October 2005. "In the southern town of Masvingo, people said you could often smell the hospital from miles away because so many bodies are piled up and nobody can afford to collect them from the mortuary." The *Sunday Times*, further highlighting the effect of the fuel shortages noted that "… in some areas ambulances are being pulled by donkeys." **[82f] (p5)** News articles continued to report that state mortuaries were overflowing as families struggled to find money to bury their dead relatives. Even the cost of transferring a body from the mortuary to a funeral home, is too much for most Zimbabweans. ZimOnline reported on 22 January 2007 that "A simple burial in a local cemetery in the least expensive coffin now costs Z $400,000"; the same as six months salary for one doctor. **[49au]**

29.08 *The Times* reported on 2 April 2006 that:

"Bodies are piling up in hospital morgues because burial in city cemeteries is becoming a preserve of the rich. A grave plot at the downmarket Granville cemetery in Harare costs Z$8.5m (£24) during weekdays and Z$15m (£42) at weekends — more than three times the monthly income.

"With frequent power cuts leading to rapid decomposition, Harare hospitals have begun employing a company called Sunrise to take bodies away twice a week for a pauper's burial, in which as many as 15 at a time are consigned to a ditch." **[82j] (p4)**

29.09 *The Independent* reported on 3 February 2005 that, the collapsing health sector in Zimbabwe is forcing thousands of sick and elderly people to seek traditional healers or "witch doctors" for treatment.

"Zimbabwe's National Medical Association says 40 per cent of doctors in Harare, the capital, have left the country, and many medical graduates are

heading abroad to better paid jobs and better conditions. There are said to be fewer than 900 doctors serving a population of 11.5 million. 'Healers', usually with no formal training, have become an option of last resort for many sufferers. The cures are concocted from roots, barks, leaves, animal parts and, occasionally, human organs. Some witch doctors also claim an ability to diagnose illness through divine powers…. Martin Mutero, a Harare resident who has resorted to healers, is sceptical, but he said that for many Zimbabweans there was little alternative to taking a gamble on unqualified advice. 'What can you take when there are no drugs in state hospitals, no doctors to give advice, no equipment to even examine your blood pressure and basically nothing [no one] to do anything for you when you enter state hospitals and clinics'. **[4f]** A report by IRIN on 26 August 2005 noted that the continuing economic difficulties facing Zimbabwe has brought a continued and increasing boom in people seeking traditional medical treatment. **[10ak]**

29.10 DFID's Zimbabwe Factsheet updated in June 2007 noted two positive and improving elements in Zimbabwe's deteriorating health service: the reversal of declining child immunisation with, since 2003, increasing numbers of children are being vaccinated; and Zimbabwe's near eradication of polio. **[148c]**

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HEALTH CARE FACILITIES

29.11 Research Africa.org, updated on 9 July 2007, noted that:

"Zimbabwe has 10 provincial hospitals; the two most important hospitals are Parirenyatwa Hospital in Harare (900 beds) and Mpilo Central Hospital in Bulawayo (600 beds). The level of care currently available at Parirenyatwa Hospital is very rudimentary. According to a Zimbabwe Standard report, medicines are in short supply; basic medical equipment such as thermometers, IVs, wheelchairs, and blood-pressure cuffs are in short supply…" **[133]**

29.12 *The Telegraph* noted on 2 August 2007 that shortages of medical supplies was causing patients to die from easily treatable conditions; dehydration was reported to be a big killer because many patients were unable to pay for their own medical supplies. The litre of intravenous fluid "… costs Z$1.5 million – half a civil servant's monthly salary." **[5e]**

29.13 IRINnews reporting on the health system on 14 November 2006, noted that doctors in Bulawayo's two main hospitals (Mpilo Central Hospital and United Bulawayo Hospital) had gone on strike to protest against widespread shortages of drugs, food and equipment. Doctors at the hospitals claimed that health services at the two hospitals had collapsed due to lack of foreign exchange to purchase essential medical equipment and drugs. Even food was reported to be scarce with malnutrition rampant in government health institutions. Five people were reported to have died of malnutrition in one Bulawayo hospital in October 2006. **[10c]**

29.14 The US State Department's *Consular Information Sheet – Zimbabwe*, updated on 9 May 2007, noted that: "Medical facilities, particularly outside of Harare and Bulawayo, are extremely limited. … Travellers are urged to carry an

ample supply of prescription and other medications, as they will not likely be available in Zimbabwe. Provincial hospitals in rural areas have rudimentary staffing, equipment, and supplies, and are not equipped to provide medical care in case of a serious accident." Fuel shortages further diminished emergency response capabilities, with emergency patients sometimes having to arrange their own transportation to the hospital. "Many illnesses or accidents require medical evacuation to South Africa." **[2g] (p4)**

29.15 On 8 February 2005, IRIN news reported that a lack of money has left the Harare Central hospital, one of Zimbabwe's major referral centres on the verge of collapse.

"The superintendent of the 1,428-bed hospital, Chris Tapfumaneyi, told IRIN, 'Most of our machines are obsolete and cannot be repaired – some of them have been like this for the past 10 years'. When IRIN visited the hospital last week, five elevators were broken down; many toilets and sinks were blocked; part of the ceiling leaked badly; the laboratory equipment and anaesthetic machines were not functioning; incubators were operating at reduced capacity; and three out of the five dialysis machines were not in working order. Dirty linen – normally carried down in elevators from the upper floors – was being thrown haphazardly to the ground floor corridors below. Speaking on condition of anonymity, a nurse at the hospital said sick people had to be carried up the stairs to wards on upper floors, while bodies being removed from upstairs wards to the mortuary were placed in body bags and dragged down the stairs." IRIN also noted that "Theatre equipment, including anaesthetic machines, barely function." **[10af]**

29.16 Commenting upon the reasons behind the exodus of health professionals from Zimbabwe, Kubatana.net noted in a report published in 2005 (accessed 23 February 2006) that "Nearly 80% of the respondents indicated that they lack basic equipment at their health institutions, such as injections and thermometers. The absence of such basic equipment makes it difficult for health professionals to conduct their duties efficiently and this consequently affects their morale." **[55l]**

29.17 Noting the lack of medical equipment, *The Times* reported on 2 April 2006 that at Mpilo hospital in Bulawayo, nurses reported that there were shortages of dressings and drips (saline drip was reportedly used in place of hand wash), and drugs to treat tuberculosis and no antibiotics. Even the very basics, such as clean sheets, were unavailable because the Government had failed to pay laundry bills. **[82j] (p3)**

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HEALTH CARE PROFESSIONALS

29.18 The World Health Organisation (WHO) in *Health Action in Crises* (accessed on 30 August 2007) noted that:

"The health services are facing critical staff shortages: 56%, 32% and 92% of doctor, nurse and pharmacist positions are vacant. Brain drain due to poor salaries and working conditions is compounded by qualified personnel being either chronically ill or deceased (annual staff mortality rate is estimated at 2.5%) due to HIV/AIDS." **[97b] (p2)**

29.19 In addition to endemic staff shortages, the Institute for War and Peace Reporting (IWPR) noted on 8 June 2007 that a second national hospital strike had began in the previous month, with virtually all hospital staff from canteen workers to nurses and surgeons taking part. The latest strike "… comes shortly after the end of a period of industrial action that paralysed the healthcare system countrywide." **[77w]** Originally, doctors began strike action in December 2006, demanding significant wage increases to counter massive levels of inflation that had eroded salaries. In the course of the year, there were sporadic on/off strikes throughout the year, particularly during April and May. (SW Radio Africa, 3 January 2007) **[138d]** (SW Radio Africa, 19 January 2007) (Zimbabwe Standard, 13 May 2007) **[138e]** In January 2007 nurses also joined the strike at some of the country's largest hospitals. (ZimOnline, 11 January 2007) **[49ay]**

29.20 On 24 January 2007 the government announced that all strikers who failing to return to work would be considered to have resigned. (ZimOnline, 18 January 2007) **[49az]** In addition, the government deployed army medical personnel cover during the strike, applying further pressure on medical staff to end their strike. **[77w]** However, the government eventually agreed (on 3 March 2007 **[6n]**) to increase salaries by around 800 per cent, but continuing increases in inflation caused doctors and nurses in most state run hospitals to call a number of on/off small scale strikes through April and May 2007. (Zimbabwe Standard, 13 May 2007) **[20a]** *The Financial Gazette* reported on 17 May 2007 that the government had increased junior doctor's salaries to Z$ 240,000 (plus Z$ 700,000 in allowances). However, this was still below the official Z$ 1,700,000 breadline figure. (Financial Gazette, 17 May 2007) **[37i]**

29.21 Commenting on the shortages of trained nurses in Zimbabwe, the IOM noted in a report published in 2005 that "In the UK, the main source countries for nurses issued with work permits in 2001 were South Africa and Zimbabwe. Statistics available from the Ministry of Health in Zimbabwe indicate that between 1998 and 2000 around 340 nurses graduated, while the number of Zimbabwean nurses registered in the UK in 2001 was 382. As there is no surplus of nurses in Zimbabwe, these figures represent a major loss of the human resources required in the country." **[96] (p.39)** In response to the shortage of nurses, Reuters reported on 19 July 2005 that the Zimbabwean Government has stepped up its efforts to train more primary healthcare workers, amid fears that healthcare delivery in rural areas was deteriorating. Reuters noted that "According to the official *Herald* newspaper, rural hospitals and health centres urgently needed 3,337 nurses." The article noted that health officials have embarked on an ambitious training programme that expects to have at least one trained nurse stationed at all rural health centres by January 2007. In addition to the nurses, the Government also plans to support nurses with trained auxiliary assistants. **[75k]** However, the WHO noted that the Zimbabwean Government had allocated 12 per cent of the national budget to health care for 2006 and had also created the new Health Services Board (HSB), which is tasked "…with improving the salaries and conditions of service of health personnel to stem the ongoing exodus of medical staff." **[97b]**

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ACCESS TO DRUGS

29.22 The Economist Intelligence Unit's Zimbabwe Country Profile 2007 noted that as the economy has collapsed over the last ten years, so the government has starved the sector of funds. "Much of the equipment in major hospitals is broken or not operating owing to a lack of spare parts, and many drugs are not available now that the Ministry of Health and Child Welfare is required to make payments in advance for most products." **[24e] (p21)** Freedom House in *Freedom in the World 2006* confirmed this situation, noting that "Severe shortages of drugs and equipment have pushed hospitals and clinics close to ruin. …the resource starved health system cannot cope with an HIV epidemic one of the worst in the world that has infected one in four adults." **[105a] (p5)**

29.23 IRINnews.org reported on 16 December 2005 that "Zimbabwean hospitals have been in crisis since the forex [foreign exchange] crunch started in 2000. Drug shortages have become endemic, while the massive exodus of highly qualified personnel has been blamed on poor salaries and bad working conditions. Most of the country's medical staff has left for Europe, North America, Australia, New Zealand, South Africa and Botswana, where salaries and working conditions are better." **[10bh]** A report by the International Community of Women Living with HIV/AIDS published in November 2005 noted that with regard to ARVs (Anti Retro Virals) foreign currency shortages "… have made it difficult for the country to procure drugs externally or to source materials required to manufacture the medicines locally. As a result, there has been a huge ARV shortage in Zimbabwe. Foreign currency shortages have forced the Reserve Bank to prioritise allocation of foreign currency to businesses at the expense of treatment." **[134] (p16)** However, a report by the Institute for War and Peace Reporting published on 31 October 2007 suggested that a range of medicines were still available in Zimbabwe, but at prices that put them out of reach of all but the rich. The report also noted that even those with private medical insurance still had to meet more than half the cost of treatment and drugs. **[77q]**

29.24 However, the BBC reported on the 17 May 2006 that even where drugs were available, there was information to suggest that patients who did not carry ZANU-PF membership cards were refused medication at government-funded public hospitals. **[3ah]**

29.25 The US Embassy in Harare noted on its website (accessed on 23 May 2007) that there are many good pharmacies in Harare. The website provides contact details for a selection of pharmacies: Avondale Pharmacy: Avondale Shops, Harare.Tel: 263-4-336642; Chisipite Pharmacy: Chisipite Shops, Harare. Tel: 263-4-494052/497017; Lemon Pharmacy: Avondale Shops, Harare. Tel: 263-4-302755; QV/Baines: 60 Baines Avenue, Harare. Tel: 704020; Shamrock: Avondale Shops, Harare. Tel: 336730/339339. **[2d]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

OVERVIEW

29.26 An estimated 1.7 million Zimbabweans are living with HIV and AIDS. (IRIN PlusNews 2007) **[10bm]** "According to 2005 National Estimates from the Ministry of Health and Child Welfare, one hundred and fifteen thousand (115,000) of the people living with HIV/AIDS are children under the age of 15. In 2005, 162,000 Zimbabweans were newly infected with HIV and 169,000 Zimbabweans died of AIDS - more than 3,000 each week." **[69a](p17)** The report noted that of those infected with HIV/AIDS some 350,000 were in immediate need of life saving anti-retroviral (ARVs) drugs. **[69a](p3)** However, Avert.com (updated 12 July 2007) reported that at the end of 2006, only an estimated "… 52,000 of the 350,000 people in need of ARVs were receiving them." **[66a](p6)**

29.27 The US President's Emergency Plan for AIDS Relief reported in the 2007 Country Profile: Zimbabwe, that: "Zimbabwe continues to suffer a severe socioeconomic and political crisis, including unprecedented rates of inflation and a severe 'brain drain' of Zimbabwe's health care professionals. Elements of a previously well-maintained health care infrastructure are crumbling. Zimbabwe's HIV crisis is exacerbated by chronic food insecurity. Sub-optimal nutrition increases the vulnerability of individuals with compromised immune systems to life-threatening opportunistic infections such as tuberculosis." **[120]**

29.28 Figures released by the Health Minister, David Parirenyatwa, on 31 October 2007 claimed to show a reduction in HIV prevalence levels from 18.1 per cent to 15.6 per cent. (Mail and Guardian, 31 October 2007) **[6e]** The statistics confirmed that HIV levels had dropped for the second year in a row with the number of people infected with HIV having fallen from a high of 21.3 per cent in 2004. The reduced prevalence figures were described by the government as "commendable", suggesting positive government actions had helped to reduce the number of people living with HIV. (ZimOnline, 1 November 2007) **[49ck]** However, *The Times* published an article on 8 July 2007 that suggested the real reason for the reduction in the HIV prevalence rate could be more to do with the high numbers of people dying because of the early onset of AIDS caused by a lack of ARVs and chronic malnutrition. Noting the reasons for the shrinkage in the country's population [and therefore the prevalence rate], the article suggested that one of the main reasons could be higher deaths from AIDS. Explaining the reasons for this conclusion, the article suggested that the Government's mis-management of the economy had seen the price of food spiral and hyper inflation push many basic commodities out of reach for all but the very wealthy. It suggested that chronic malnutrition, combined with HIV, was causing the rapid transition from initial HIV symptoms to AIDS and death. **[82r]** The Mail and Guardian noted *date* that Zimbabwe has the lowest life expectancy in the world for women at 34 years. **[6e]** As a comparison, neighbouring South Africa, where upwards of 24 per cent of its population live with HIV/AIDS **[97f]**, has a life expectancy for women of 52 years of age. **[97e]**

29.29 As a direct result of HIV/AIDs, Zimbabwe's life expectancy for women was the lowest anywhere in the world at 34 years of age. "Officials from the World Health Organisation have admitted that since this figure is based on data collected two years ago, the real number may be as low as 30." (Avert.com) **[66a] (p1)**

29.30 In an indication of the scale of the problem facing the country, IRINnews reported on 8 November 2006, that as a result of the high number of deaths

from AIDS related illnesses (around 14,000 per month), the central business district of Harare had been dubbed "Death Valley" as a result of the number of undertakers and associated businesses trading in the area. In addition to the six registered funeral parlours in the area, a further 21 have sprung up to deal with the number of deaths in the capital. **[10a]**

29.31 In October 2006, the United Kingdom Government announced that it had awarded £20 million to a programme aimed at fighting HIV/AIDS in Zimbabwe. "The funding is being given to Population Services International, a US-based non-governmental organisation which will run the five-year programme. However, while the money will go towards providing more than 250 million condoms, HIV/AIDS testing and counselling, none of the money has been allocated for treatment. **[3e]**

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Availability of treatment – State provision

29.32 allAfrica.com reported on 12 June 2007 that outgoing US Ambassador to Zimbabwe, Christopher Dell, in a joint statement with the Zimbabwean Minister for Health announced that the USA would be providing antiretroviral drugs for 40,000 Zimbabweans over a three year period. The article reported that "… it is expected that the drugs could be made available to Zimbabweans in a matter of weeks…" **[50i]**

29.33 A senior representative of the Department for International Development (DFID), based in Harare, reported on 12 July 2007 that Zimbabweans returning home after a period away from the country may find it difficult to access ARVs through the public funded programme. "New arrivals in Zimbabwe would have to be able to work the system pretty hard and with some expertise in order to get into a public programme right away." In obtaining ARVs much will "…depend on where they are in the country, how well they work the system and whether they can make additional payments (both official and illicit)." **[148e]** DFID's Zimbabwe Factsheet updated in June 2007 noted that the United Kingdom Government does not provide direct funding to the Government of Zimbabwe, but channel's it through UN agencies and Non-Governmental Organisations. **[148c]** "The vast majority of HIV positive people in Zimbabwe who receive ARVs do so through the public sector which is supported by a multi-donor pool (called the ESP, and supporting 26,000 people, the UK is the major donor), the Global Fund (22,000 people), the US Government (40,000 people from August) and the Clinton Foundation (paediatric and second line)." **[148d]**

29.34 HRW reported in July 2006 that "The availability of medical care provided by government and NGOs for PLWHA has increased in the past few years due to efforts to scale up access to treatment, but does not begin to meet the needs of the population. Voluntary Counselling and Testing (VCT) programs are expanding and administered free of charge or for a small nominal fee. One month of ART (Anti Retro Viral) without additional tests costs approximately Z$500,000 (US$ 5) per month in the public sector and between Z$2-6 million (US$20-60) per month in the private sector… On June 16, 2006 the Minister of Health and Child Welfare David Parirenyatwa, speaking at a workshop on HIV/AIDS indicated that the government aims to have 40,000 more people on

ARV drugs by the end of 2006 if the country receives more money from the Global Fund to Fight AIDS, Tuberculosis and Malaria. More recent reports indicate that the government is actually aiming for 70,000 people on ARV drugs by the end of the year." **[69a] (p21)**

29.35 The Institute for War and Peace Reporting (IWPR) noted on 21 October 2005 that, Parirenyatwa Hospital in Harare and another, unnamed Bulawayo hospital offered free anti-retroviral drugs, but at the time the report was published both hospitals had refused to accept any more people onto the programme. **[77l] (p2)** The HRW report noted that "Patients seeking to go onto the government ART programs are required to pay a monthly fee of Z$500,000 (US$5)." **[69a] (p40)**

The IWPR article also noted that "Antiretroviral drugs are available for sale in selected Zimbabwean pharmacies, but the country's spiralling inflation has put the price of medication beyond the reach of most people with HIV. For example, a monthly course of Stalanev – a combination of three essential drugs – which in June [2005] this year cost 400,000 Zimbabwean dollars now costs 1.5 million, nearly the entire monthly salary of a junior teacher. **[77l] (p2)**

29.36 A report published by USAID in January 2006 reported that there were 70 hospitals and clinics spread across all Zimbabwean provinces (see Appendix 2 of source document) that provide some level of treatment for people living with HIV/AIDS. The report noted that while first-line ARV regimens were available when the report writers visited the hospitals and clinics; however, during the previous six month period (January–June 2005) various ARVs had been out of stock. It was reported that most medical facilities either had low or no stocks of ARVs with long reorder times reported. **[80b] (Appendix 2)**

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Availability of treatment – NGOs

29.37 IRIN PlusNews noted on 31 January 2006 that the following organisations provided a combined 4,000 places on treatment programmes: MSF–Spain (Bulawayo) – 1,400; Catholic Mission (Harare) – 900; Zimbabwe Electricity Distribution Company – 1,200. **[10bk]**

29.38 The WHO noted in its June 2005 country summary that:

"An estimated 760 people were being catered for by operations research projects such as Development of Antiretroviral Therapy in Africa and the Zimbabwe Aids Prevention Programme. Both are concentrated in urban areas. A rural faith-based organization also provides some treatment in Mutoko." **[97a] (p.2)**

29.39 A report from the Institute for War and Peace Reporting noted on 11 April 2005 that Murambinda hospital is one of the few efficient hospitals left in Zimbabwe's ruined healthcare system. The hospital, which is funded entirely by overseas donations, provides a number of key services, including free supplies of anti-retroviral drugs to patients with HIV. "The Murambinda hospital currently has 2,700 patients registered as HIV-positive." So far just 53 have been supplied with anti-retroviral drugs. The report noted that "Besides

supplying these drugs, charitable donations also make it possible for Murambinda to charge some of the lowest fees of any hospital in Zimbabwe. A consultation costs the equivalent of just eight US cents." In response to staff shortages and increasing demand in the area, the report noted that staff at the hospital have been forced to establish an extensive homecare programme under local AIDS activist, Nonia Temberere, who is supported by Doctors without Borders and 300 community volunteers. **[77q]**

29.40 Medilinks.org noted on 6 October 2005 that the Global Fund to Fight AIDS, Tuberculosis and Malaria had approved a US $67 million grant for Zimbabwe, $36 million of which would be used for HIV/AIDS programmes. **[114b]** The Zimbabwe Situation, reporting an article published by the *Zim Standard* on 12 November 2006, noted that "The Global Fund to fight malaria, tuberculosis and HIV and AIDS has rejected Zimbabwe's sixth round application for funding on undisclosed grounds. The rejection effectively scuttles any plans by the government to put thousands of infected people on Anti-Retroviral Drugs (ARVs)." The article noted that of the 600,000 who require ARVs, only 40,000 have access to these drugs from public and NGO sources. **[89ac]**

29.41 In addition to AVRs and treatment, the World Food Programme noted in its 'Food Security: Overview', updated in 2007, that in "… food-insecure areas, the HBC [Home Based Care] programme combines a monthly food ration with basic first aid and medical care, health education, psychosocial support, counselling and material/hygiene support for AIDS patients who are at least occasionally bed-ridden and cannot access or afford proper institutional care." **[54c]**

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Cost and availability of ARVs

29.42 A senior representative of the Department for International Development (DFID), based in Harare, reported on 12 July 2007 that while "…there have been serious shortfalls and interruptions in ARV availability donor partners have worked with the MOHCW [Ministry of Health and Child Welfare] and NAC [National AIDS Council] to build some insulation from the ad hoc drug supply with some success." From July/August 2007 supplies of ARVs will become more consistent **[148d]** as funding of US$47 million will be disbursed through a mutli-donor pool over the next three years. **[148c]** However, ongoing economic problems may result in a lack of fuel to distribute drugs to outlying hospitals and the continuing brain drain from rural centres may also impact upon the numbers treated. **[148d]**

29.43 *The Zimbabwean* reported on 12 July 2007 that price cuts imposed by the government on a range of goods, including anti retroviral drugs, had led to critical shortages at pharmacies. "Before the price slash, a month's supply of a fixed-dose combination of antiretroviral cost Z$1.2 million. Following the price reversal, they were selling for Z$600,000." A spokesperson for the Retail Pharmacists Association, stated that an existing lack of foreign exchange, exacerbated by government imposed price cuts, was causing significant problems for local generic drug manufacturers. **[99e]**

29.44 The World Health Organisation (WHO) noted in its *Summary Country Profile for HIV/AIDS Treatment Scale-Up (2005)* that "Zimbabwe follows WHO-

recommended treatment guidelines for antiretroviral therapy. The first-line regimen is stavudine + lamivudine + nevirapine. The average cost is about US$222 per person per year. There are two local manufacturers of generic antiretroviral drugs." **[97a]** However, on the 4 May 2006 *The Independent* newspaper reported that a Zimbabwean parliamentary committee was informed that while there were 20,000 people on the national programme of ARV treatment, the programme had "…less than a month's supply of the vital drugs…" The report went on to note that "Owing to foreign currency shortages, Zimbabwe has been unable to import ARVs and now has roughly a month's supply left… Zimbabwe's struggling health sector has been badly damaged by a severe economic crisis which has seen the inflation rate to soar to 913 per cent [the inflation rate has since worsened, as of May 2007 the inflation rate stood at over 3,700 per cent]. Shortages of foreign currency, fuel, food, water and electricity have brought the once prosperous country to its knees." The news report went on to note that as the supplies of ARVs have dried up the main hospital in Harare has started to prescribe Panadol painkillers in the place of ARVs. **[89f]**

29.45 News24 noted on 8 June 2006 that with regard to other important drugs to treat opportunistic illnesses that affect people living with HIV/AIDS, such as TB, "It was reported that storerooms were empty of the much needed drugs. Requests for money to purchase the medicine were not being heeded… [the] Treasury is not releasing the money despite requests to prioritise health." **[38l]**

29.46 A report published by Sokwanele entitled *HIV/AIDS in Zimbabwe: whose side is the government on?*, published on the 2 December 2005, noted that Zimbabwe's ability to provide local generic ARVs had been reduced. The report noted that: "Local companies manufacturing generic antiretrovirals face the same challenges that other Zimbabwean businesses do and are struggling to meet the demand due to critical shortages in foreign exchange. A recent report pointed out that the cost of locally manufactured (generic) life prolonging anti-retroviral drugs (ARVs) had shot up by more than 100 percent with manufacturers saying the increase was necessitated by the shortage of foreign currency to import raw materials." **[115] (p2)** Pharmaceutical companies are still manufacturing ARVs in the country, although continuing problems in obtaining foreign exchange has made the import of raw materials difficult. (Zimbabwejournalists, 22 April 2007) **[143d]**

29.47 Reuters noted on 30 September 2006 that even those able to obtain ARVs through government-run programmes were still required to pay for the cost of the drugs. However, it noted that in spite of inflationary pressures, the Zimbabwean Minister of Health stated that the government's treatment programme had continued to sell ARVs at Zim $50,000 (US $2) – and that it would continue to be heavily subsidised by the state. However, while not disputing the Minister's statement, an NGO pointed out that while the price of ARVs remained constant in the state-run treatment programme, the same could not be said of transport fees, the cost of drugs for opportunistic infections and laboratory exams. "There's a huge amount of hidden costs [in the national treatment programme], and these things have become cripplingly expensive." **[75m]**

29.48 Zimbabwejournalists.com noted on 22 April 2007 that the Parirenyatwa Hospital's CD4 machine was not working meaning that people entitled to free and subsidised treatment from the government were unable to access AVRs.

Patients were being advised by the hospital to pay for private CD4 counts at one of the Harare's private clinics (A CD4 machine establishes a patient's blood count to determine the correct type and dose of ARVs). However, spiralling inflation has meant that this is not an option for the majority who rely on the state system.

Most combinations of ARVs were reported to be available in Zimbabwe if not in every area of the country. **[143d]** DFID noted on 12 July 2007 that while ARVs were currently unavailable in over half of the country's 60 odd districts, the MOHCW treatment roll out plan would increase coverage over the next 1 to 2 years with the goal of getting at least 1000 people (1000 in each district) access to ARVs in most districts. **[148e]**

29.49 Private pharmacies appeared to stock most drugs, even the most expensive combinations; however, even the most basic combinations were expensive costing (April 2007 prices) between Z$ 400,000 and Z$ 500,000 for a month's supply. While the government was making limited amounts of ARVs available to the general population, there were reports that "… HIV-positive ZANU-PF officials [were] receiving preferential treatment at public clinics and siphoning off drugs meant for public use for their own purposes." **[143d]** DFID noted on 12 July 2007 that: "The private sector drug supply is much less reliable and more expensive in Zimbabwe." For varying reasons, the public sector absorbs a large number of private patients each year." **[148d]**

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Health care professionals

29.50 DFID's Zimbabwe Factsheet updated in June 2007 noted that one of the main reasons for the continuing deterioration in Zimbabwe's health service was the drain of skilled human resources to other sectors and countries. **[148c]** The World Health Organisation (WHO) noted in *Summary Country Profile for HIV/AIDS Treatment Scale-Up (2005)* that "The shortage of human resources is one of the major constraints [in the delivery of health services], as trained health personnel continue to emigrate to other countries, and a growing number of other health workers succumb to HIV/AIDS." **[97a]**

29.51 allAfrica reported on 6 June 2005 that Zimbabwe is losing experienced health care workers to other countries as a result of poor remuneration and poor working conditions. The article noted in particular that "The shortage of health personnel in the country has affected the quality of HIV and Aids health care, as Zimbabwe continues to lose experienced health workers to other countries." The report continued "Health personnel are also dealing with HIV and AIDS with inadequate drugs and laboratory facilities, inadequate trained personnel and inadequate co-ordination of prevention, treatment and care responses and this has led to low staff morale." **[50t]**

29.52 Kubatana.net noted in a report entitled *Medical leave: The exodus of health professionals from Zimbabwe, 2005*, (accessed 23 February 2006), that 40 per cent of respondents to a survey on the health service in Zimbabwe "… indicated that their health institutions do not take adequate measures to protect them from contracting the AIDS virus. Over 50% of doctors and nurses are constantly worried that they will get infected at work." **[55l]**

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Women and children

29.53 The World Health Organisation (WHO) noted in *Summary Country Profile for HIV/AIDS Treatment Scale-Up (2005)* that "Women are disproportionately affected by HIV/AIDS, constituting 51% of the population and 53% of people living with HIV/AIDS in 2003… Other groups severely affected by HIV/AIDS include women who engage in sex work, uniformed personnel and orphaned children." **[97a]**

29.54 Avert.com (updated 12 July 2007) noted that:

"… the provision of services to prevent the transmission of HIV between mothers and their children during pregnancy is gradually being scaled up. In 2002 the NAC launched a prevention of mother-to-child transmission (PMTCT) program, which aimed to provide pregnant women with free VCT and give them access to nevirapine, a drug that significantly reduces the chances of transmission occurring. As of September 2005, there were 1346 sites providing PMTCT services nationally.

"The provision of PMTCT services remains severely limited by a lack of funding, and access to nevirapine is low. It is estimated that one hundred babies are infected with HIV through mother-to-child transmission every day in Zimbabwe – one every fifteen minutes." **[66a] (p5)**

29.55 The Sokwanele report of December 2005 also noted that as food shortages have increased so has the need for many women to turn to prostitution to provide for their families. Unemployment exceeds 70 per cent with little opportunity for most to make enough money to support their families through the formal sector. These factors have combined to expose increasing numbers of women and children to HIV/AIDS infection. **[115] (p3-4)**

29.56 The Zimbabwe Situation, reporting an article published by Zim Online on 26 October 2005, noted that:

"A child dies in Zimbabwe every 15 minutes due to HIV/AIDS-related illnesses, a top United Nations Children and Education Fund (UNICEF) official said in Harare on Tuesday. UNICEF programme officer Roeland Manasch also said at least 110 Zimbabwean children aged 15 or below got infected by HIV every day as the deadly epidemic ravages the crises-riddled southern African country that has one of the highest HIV/AIDS infection rates in the world… The UNICEF official added: 'This year 160,000 children will experience the death of a parent'." **[89n]** IRIN News added in November 2005 that "According to the national census, Zimbabwe had 50,000 child-headed households in 2002; three years later the figure has jumped to 318,000." **[10bj]**

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CANCER TREATMENT

29.57 A news report published in the *Zimbabwe Standard* on 23 April 2006 noted that equipment used in the treatment of cancer (the newspaper stated that the equipment was the only working equipment in Zimbabwe) had broken down, forcing patients to seek expensive treatment in neighbouring countries. The article stated that "The equipment at Parirenyatwa hospital, called a Radio Frequency Driver, broke down a couple weeks ago and has not been repaired due to foreign currency shortages." **[20l]** A further report in the *Mail and Guardian* on 11 May 2006 stated that "…the only two state-owned radiotherapy machines are out of action and await repairs, leaving cancer patients without vital treatment…" **[6a]** The Zimbabwe Situation reporting *The Herald,* dated 28 August 2006, noted that the two radiotherapy machines were still out of action. No information was provided to indicate when they would be repaired. **[89b]**

29.58 However, while state provision for the treatment of cancer appeared to be near to non-existent, the website of the private Avenues Clinic (updated 2006) stated that a dedicated Chemotherapy Unit, providing "holistic and quality care", was available at the nearby St Clements's Clinic. The Avenues Clinic also reported that it also had a Radiology Unit providing general and radiological procedures, including access to a CT scanner. **[32]**

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KIDNEY DIALYSIS

29.59 The *Zimbabwe Standard* noted on 23 April 2006 that a lack of foreign exchange had meant that Mpilo Central Hospital "…ran out of kidney dialysis concentrate, forcing the Bulawayo hospital to suspend dialysis on kidney patients." However, the article also noted that "The hospital last year received a donation of close to 20 dialysis machines from Vice President Joice Mujuru, which are yet to be commissioned." **[20i]**

29.60 A news report from the *Zimbabwe Herald* (reproduced by the Zimbabwe Situation), dated 21 January 2004, noted that "Sources at Harare Central Hospital say the renal unit was now attending only to a few chronic renal patients. 'Not all machines are functioning. We have since stopped taking new patients owing to the shortage of consumables and resources to maintain the machines. Patients have to buy disposable consumables [catheters, filters etc] on their own,'" said a spokesperson for the hospital. **[89a]** A more recent report published by Union Aid Abroad – APHEDA noted on 12 April 2006 "…half of the kidney-dialysis patients died, because the government would not spend scarce foreign currency to buy catheters for blood-cleansing equipment." **[137] (p2)** A rough idea of the costs involved in purchasing private dialysis treatment for 12 months was provided by the *Zimbabwe Herald* when it reported that the "…Nairobi Kidney Centre in Kenya runs a dialysis and kidney transplant centre. The centre charges Ksh 500 000 (approx US$20 000) to dialyse one patient per year…" **[89a]**

29.61 *The Zimbabwe Herald* report (reproduced by the Zimbabwe Situation) dated 21 January 2004 noted the existence of the privately owned 'Harare

Haemodialysis Centre'; however, it has not been possible to ascertain whether the medical centre is still operating. **[89a]**

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DIABETES

29.62 A report from Zimdaily, dated 24 October 2005, noted that diabetes was the fourth largest cause of death in Zimbabwe. The article noted that around six per cent of the country's population has diabetes; however, the article noted that the prevalence of the disease may be even higher. **[107b]**

29.63 A report published by the government funded *Herald* newspaper, noted on 28 July 2007 that public dialysis facilities were available at a few hospitals across the country, although a shortage of foreign exchange had resulted in many machines not being installed. In addition, many of the machines had broken down causing a greater reliance on those that were still working. For example, patients who are supposed to receive dialysis four times a week were having to make do with only one treatment per week. Patients from Bulawayo, Matabeleland North, Matabeleland South, Midlands and Masvingo were the worst affected after dialysis machines broke down in hospitals in those provinces. **[23a]** *The Herald* had earlier reported (26 July 2007) that 10 dialysis machines at the Parirenyatwa Group of Hospitals in Harare had broken down and been out of action for a few weeks. The hospitals were reported to have a further eight machines, but again, heavy demand was causing considerable delays with dialysis sessions being reduced to dangers levels of only one hour per week. The report concluded that private haemodialysis centres were able to provide treatment, but a five hour treatment session would cost Z$3 million. **[23c]**

29.64 The Zimbabwe Situation, reporting an article published by the government-funded *Herald* newspaper, noted on 11 July 2006, that Zimbabwe's major hospitals provide treatment for diabetes, although it also stated that there were "critical shortages" of insulin based drugs. The article noted that Actraphane (an insulin based drug) was in critically short supplies in most pharmacies in Harare. "Even major hospitals like Chitungwiza and Parirenyatwa do not have the drug in stock." A spokesperson for Parirenyatwa Hospital appealed to private sector partners to advise them if they had supplies of Actraphane, although the spokesperson noted that they had already contacted a number of partners without success. The article noted that an alternative insulin drug called Actrapid was still available but only in a few pharmacies but warned that users should seek medical advice before switching to the alternative drug. **[89q]**

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MENTAL HEALTH

29.65 The National Association of Non-Governmental Organisations (NANGO) reported in November 2006 that the "Zimbabwe National Association for Mental Health estimates that 300,000 Zimbabwean suffer from various types of mental illness." In 2004 a national mental health policy was launched, however, the policy is described by the NANGO report as being only a

statement of intent. Many mental health activists have pushed for the full implementation of the policy.

In spite of the generally well received 'statement of intent', women as a group were seen as having been overlooked in the policy document. With women more often taking on the role as caregivers of people suffering from HIV/AIDS, they are usually exposed to significant levels of stress which in turn has led to mental illness. **[93]**

29.66 The WHO Mental Health Atlas – 2005 (accessed on 24 October 2007) states that:

"The mentally ill are entitled to free health services. The country has disability benefits for persons with mental disorders. Details about disability benefits for mental health are not available. Mental illness falls under the category that qualifies for tax credits. … Primary health care workers have the capacity to handle patients with severe psychosis and refer only those that they feel require specialized services. Most of the rural and district hospitals do not have facilities for inpatient care and only 17 district, provincial and central hospitals have primary care teams."

With regard to community care facilities the report noted that "There is a shortage of material and staff to sustain the community care programme."

[Refer to the source document for a list of commonly available psychiatric drugs; however, please note that there is currently a shortage of all drugs due to the lack of foreign currency.] **[97c]**

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HUMANITARIAN ISSUES

LAND REFORM

30.01 The BBC World Service (accessed on 16 August 2006) noted that "The need for land reform in Zimbabwe was a long standing issue and was generally acknowledged, even by representatives of the commercial farming sector. Colonial policies of expropriation gave a few thousand white farmers ownership of huge tracts of arable land.

"According to government figures published before the current crisis, some 4,400 whites owned 32% of Zimbabwe's agricultural land, around 10 million hectares. Meanwhile, more than one million black families had struggled to survive on land that was allocated to Africans by the colonial regime." **[129a]** However, the Economist Intelligence Unit – *Zimbabwe Country Profile 2007* suggested that political reasons lay behind Mugabe's driving of the land reform agenda – it noted that the President's and ZANU-PF's popularity immediately before the commencement of farm invasions had waned significantly. **[24e] (p5 & 27)**

30.02 Noting the history of the land issue, the British Embassy, Harare in *Zimbabwe Land: Questions and Answers on UK Views* (updated in April 2003) noted that land was one of the major issues discussed at the Lancaster House talks in 1980. "It was agreed that the new constitution would limit land acquisition to the willing buyer, willing seller principle for the first ten years after Independence. Britain offered support for land reform, but not a specific sum… A new Land Acquisition Act passed in 1992, provided government with the right of first refusal of all land on offer and the compulsory acquisition and designation of land for resettlement." However, the British Embassy stated that as the 1990s progressed the government's policies increasingly resulted in the allocation of compulsory acquired land to public servants and politicians. The British Government expressed concerns about the lack of transparency involved in the 'Fast-track Programme' and eventually refused to support further land reform until the process became more transparent. **[131]**

30.04 The Global IDP Database (published in July 2003), stated that since the start of the Government's 'fast track' land reform programme, approximately 240,000 farm workers have lost their jobs and 500,000 have been forced to leave their homes. Coping mechanisms for the displaced range from diversifying into gold panning, selling firewood, or family assets and, in some cases, commercial sex. Those who are particularly vulnerable are the elderly, female-headed households, orphans, and those with ill health, for example, HIV/AIDS sufferers. However, whilst in the past the ZANU-PF youth militia and the war veterans concentrated much of their attention on rural areas, since 2002 Harare and the major cities have become the focus for the ruling party's campaign to suppress the opposition. **[68]**

30.05 A report published by the Institute for War and Peace Reporting (IWPR) on 31 May 2006 noted that since the army has been given responsibility for farms and the production of maize (the country's staple food) "'The army has targeted those [farming] areas that are potentially opposition strongholds. It is partly a retributive act to take over their land and send signals to the

surrounding landowners. It's an act of intimidation, and a violation of the human rights of those people.'" **[77h]**

RECENT LAND CONFISCATIONS

30.06 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"Disruptions at farms and seizures of property continued and were sometimes violent. Under a government moratorium introduced in January, farmers were given temporary extensions to continue growing crops and to allow for a gradual 'wind down' of operations, including harvesting and selling crops. The government in almost all cases took no action to define the period of extension.

"In June Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the Gazetted Land (Consequential Provisions) Act, there were renewed and intensified efforts to evict many of the approximately 400 remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last six months of the year. In July many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 30. In October at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional. More than 100 legal cases were pending at year's end.

"On December 13, the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The Tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision. Both the judgments from the Supreme Court case and the SADC Tribunal were pending at year's end.

No action was taken against security officials involved in numerous 2006 and 2005 cases of land invasions, seizures of property, and attacks on farm owners and workers. No action was taken, nor was any anticipated, in the

numerous other reported 2006 and 2005 cases of arbitrary interference with citizens' homes." **[2b] (Section 1f)**

30.07 In what appeared to be the final phase of farm evictions, ZimOnline reported on the 27 September 2006 that: "Mugabe's government – which had announced it had ended farm seizures to focus on raising production on land already acquired from whites – has in the last three weeks renewed land grabs, with scores of farmers, especially in the provinces of Manicaland, Masvingo and Mashonaland West, ordered to leave and make way for blacks." The Zimbabwean Government issued 50 eviction orders and will prosecute two other farmers who had ignored previous eviction orders. **[49an]** Under the new Constitutional amendment anyone failing to vacate a farm following service of an eviction notice could face imprisonment of up to seven years. **[130] [49an]** *The Daily Telegraph* reported on 2 October 2007 that only a few white farmers were still farming, on often much reduced portions of their original farms. **[5j]**

30.08 IRIN reported on 6 November 2006 that the Zimbabwean government had distributed the first batch of 99-year leases to commercial farmers. The leases, seen partly by the Government as a method of boosting production, allow commercial farmers security of tenure, which could serve as collateral to secure loans to buy equipment etc. Farmers have often "…cited their inability to raise money and uncertainty about their future as reasons for the drop in production." **[10g]** ZimOnline reported on 22 January 2007 that six white farmers were among the recipients of the first batches of ninety-nine-year leases presented by President Mugabe. **[49av]**

30.09 However, in spite of recent promises by the government that it would allocate leases to white farmers, Lands Minister, Didymus Mutasa was reported to have said that white farmers have no future in Zimbabwe. "'White farmers do not represent the future of farming in this country, blacks do. At the end of it all, I don't expect to see any more white farmers, just successful black farmers. But of course like with everything in life, there are the lucky ones. Only the lucky ones among the outgoing [white] farmers could remain." (ZimOnline, 22 January 2007) **[49av]**

30.10 BBC News reported on 4 February 2007 that the final deadline for the remaining group of 400 white farmers to hand farms over to new black owners or face prosecution, lapsed on the 3 February 2007. **[3bd]** The final confiscation orders made under the Constitutional Amendment Act which came into force on 14 September 2006 (Kubatana, 16 September 2006) **[55p]** means that the government can confiscate land without the former owner having a right of recourse to courts to have the decision judicially reviewed. (Amnesty International, 7 July 2006) **[14m]** Because of the inability of the farmers to appeal to the judiciary, "… the Commercial Farmers Union (CFU) has advised members to resist – saying arrest and persecution is their only way of getting a hearing in court." **[3bd]**

30.11 State Security Minister Didymus Mutasa, who is also in charge of land reforms told ZimOnline on Monday (6 February 2007) that the government would soon begin arresting white farmers who had failed to vacate properties on the deadline of the 3 February 2007. Mutasa is reported to have warned that "Those that are saying they will defy the law will soon find out that they are not clever at all when the police start doing their job. … We want to bring finality to

the land issue and those who stubbornly stand in our way will face the music." **[49bd]** However, a report from the BBC on 6 February 2007 noted that Didymus Mutasa had said that the remaining white farmers could stay on long enough to harvest their crops even though the deadline has passed. The BBC noted that "This is likely to mean the farmers can stay until August." **[3g]**

30.12 ZimOnline reported on 5 February 2007 that Colin Labat, a former white farmer who had lost his Hippo Valley Estates in Chiredzi in 2003, fled his home after "… senior ZANU-PF legislator Titus Maluleke hired armed soldiers to remove him from the farmhouse." Labat, who following the confiscation of the farm had been allowed by the government to remain at the farmhouse, was reported to have fled his home after fully armed soldiers stormed the farmhouse – a senior official from the Commercial Farmers Union reported that his whereabouts were unknown. **[49be]**

30.13 "… police officers last week stormed two white-owned farms and ordered the owners to vacate the properties in what observers said was a clear indication of ongoing lawlessness within the farming sector. The police, led by Senior Assistant Commissioner Chivangire, stormed Portwe Farm in Inyathi district in Matabeleland North province and ordered David Jourbert to vacate the property as it now belonged to the police. The police seized keys for the lodge and other buildings at the farm and told the farm workers that they were now working for the state. It was not clear why the police seized the property. … In Masvingo, police invaded a farm belonging to Brian and Sally Alford in Chiredzi district and claimed that it now belonged to former Masvingo provincial governor Willard Chiwewe's daughter, who is in her 20s." (ZimOnline, 11 April 2007) **[49cd]**

30.14 In spite of predicted massive food shortages during the coming year **[49cb]** the Government continued to evict white farmers with another twenty more reported to have been told to cease operations in May 2007. (ZimOnline, 16 May 2007) **[49cc]** The farm evictions came at the same time that reports stated that less than 10 per cent of the winter wheat crop had been planted. (The Times, 17 May 2007) **[82q]**

30.15 Commenting on the final push by the government to seize remaining white farms, the *Daily Telegraph* reported on 2 October 2007 that: "All agricultural land was officially nationalised last year – with the seizure to take effect from Oct 1 this year. In advance of this deadline, Zimbabwe's army and the Central Intelligence Organisation have been tormenting the last handful of white farmers and their workers. About 50 have been summoned to appear at magistrates' courts. Some have surrendered their farms and homes in despair in the last few weeks." **[5j]**

30.16 The Economist Intelligence Unit noted in its October 2007 Zimbabwe report that:

"The government announced in early October that it would prosecute white farmers still growing crops, even though Zimbabwe is desperately short of food. The action shows that Mr Mugabe is determined to continue his drive to cleanse the agricultural sector of whites, despite the havoc and hunger created by the campaign. The government said that it would prosecute 11 white farmers for remaining on their farms after receiving eviction notices. An estimated 200 white farmers are still growing crops on their land, compared

with about 4,500 in 2000, when Mr Mugabe began his land seizures." **[24b] (p10)**

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FOOD SHORTAGES

30.17 The International Crisis Group (ICG) noted in *Zimbabwe: An Opposition Strategy* published on 24 August 2006 that:

"The economic crisis imposes dire conditions on average Zimbabweans. For a country that was once a major regional food exporter to be suffering malnutrition-related deaths is a remarkable reversal. The authorities closely hold national statistics but in Bulawayo, 110 people, including 28 children, reportedly died from malnutrition-related causes between January and March 2006." **[100b] (p2)** A further 26 people died in Bulawayo during April because of "malnutrition-related illnesses" reported ZimOnline on 10 August 2006. **[49g]** The ICG continued: "The availability of food varies widely. While major cities generally have adequate supplies for those who can pay, the situation in peri-urban and rural areas varies from shortages to near-famine. Maize grain, Zimbabwe's staple, was not readily available in markets in many areas through the first half of this year. An improved 2005-2006 harvest, thanks mainly to greater rainfall, has led analysts to predict that Zimbabwe will reduce the shortfall on its maize production by two thirds, though still falling 395,000 metric tonnes short of what is needed." **[100b] (p2)**

30.18 The WFP reported in August 2006 that an improving situation in the country led it to end its vulnerable group feeding programme in April 2006 (as planned) **[54b] (p1)**, but the most recent assessment from the WFP states that it "… will have to drastically scale up its operations following the poor cereal harvest in April 2007, especially as many vulnerable families will start running out of food as early as the third quarter of 2007. Due to the scale of the looming food crisis, it is possible that WFP will resume its vulnerable group feeding programme. **[54c] (p1)** The ICG noted that in spite of better harvests "…members of the ruling party recognise there is a food crisis. A parliamentary committee report on food security cited serious shortages in staple foodstuffs across the country." **[100b] (p2)**

30.19 The World Food Programme (WFP) noted in its 'Food Security: Overview' for Zimbabwe (updated 2007), that:

"Food insecurity in Zimbabwe is a result of several factors, including poor agricultural policies and a declining economy, characterised by hyper-inflation, high unemployment and a rapidly depreciating currency. This is further compounded by the high HIV/AIDS prevalence rate, which has contributed to increasing levels of vulnerability."

The report went on to note that poor harvests "…coupled with the worsening economic crisis will leave 2.1 million people facing food shortages as early as the third quarter of 2007 – a figure that will rise to 4.1 million at the peak of the crisis in the months before the next main harvest in April 2008." **[54c] (p1)**

30.20 News24 reported that the United Nations (UN) food agency (The World Food Programme) announced on 13 November 2006 that it would have to scale down its food aid distribution in Zimbabwe because of a lack of funds. The agency noted that a shortage of donor funds was resulting in more than a million people in the country being left close to starvation. **[38o]** ZimOnline reported on 8 May 2007 that in spite of the UN scaling back its food aid programme in the country, the Zimbabwean government had still not made a formal appeal to the organisation to institute an international appeal for food for Zimbabwe. **[49cb]** However, News24.com reported on 24 April 2007 that Information Minister, Sikhanyiso Ndlovu, stated that the government was willing to accept food aid from donors as long as there were no political strings attached. **[38q]**

30.21 ZimOnline noted on 8 May 2007 that FEWSNET (Famine Early Warning System Network) were predicting that during the period of March to July 2007, only 30 to 50 per cent of the maize needed would be harvested. Widespread crop failures caused by poor rainfall and the long running economic crisis was blamed for the current situation. "FEWSNET said about 1.5 million people out of 12 million Zimbabweans were in need of urgent food aid and said the number of hungry people would rise in the coming months and peak around early 2008 when the network said food shortages would worsen to levels not seen in recent years." **[49x]** On 26 March 2007, the *Mail and Guardian Online* reported that drought in the southern Zimbabwean province of Matabeleland South had wiped out 95 per cent of the maize crop. The province is now expected to harvest just 5,580 tons of maize against the required 115,565 tons. **[50f]**

30.22 While state-procured maize was reported to be "… available at the state-owned Grain Marketing Board (GMB) outlets, at the highly subsidised price of US$2.70 for a 50kg bag." (ZWNews.com, 22 March 2007) **[67c]** ZimOnline reported on 12 March 2007 that supplies were so low across the country that "Sources within the GMB told ZimOnline yesterday that most silos around the country were virtually empty… 'For four days, the plant was shut down because we had nothing in the silos. The situation is critical.'" **[49bo]**

30.23 Noting the continued lack of food security, ZimOnline reported on 22 January 2007, that a report by the American organisation FEWSNET stated that at least 1.4 million people in the southern provinces of Masvingo and Matabeleland were in urgent need of "… food assistance until the green harvest begins" in April. "The most vulnerable households are those with orphans, the elderly and/or a chronically ill family head or member, as well as mobile households and those with no current livelihoods or alternative coping mechanisms…" **[49aw]** ZimOnline followed this up on 5 July 2007 reporting that in the "hunger-prone south-western Zimbabwe" some families had completely run out of food and have had to go days between meals. **[49ch]** In an example of the desperate hunger faced by some people, police in Masvingo reported that "… three villagers died after eating poisonous wild roots in a bid to beat off hunger. They had mistaken the roots for cassava, which is edible." (ZimOnline, 18 July 2007) **[49ci]** Noting other consequences of the drought and economic collapse in Zimbabwe, ZimOnline reported that on 17 July 2007, that Bulawayo City Council announced that it was considering limiting domestic water supplies to residents once every three days. "Domestic customers in Bulawayo already have to face long and daily water cuts, lasting as long as 10 hours." **[49cj]**

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POLITICISATION OF FOOD

30.24 Amnesty International noted on 25 July 2007 that it had previously "… documented the political manipulation of food aid, noting that food aid was often withheld from those who did not hold a ZANU-PF loyalty card, and was used in attempts to influence election results. In 2007 Amnesty International found that the manipulation of food distribution persists, particularly of GMB maize sold in rural areas." **[14e]** This was confirmed by the recent publication of the Zimbabwe Peace Project's 'Food Monitoring Report' that found that the vast majority of victims of politicised food aid were MDC supporters (around 70 per cent) although there were instances of ZANU-PF supporters being denied food. The report noted that:

"The major findings emanating from this report are that cases of discrimination on political party affiliation and participation in NGO activities abound in the food distribution process. In all provinces, distribution of food and seed from the Grain Marketing Board was the most polarised aid. Traditional leaders, councillors and community food committees mostly recommended by Zanu PF leaders orchestrated the removal of non-ruling party members from the list of beneficiaries. Beneficiaries were expected to chant ruling party slogans and to produce party affiliation cards before receiving food." (Zimbabwe Peace Project, September 2007) **[95] (p4)** In addition, ZimOnline reported on 24 October 2007 that opposition supporting villagers in Mwenezi district Masvingo were refused food aid by ZANU-PF officials and told that because they "… were not politically correct… they must starve or get food from their party…" The article went on to note: "According to the villagers, all suspected MDC supporters have since been summoned to a hearing on October 27 which will be presided over by CIO operatives… **[49cu]**

30.25 Amnesty went on to note that in spite of the fact that 45% of the population is malnourished, people in need of food were still being denied access to food aid if they are not ZANU-PF supporters. Amnesty noted that case of a 64-year-old widow caring for her six orphaned grandchildren. "Since 2002 she has been denied access to GMB [Grain Marketing Board] food by local politicians who suspect her of being an MDC supporter. She has repeatedly appealed to the local councillor in her area and has been told on each occasion that she cannot be registered to buy GMB maize because she criticises the ruling party." **[14e] (p4)** Noting the difficulties for local leaders who fail to support the ruling party, ZimOnline reported on 26 July 2007 that, three chiefs and several headmen in the southern province of Masvingo have had their government allowances withdrawn from them for backing the MDC. **[49b]**

30.26 In addition, the Association of Zimbabwe Journalists reported on 8 June 2007 that the Central Intelligence Organisation (CIO), had deployed operatives to the MDC supporting region of Matabeleland South to monitor the activities of NGOs distributing food there. CIO officers were reported to be operating under the cover of various jobs and to have even infiltrated some NGOs. "Government is reportedly concerned that NGOs will meddle in politics and use food aid as a way of turning the people against ZANU-PF and government." **[143f]**

30.27 The Financial Gazette reported on the 28 April 2005 that the State Security Ministry was responsible for the importation and distribution of maize. "Government sources said members of the Central Intelligence Organisation (CIO), the country's secretive security agency, which falls under the State Security Ministry, were now directly involved in the day-to-day distribution of grain and other cereals." The article went on to note the opinion of "Renson Gasela, the Movement for Democratic Change shadow minister of lands and agriculture, said: 'Maize is now being treated like a security item where the country must be kept in ignorance. This is evidenced by the total militarization of GMB (the Grain Marketing Board)'." **[37e]**

30.28 ZimOnline reported on 25 October 2006 that the "…government has instructed the state's Grain Marketing Board (GMB) to flood rural areas with cheap grain to bolster the ruling ZANU PF's…" chances of winning seats in the rural and district council elections. The article noted that the move was seen as a way of encouraging existing ZANU-PF voters in areas experiencing high levels of economic hardship, to turn out and vote for the ruling party. **[49k]**

30.29 A report published by Sokwanele entitled 'HIV/AIDS in Zimbabwe: whose side is the government on?' published on 2 December 2005 noted that the ruling ZANU-PF used food aid in some communities as a tool of coercion in the run-up to and during the Senate elections. It noted that Mugabe's party "…went even further by using food, again, as a campaign gimmick in the worst affected areas." **[115] (p13)** This view was backed up by IRIN who reported on 6 January 2006 that "The government can choose to distribute food or not in particular areas depending on the electoral gain involved, and there are many reports of individuals being denied food aid because of their race or party allegiance." **[10bl]**

30.30 In the southern district of Nkayi (230 km north of Bulawayo) MDC supporters were reported to have impounded eight tonnes of grain that had been delivered by the Grain Marketing Board (GMB). The grain was meant to be sold to ruling ZANU-PF supporters, reported ZimOnline on 5 February 2007. A senior official with the GMB was reported as saying "… each time we deliver maize, it goes straight to ZANU-PF supporters who sell it amongst themselves and deny MDC supporters from buying the maize." **[49bc]** The Inter Press Service reporting on 25 June 2007 questioned whether the Zimbabwean government was using food as a political tool. The report noted that one million people will need food aid over the coming months, with that figure rising to over four million by early 2008. However, it noted that during a recent parliamentary by-election in Manicaland, while the ruling party provided food aid, it only did so during its campaign. **[50l]**

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OPERATION MURAMBATSVINA

Summary

31.01 On 18 July 2005, the United Nations (UN) published the findings of its fact-finding mission to Zimbabwe which found that Operation Restore Order or Operation Murambatsvina (meaning, "drive out rubbish") began on 19 May 2005. **[25] (p.7)**

31.02 Human Rights Watch (HRW) noted in a report published in December 2005 that:

> "The humanitarian consequences of this man-made disaster were catastrophic. There are few, if any precedents of a government forcibly and brutally displacing so many of its own citizens in peacetime. According to the United Nations estimates, 700,000 people, nearly 6 percent of the total population have lost their homes, livelihood, or both as the result of the evictions, while 2.4 million people, some 18 percent of the population have been either directly or indirectly affected by Operation Murambatsvina. The operation took a particularly heavy toll on vulnerable groups - widows, orphans, female, and children headed household, elderly and people living with HIV/AIDS." **[69i] (p.10)**

31.03 Commenting in a UN report covering the operation, the UN's Special Envoy, Anna Kajumulo Tibaijuka, found that Operation Restore Order had been conducted in an "… indiscriminate and unjustified way and that the targeting of illegal dwellings was undertaken with little regard to human suffering". Mrs Tibaijuka went on to note that "The humanitarian consequences of Operation Restore Order are enormous. It will take several years before people and society as a whole can recover." **[25] (p.8)**

31.04 Noting the reasons behind Operation Murambatsvina, HRW noted in December 2005 that:

> "Zimbabwean authorities claimed that the destruction of homes and other properties was part of a long-term plan to clean up the urban areas, restore order, rid the cities of criminal elements, and restore dignity to the people. However, there were many alternative analyses of Operation Murambatsvina, several of which alleged that the operation was part of the government's efforts to debilitate the urban poor, force them to move to rural areas, and prevent mass uprisings against the deteriorating political and economic conditions in high density urban areas." **[69i] (p.10)**

31.05 The BBC had earlier reported on the 9 June 2005 that opposition groups believed that Mugabe's crackdown had more to do with driving opposition supporters back to rural areas, where they have less influence and can be more easily controlled. **[3n]** This view was echoed in a report published by Kubatana on 28 July 2005 that noted that many people with Zimbabwean ID cards were returned in army lorries to their province of origin, as stated on the ID card. "They were taken to the Sabhuku (sub-chief), where they were more often than not asked for their ZANU-PF party card, and without it denied land and expelled again into the wilderness." **[55g] (p.3)** A report by the Solidarity Peace Trust entitled *Meltdown – Murambatsvina one year on*, dated 30

August 2006, noted that the motives for the demolitions included punishing opposition supporters. The report stated that "The urban areas have consistently voted for the Movement for Democratic Change (MDC) in all national and local elections over the last five years. OM [Operation Murambatsvina] has been seen as an act of retribution and a reminder that ZANU PF effectively can do what it wants even in areas where there are MDC elected local councils and Members of Parliament (MPs)." **[65b] (p16)**

31.06 Possibly throwing further light on the reasons and motivation behind Operation Murambatsvina, a special report published by ZimOnline on 20 February 2006, claimed that it had received information from an authoritative source within Zimbabwe's Central Intelligence Organisation (CIO) that claimed that "Exiled former Ethiopian dictator Mengistu Haile Mariam was the brains behind last year's brutal clean-up campaign…" The report noted that its source stated that Mengistu now acts informally as President Robert Mugabe's security advisor. Mengistu is claimed to have "… warned the Zimbabwean leader that the swelling slum and backyard population in Zimbabwe was creating a fertile ground for a mass uprising." And that the only "… way to pre-empt a mass revolt in Zimbabwe or any other form of mass action was by depopulating the cities via the brutal slum clearance exercise… 'His idea was that reducing the urban population through such an operation would greatly diminish the chances of an uprising,' said one senior intelligence official."

"According to the intelligence official, who spoke on condition he was not named, the former Ethiopian dictator was of the view that spontaneous riots, worse than the food riots that erupted in Harare and other cities in 1998, could happen anytime because of the deteriorating economic situation in Zimbabwe. Urgent pre-emptive action was hence necessary, he told Mugabe."

However, when contacted about the story, State Security Minister Didymus Mutasa poured cold water on such suggestions stating that Mengistu was purely a guest of Zimbabwe and not involved in the internal affairs of Zimbabwe. **[49t]**

31.07 *The Independent* published an article on 14 October 2005 that appears to be a partial confirmation of ZimOnline's story; noting that the CIO masterminded Operation Murambatsvina and "drove the process" forward because of fears of a "Ukrainian-style revolution" following the MDC's defeat in the March 2005 parliamentary elections. **[11u]**

31.08 Discussing the reasons behind Operation Murambatsvina, ZimOnline went on to note on 20 February 2006 that:

"'The exercise was well planned to ensure that not only would it de-populate the urban areas, but it would also demoralise the victims rendering them unable to organise or participate in any mass action,' said another senior intelligence source. After the destruction of their homes, many would not be able to recover immediately and would have to spend a good deal of their future lives trying to re-build themselves even if they came back to the urban areas. 'The whole operation was premised on the idea that most urban dwellers are opposition supporters and ZANU PF would have nothing to lose for their suffering,' said a senior intelligence source." **[49t]**

31.09 HRW noted in December 2005, that "The Zimbabwean government also took no measures to investigate allegations of abuses during the operation and to provide adequate remedies to those whose rights had been violated. The humanitarian and human rights crisis precipitated by Operation Murambatsvina has exacerbated Zimbabwe's socio-economic situation which has been rapidly deteriorating over recent years." **[69i] (p11)**

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ESTIMATE OF NUMBERS AFFECTED

31.10 Commenting upon the numbers still affected by Operation Murambatsvina, HRW noted that the United Nations had estimated that of the "…700,000 people directly affected by Operation Murambatsvina, 20 percent (114,000) were living in the open with no shelter; 20 percent (114, 000) had gone or were forced to go to the rural areas; 30 percent (170,000) were absorbed by families, friends or the extended family; and another 30 percent (170,000) sought refuge in the community, in churches, and other temporary accommodation." **[69i] (p15)**

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OPERATION GARIKAI

31.11 The Solidarity Peace Trust (SPT) noted in a report dated 30 August 2006 that following in the wake of Operation Murambatsvina the Government announced that it would commence what the SPT described as "… the biggest housing scheme in the history of Africa…". The Government stated that under "Operation Garikai" (meaning "live well" in Shona) it would provide 300,000 new homes by the end of 2005, with 25,000 scheduled to be available by the end of August. The report also notes that housing minister, Ignatius Chombo, had "…boldly promised during 2005 that the government would build 250,000 houses each year until 2008." The Government announced that Z$3 trillion would be made available to finance the building programme. However, as the report goes on to detail, very few of the promised houses have actually been built. The report claims that the Government's hasty and sudden announcement of the building programme was made to "…to cover up for the cruelty of the demolitions, which threw 560,000 people out of shelter in the middle of winter.". **[65b] (p26-27)**

31.12 Following the announcement of Operation Garikai various news articles reported the government's slow progress in building and providing new homes. For example, the Institute for War and Peace Reporting noted on 19 May 2006 that: Operation Garikai "…has turned out to be an unaffordable political gimmick. Only a handful of so-called Garikai houses, some 7000, have been built, and those few have been allocated overwhelmingly to people with links to the corridors of power and to the ruling party, such as minister's personal friends and relatives, soldiers, policemen, councillors and government civil servants." **[77p]**

31.13 Noting favouritism in the allocation of Operation Garikai houses, ZimOnline reported on 17 June 2006 that:

"At least 150 ruling ZANU PF supporters have forcibly taken over houses built for victims of last years controversial government demolition exercise at Whitecliff Farm west of the capital Harare.

"The houses were built under a government reconstruction exercise codenamed Operation Garikayi (Operation Live Well) for the benefit of thousands of people made homeless under last years housing demolition exercise that left at least 700 000 people homeless.

"ZANU PF legislator for Manyame constituency under which Whitecliff Farm falls, Patrick Zhuwawo, is said to have recently brought the ruling party's supporters and allocated them houses displacing individuals who had already received written offers for the same houses from the government." **[49ag]** To emphasise the lack of progress with Operation Garikai, the Solidarity Peace Trust report noted that at the point of publishing in August 2006, the number of people re-housed in Bulawayo as a result of Garikai was zero. **[65b] (p26)** *The Mail and Guardian* reported on 14 May 2006 that almost a year after Operation Murambatsvina "…tens of thousands were still living in makeshift homes at various locations across the country. **[6g]**

31.14 Reporting on how Operation Garikai was progressing, an IRIN correspondent reported on 18 July 2007 that all work at "… Hopley Farm, a government camp 25km southeast of Harare, for internally displaced people who lost their homes during Operation Murambatsvina…" had ceased with concrete being diverted from the site to President Mugabe's new palace. **[10k]**

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CONTINUED EVICTIONS

31.15 Nearly a year after Operation Murambatsvina a number of news providers continued to report that police and government agents were still rounding up squatters and "disorderly elements". *The Mail and Guardian* reported on 15 May 2006 that a fresh clean-up operation codenamed Round-up netted 10,224 vagrants and street children. The article stated that the Government planned to send those rounded up to rural areas to live. **[6h]** The International Crisis Group (ICG) reported on 24 August 2006 that the implementation of Operation Round-up led to the "…transfer of street children and the homeless from Harare to farms…" in an apparent attempt to increase food production. However, the report noted that the Government "…did not give those it displaced adequate assistance, a shortcoming only partially made-good by aid from civil society organisations." **[100b] (p3)**

31.16 On 15 June 2006, the Zimbabwe Situation reporting the IOL noted that "Zimbabwe police razed shacks at a slum on Harare's fringes more than a year after a controversial urban clean-up drive, leaving scores without shelter…'At least 78 families have had their shacks razed to the ground by municipal police early this morning,' Precious Shumba, spokesperson for the Combined Harare Residents' Association said." **[89c]** The *Zimbabwe Independent* reported on 6 September 2006 that the police also demolished the homes of a further 90 families in the Glen Norah C industrial area. The 90 families were left in the open without alternative accommodation. **[11g]**

31.17 Amnesty International's 2007 annual report on Zimbabwe noted that: "The government continued to forcibly evict groups of people, often from the place where they had moved after their homes were demolished during Operation Murambatsvina." The report documents that families living on the Hatcliffe Extension New Stands settlement outside Harare were moved on by the police in April and May 2006. On 15 June 2006 police evicted a group of approximately 150 households who were living in makeshift shacks along the Mukuvisi River in Harare. **[14d] (p2)**

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Alternative accommodation and shelter

31.18 BBC News reported on 24 June 2005, that of those made homeless by the demolitions, "… the lucky ones have sought shelter in church halls or are camped in church grounds". **[3ae]** The United Nations report noted that "Many churches are providing life saving, temporary assistance including shelter to evicted families. However, they do not have the capacity to take care of all their needs, including health care. Nevertheless, their strong links to the communities have been invaluable in reaching people with assistance in the first phase of the response." **[25] (p.51)** Noting the shortage of accommodation created by Operation Murambatsvina, a report carried by The Zimbabwe Situation (originally published by the *Daily Mirror* on 11 June 2005), noted that Operation Murambatsvina had created a shortage of accommodation in Harare. The article noted that the University of Zimbabwe was particularly concerned by the impact of Operation Murambatsvina, noting that of 13,000 students expect to enrol in August, only 4,000 could be accommodated on the university campus. A spokesman for the university noted that "This leaves more than 9,000 students facing the problem of securing accommodation. Accommodation has always been a problem but the Murambatsvina operation will make the issue a nightmare". **[89d]**

31.19 CNN.com reported on 21 July 2005 that police had raided church halls in Bulawayo, kicking out and rounding up people who had sheltered there since their homes were destroyed. The report noted that "Police raided nine churches in Bulawayo overnight, arresting between 50 and 100 people at each, said the Rev Kevin Thompson of the city's Presbyterian Church. 'It was pretty brutal and horrific,' he said. "They had elderly folk, and they were piling them onto vehicles; they were frog marching children… who had been asleep and Bulawayo is very cold at the moment."" The report goes on to note that 'Those removed were believed to have been taken to a transit camp known as Helensvale in Umguza, about 20 miles west of Bulawayo, Phillip said [Bishop Rubin Phillip].' CNN also noted that police have banned church leaders from the Helensvale camp after initially giving assurances that they would continue to have access to people being held there. **[8c]**

31.20 A BBC News report of the 24 June 2005 noted that thousands of people from Harare who hadn't or were unable to seek assistance elsewhere were dumped on a farm by the government and left to fend for themselves without clean water, food or sanitation. "At one of the camps, Caledonia Farm, intelligence agents mingled among the dispossessed." **[3ae]** In a further report, the BBC reported on 24 June 2005 that "Many people are living on the streets, while others have returned to their rural homes, encouraged by the government."

[3ag] allAfrica.com reported on 7 June 2005 that as houses were being destroyed, so people were building plastic shacks in their place. **[50u]** *The Telegraph* reported on 16 June 2005, that church and welfare groups reported that tens of thousands of the newly homeless were sleeping in the open, where night temperatures drop below freezing. **[5j]** *The Times* reported on 31 August 2005 that the evictions of Operation Murambatsvina have made it harder for deportees to find shelter in Harare and Bulawayo. **[82e] (p.2)**

31.21 According to *The Telegraph* (10 June 2005) some people who had left their homes in Harare North were being held in a government holding camp at a deserted farm. A local priest is reported to have visited the camp and witnessed at least 200 people being held behind a large fence and guarded by armed police. *The Telegraph* reported the priest as saying that "'They have nothing: no food, no shelter and their health is declining daily.'" **[5g]** The BBC reported on 22 August 2005 that Archbishop Pius Ncube had stated that "they want total political control – they want to peasantify people like [former Cambodian leader] Pol Pot – force them into the country so they can control them". **[3ak]**

31.22 Three weeks after the official cessation of Operation Murambatsvina, the BBC reported on the 13 August 2005 that Tony Hall, US ambassador to the United Nations food agencies claimed that during a visit to Zimbabwe he had been informed that people forced to take shelter in a camp outside Harare were dying of hunger. **[3am]**

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Effect upon women/children

31.23 A report by the 'African Commission on Human and Peoples' Rights', published in May 2007, noted that:

"The evictions took a particularly heavy toll on vulnerable groups – widows, orphans, and the elderly, households headed by women or children, and people living with HIV/AIDS. Thousands of people were left destitute, sleeping in the open without shelter or basic services. To date the government has taken no measures to investigate allegations of abuses during the operation and to provide adequate remedies to those whose rights had been violated." **[76] (p11)**

31.24 During and after Operation Murambatsvina, many people were forcibly relocated, notably to Hopley Farm outside Harare. Thousands of these people, mainly women and children were forced to live in particularly "dire conditions", with the government making little "… attempt to provide or facilitate priority humanitarian assistance to displaced vulnerable groups including children and female-headed households…" Women and children were also reported to have been subject to similar levels of violence as that experienced by men. **[76] (p12 & 14)**

Aid/NGO assistance

31.25 HRW noted that "More than a year after the government's program of mass evictions and demolitions - Operation Murambatsvina, tens of thousands of

people continue to suffer the catastrophic consequences. Despite numerous public statements from the government that it would initiate a reconstruction program to address the homelessness created by the evictions, few of the people displaced by the evictions have received housing and many remain in need of food, water, and other forms of assistance. In addition, the government has repeatedly hindered efforts by the United Nations to provide emergency shelter and has subjected many of the victims to repeated forced evictions." **[69j] (P1)**

31.26 A report from the Voice of America dated 1 August 2005, noted that South African churches in collaboration with the Zimbabwe Council of Churches had sent 37 tonnes of food and thousands of blankets to families and individuals displaced by Operation Murambatsvina. **[83b]** A report by Christian Aid (July 2005) noted that one of its partner organisations, Christian Care, was providing food and shelter for people living in temporary transit camps. It also noted that over the next three months it and its partners hope to reach thousands of people across the country. It noted "Activities will include providing tents, blankets, water storage tanks and toilet facilities, as well as daily meals for orphans and street children". **[7b] (p1)**

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Areas affected by Operation Murambatsvina

31.27 Reliefweb published a map by UNOSAT (United Nations Organisation Satellite Imagery) on 12 July 2005 entitled, *Reported Cases of Destroyed Housing during 'Operation Murambatsvina' 19 May – 9 July 2005*. The following is a list of townships affected:

Region	Township	Region	Township
Bulawayo	Bulawayo	Mashonaland East	Chitungwiza
Harare Suburbs	Budiriro	Mashonaland Central	
	Dzivarekwa	Mashonaland West	Kariba
	Epworth		Kadoma
	Glen Norah		Porta Farm
	Glenview		Rimuku
	Hatcliffe	Masvingo	Masvingo
	Kuwadzana	Manicaland	Mutare
	Mabvuku	Matabeleland North	Victoria Falls
	Mbare	Matabeleland South	Beitbridge
	Mufakose		Gwanda
	Ruwa	Midlands	Gweru
	Tafara		
	White Cliff Farm		

[Source 22]

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FREEDOM OF MOVEMENT

32.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that, although the Constitution provides for the freedom of movement and travel within and outside Zimbabwe, the Government restricts these rights in practice. The report continued:

"The constitution and law provide for freedom of movement within the country and foreign travel; however, the government restricted freedom of movement, foreign travel, and the rights of internally displaced persons (IDPs) in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with some humanitarian efforts directed at IDPs.

"During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In June and August, when the government issued decrees to control prices and to restrict imports, security forces were deployed to augment the roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption. Authorities seized passports and prevented citizens from leaving the country during the year." **[2b] (Section 2d)**

32.02 Commenting upon the ability of Zimbabweans to leave the country, the Zimbabwe Situation (reporting the South African Broadcasting Corporation) noted that "Faced with a deepening economic and political crisis, hundreds of skilled Zimbabweans are leaving the country each week in search of better living conditions" The Minister of Community Development was quoted as saying that between 70 and 90 per cent of all university graduates were working outside of the country. Losses of graduates were heaviest among teachers, doctors, nurses and pharmacists. (Zimbabwe Situation, 14 January 2007) **[89af]** Peta Thornycroft in a blog for the Daily Telegraph noted that the Zimbabwean Diaspora of skilled workers was one of the main reasons why the economy was managing to keep afloat. There was some anecdotal evidence that Zimbabwean families were pooling "… resources to send the best educated family member to London, to get a job." Foreign currency is then sent home to help support family members struggling through the current economic crisis. However, the blog goes on to suggest that most people who arrive in the UK from Zimbabwe (or other destinations as asylum seekers) are simply economic migrants - the population is too exhausted by the current situation in Zimbabwe to cause problems for the ruling party that would then lead to political persecution. (The Daily Telegraph, 8 December 2006) **[5i]**

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INTERNALLY DISPLACED PEOPLE (IDPS)

33.01 The United Nations Economic and Social Council in a report entitled *Overview of Economic and Social Developments in Africa 2006*, dated 1 March 2007, noted that there were 570,000 internally displaced people in Zimbabwe **[15b] (p14)**, the majority of whom were descendants of farm workers from neighbouring countries. **[11c]**

33.02 A report by the Internal Displacement Monitoring Centre, published on 20 August 2007, noted that:

"Threats and incidences of new forced displacements continue to be reported, but there is no information on the number of people recently displaced. General reports of evictions have been noted by both the US State Department and the European Commission… The UN has also reported sporadic evictions in parts of Harare, Masvingo, Bulawayo and Manicaland… In late 2006, the Harare Metropolitan Governor David Karimanzira was allegedly preparing more demolitions of homes and 'illegal' business structures in urban areas and rural areas where Zimbabweans make a living from informal gold mining… Evictions conducted under Operation Chikorokoza (meaning 'end illegal gold mining') has caused new displacement, sometimes of people who had already been affected by previous evictions…Many victims of Operation Murambatsvina are reported to have returned to urban areas, and as informal vendors continue to live in 'unauthorised' dwellings in urban areas, it is likely that new evictions may soon take place… Displaced people have also allegedly been subjected to repeated evictions… Following protests at the University of Zimbabwe over increased lodging fees, the government evicted an estimated 5,000 students from their dormitories. Students were given 30 minutes to vacate their rooms, and student organisations have appealed for humanitarian assistance following the evictions…" **[60a] (p7-8)**

33.03 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that:

"An estimated 700,000 persons lost their homes or businesses following Operation Restore Order in 2005, and approximately 2.4 million persons were directly affected. The government's campaign of forced evictions and the demolition of homes and businesses continued during the year. Meanwhile, the government program Operation Live Well, purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Restore Order. Many of those displaced continued to lack permanent shelter. Although humanitarian agencies had access to most displaced persons, the government continued to interfere with some organizations' efforts to assist IDPs during the year. Civil society activists believed that residents were routinely targeted for eviction for political reasons." **[2b] (Section 2d)**

33.04 See section **31.01 - Operation Murambatsvina** for more details.

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CITIZENSHIP AND NATIONALITY

34.01 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, stated that: "The Citizenship Act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals." **[2b] (Section3)** However, correspondence from the UK Foreign and Commonwealth Office dated 2 October 2006, noted that they had consulted a respected lawyer in Harare who was of the opinion that: "Only those who had acquired their citizenship by registration can be deprived of it after 5 years continuous absence outside the country." i.e. categories of citizenship obtained through "…birth or descent, cannot be deprived of their citizenship regardless of how long they remain outside the country." **[13g]**

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EXIT/ENTRY PROCEDURES

Treatment of returned failed asylum seekers

35.01 Following the United Kingdom Government's decision to resume returns to Zimbabwe in November 2004, a number of articles appeared in British and Zimbabwean publications claiming that forcibly returned Zimbabwean nationals had been stopped and interrogated by Zimbabwean government agents. Among reports of human rights abuses *The Voice* reported on 9 February 2005 that several returnees had disappeared while others had been beaten and threatened upon arrival. **[81] (p1-2)** Newzimbabwe on 23 April 2005 and *The Times* on 4 July 2005 reported further claims that returnees were facing interrogation and beatings at the hands of CIO (Central Intelligence Organisation) officers at Harare airport. **[82b]** Newzimbabwe claimed that returnees faced a "Gestapo" welcome on arrival. **[90b]** Reports of abuse included imprisonment, beatings to the soles of the feet and electric shock treatment to the chest and testicles. **[82b]** The *Independent on Sunday* on 3 July 2005 and *The Times* on the 5 July 2005 reported further accounts of human rights abuses of forcibly returned asylum seekers, noting that the CIO and Youth Militia co-operated in perpetrating the abuses. **[82c] [4d]**

35.02 *Scotland on Sunday* reported on 22 May 2005 that Archbishop Pius Ncube, an outspoken critic of the Zimbabwean Government, urged the United Kingdom government to suspend all returns to Zimbabwe where he claimed that they faced "certain death" if returned. **[98b]**

35.03 Responding to the UK Government's decision to resume returns to Zimbabwe News24.com reported on 17 December 2004 that Zimbabwe's Information Minister had warned that plans by Britain to deport 10,000 failed asylum seekers could be a plot to destabilise the country before next year's polls. Jonathan Moyo told the government-controlled *Herald* newspaper that the country needed to remain vigilant in case those deported were "trained and bribed malcontents" who could "cause mayhem during and after the March 2005 elections". Mr Moyo is also quoted as saying "'We have the right to ask whether these would be deportees are Blair's' mercenaries of regime change…. **[38g] (p1-2)**

35.04 However, in an apparently contradictory statement, BBC News reported on 17 December 2004, that Zimbabwe's Justice Minister Patrick Chinamasa had said that the Government would unconditionally accept anyone sent back from the United Kingdom. "He said that the deportations backed up the government's argument that the opposition is exaggerating claims of human rights abuses. 'The chickens are now coming home to roost. It's wrong to suggest that they went there [the UK] as victims of torture, but the truth are that they were economic refugees,' Mr Chinamasa said." **[3bq]**

35.05 *The Guardian* noted on 10 July 2005 claims by the then Immigration Minister, Tony McNulty, who stated that there had been "no substantiated reports" of abuse since deportations had recommenced in November 2004. **[34h]** *The Independent on Sunday* noted on 13 July 2005 that reports of abuse against returned failed asylum seekers were being investigated by human rights activists, lawyers and religious groups. However, the article noted that tracking deported refugees in Zimbabwe is fraught with difficulty. "Expatriate leaders

say many asylum seekers go into hiding immediately after they return, or are too fearful of retaliation to co-operate with lawyers and opposition groups." **[4d]**

35.06 *The Times* reported on 14 October 2005 that forcible returns to Zimbabwe had been stopped indefinitely, following a ruling by the Asylum and Immigration Tribunal (AIT) that found that there was a "real risk of serious harm" for those forcibly removed to Zimbabwe. **[82g]**

35.07 *The Guardian* reported on 3 August 2006 that the United Kingdom Government had won an appeal against AIT's October 2005 ruling. The article noted that "The tribunal [AIT – Asylum and Immigration Tribunal] reversed its decision of last year and yesterday ruled that failed asylum seekers would not automatically face persecution if returned to Zimbabwe." However, the tribunal stated that some "…claimants linked with Zimbabwe[s] opposition parties or with military or criminal records might be at greater danger of serious mistreatment…" Those claimants with a "…political profile considered to be adverse to the Zimbabwe regime…" are at risk of encountering persecutory ill-treatment. **[34c]** Commenting on the ruling, News24 reported (2 August 2006) that Zimbabwean Justice Minister Patrick Chinamasa stated that failed asylum seekers returned from the UK would be welcomed back with "open arms". "They were never persecuted in the first place and claims that they will be harmed when they return home are unfounded." The article also reported the acting Information Minister Paul Mangwana as saying that "All deportees would be 'more than welcome to come back and help rebuild our economy'." **[38d]** *The Times* reported on the 2 August 2006 that even Didymus Mutasa, minister with responsibility for the CIO **[82i]**, who had previously stated (reported by SW Radio 30 June 2005) in August 2002 that "We [Zimbabwe] 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." **[138a]** is reported to have said that returning Zimbabweans would be welcome and "looked after very well". **[82i]**

35.08 Commenting on asylum applicants who have entered the UK under an assumed nationality, *The Independent* reported on 26 October 2007 that a number of returned Malawian asylum applicants were in fact Zimbabweans who had obtained Malawian documentation so that they could more easily flee Zimbabwe. The newspaper claimed that a number of people who had used this method to flee Zimbabwe, and who had been returned to Malawi, were in danger of being returned to Zimbabwe (by the Malawian authorities) where they would face persecution and possibly death. In an example of one such removal, the newspaper noted one man who had been removed to "… Malawi in November 2006. Once in Malawi he was arrested for the false declaration of a Malawi passport, and after two months in prison he was deported to Zimbabwe. Since arriving in Zimbabwe he has already been tracked down by the government, and narrowly escaped arrest. The last anyone heard from him was that he had gone into hiding." **[4b]**

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EMPLOYMENT RIGHTS

36.01 Freedom House in *Freedom in the World – Zimbabwe (2007)*, noted that:

"The right to collective labor action is limited under the Labor Relations Act, which allows the government to veto collective bargaining agreements that it deems harmful to the economy. Strikes are allowed except for industries declared "essential" under the act. Because the labor movement provides the most organized resistance to Mugabe's authoritarian rule, it has become a particular target for repression. Mugabe has used his presidential powers to declare strikes illegal, and labor organizers frequently face government harassment. The government has created a rival union umbrella organization, the Zimbabwe Federation of Trade Unions, to try to undermine the ZCTU." **[105d] (p10)**

36.02 The US State Department Report on Human Rights Practices 2007 (USSD 2007), published on 11 March 2008, noted that:

"There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and approximately 80 percent of the population lived below the government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate.

"The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

"The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives each from the government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in December that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to service an estimated 14,000 registered factories. In December the government media reported 64 workplace fatalities and 5,568 injuries through November. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so." **[2b] (Section 6a)**

36.03 The Zimbabwe Situation, reporting an article in the *Zimbabwe Standard* on 6 August 2005 noted that:

> "Junior and middle-ranking medical doctors, who last week staged a crippling job action demanding an 800 percent salary increment, were ordered by government to return to work or face detention, *The Standard* has been told. State security agents allegedly began visiting the striking doctors. Doctors who spoke to this newspaper on condition of anonymity said they resumed work following threats from the Minister of Health and Child Welfare, David Parirenyatwa and his deputy Edwin Muguti…. The doctors said Muguti 'arrogantly' told them to go back to work or face detention." **[89e]**

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RESTRICTIVE LEGISLATION

NON-GOVERNMENT ORGANISATIONS BILL

37.01 HRW in a report entitled, Zimbabwe's *Non-Governmental Organizations Bill (dated December 2004)* noted that:

> "The government of Zimbabwe drafted the 2004 Non-Governmental Organizations (NGO) Bill after a four-year period of deteriorating relations with oppositional civil society organizations, including NGOs, churches, trade unions, and the independent media. The Bill will adversely affect, and effectively eliminate, all organizations involved in promoting and defending human rights. These organizations see themselves as non-partisan. The government claims, without producing evidence, that many of them have abused Western donor funds to support the opposition party, the Movement for Democratic Change (MDC). Judging from the suspension of parliamentary standing orders to permit the passage of the Bill to be fast-tracked, the ruling party, ZANU PF, appears to be in a hurry to pass the Bill ahead of the March 2005 general election.
>
> "The NGO Bill is retrogressive. It violates the right to freedom of association. It significantly extends government control over organizations provided for in the current Private Voluntary Organizations (PVO) Act, which it seeks to repeal. The PVO Act was deemed to limit civil liberties by the African Commission for Human and People's Rights. The Bill denies local NGOs that are involved in 'issues of governance' access to foreign funding (clause 17) and prohibits the registration of foreign NGOs engaged in 'issues of governance' (clause 9). 'Issues of governance' are defined by the Bill to include 'the promotion and protection of human rights and political governance issues'. Like the PVO Act, the Bill gives the Minister of Public Service, Labour and Social Welfare absolute control over the appointment of the NGO Council, which decides on registration and de-registration. The Minister and the NGO Council, however, acquire new powers that they did not have under the PVO Act. New burdens are placed on non-governmental organizations, including that they must register annually and pay annual registration fees. The NGO Bill provides for an appeal process in some areas, making this the singular improvement compared with the PVO Act. However, as in the PVO Act, there is no right of appeal, other than to the Minister, for organizations that seek to challenge NGO Council decisions on registration and de-registration.
>
> "Clauses 9 and 17 of the NGO Bill violate the freedom of association enshrined in the Constitution of Zimbabwe and numerous regional and international agreements that the Government of Zimbabwe has signed, including the International Covenant on Civil and Political Rights. Clauses 9 and 17 also do not comply with international and regional guidelines such as the 2004 SADC Principles and Guidelines Governing Democratic Elections or the U.N. Declaration on Human Rights Defenders that the African Commission on Human and People's Rights reaffirmed in 2004.
>
> "Human Rights Watch urges the Government and Parliament of Zimbabwe to immediately withdraw the Bill and amend it to bring it in line with Zimbabwe's obligations under the SADC Guidelines, the U.N. Declaration on Human Rights Defenders, and international conventions that the Government has

signed. Human Rights Watch also calls on the SADC members states – together and individually – to urge the Zimbabwe government to reconcile its proposed NGO law with SADC standards, including the SADC Guidelines for Democratic Elections, and in particular, the freedoms of association and expression." **[69c] (p.1-2)**

37.02 Amnesty International noted in a report entitled *Human Rights Defenders under Siege*, dated 10 May 2005, that "Amnesty International believes that the NGO Bill was introduced in order to intimidate human rights organisations through the threat of closure." **[14c] (p1)**

37.03 However, following the approval of the Bill in parliament President Mugabe refused to sign the controversial Bill because of alleged fears that it could portray the government in a bad light in the eyes of the international community. "Constitutionally, a Bill lapses after 21 days of being presented to the President. The NGO Bill was passed by Parliament on 9 December 2004…" but Mugabe did not sign it. (The International Center for Non-For-Profit Law, 15 April 2005) **[110]** In the period between parliament's passing of the Bill in 2004 and the introduction of the 'Code of procedures for the registration and operations of Non Governmental Organisations in Zimbabwe' [see below] on 27 April 2007 **[13m]** the draft Bill was re-drafted and various discussions were held with the heads of various Civil Society groups. **[49l] [49m]**

37.04 On 27 April 2007, the Ministry of Public Service, Labour and Social Welfare released a 'Code of procedures for the registration and operations of Non Governmental Organisations in Zimbabwe'. This code was initially considered by many as a curtailment of current NGO activities and an imposition of new restrictions. However, the FCO noted that the new Code does not effect existing registrations of NGOs (existing NGOs are also not de-registered), but simply imposes new procedures for NGOs who at the time the Code was published had not yet begun the registration process. Those NGOs registered before 27 April 2007 would still be governed by the existing terms of the PVO Act [The Private Voluntary Organizations Act] or treated as a Trust. In the absence of new legislation, the actions of the Ministry can be seen as an attempt to intimidate NGOs in the absence of new legislation. In practice this has led some organisations scaling back their operations. More recently a number of humanitarian NGOs have faced problems with renewing Temporary Employment Permits and some international staff have been forced to leave the country. (FCO reporting 8 August 2007) **[13l]**

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CRIMINAL LAW (CODIFICATION AND REFORM) BILL

37.05 On 5 December 2004, Kubatana.net (an NGO Network Alliance Project) reported the impending introduction of the Criminal Law (Codification and Reform) Bill. It noted that the Bill seeks to introduce a Criminal Code for the first time in Zimbabwe, moving away from current common law. Offences such as treason, murder, culpable homicide, theft, fraud, assault, arson, malicious injury to property and criminal defamation, formerly prosecuted under common law, will now become statutory crimes. In addition, many existing statutory

crimes will be incorporated, including the Sexual Offences Act, the Witchcraft Suppression Act, sections of the Dangerous Drugs Act and sections of POSA. It was noted that certain sections from POSA are also being replaced in the Bill. **[55c] (p.1)**

37.06 However, while Kubatana.net stated that there was a need for the codification of criminal law, it expressed major concerns about the proposed legislation. It noted that:

"The codification of Criminal Law is an extremely important and major piece of legislation. It could have provided the opportunity of informed public debate about a major section of the law governing the lives of the people. As the Bill was being fast tracked [contrary to Parliament's own adopted reforms] the Bill was not referred to Parliamentary Portfolio Committees. Parliament did not call for public hearings or for evidence and inputs from sectoral representatives of society. The House ignored the advice of its own legal committee on the Bill's constitutionality and MPs had little time to debate such a complex and lengthy piece of legislation." **[55c] (p.2)**

37.07 On 10 December 2004, Kubatana.net reported that:

"Despite the existence of several pieces of repressive legislation curtailing the citizenry's basic rights, *The Standard* (28/11) revealed the extent to which yet another Draconian Bill will erode freedom of expression. The paper reported that the Criminal Law (Codification and Reform) Bill proposes a fine of $5 million or a jail sentence of up to 20 years for *"anyone who publishes or communicates to another statements that are perceived to be prejudicial to the State"*. The proposed law, the paper noted, *"will make it extremely difficult for journalists to operate and will certainly be the most repressive piece of legislation in Zimbabwe's Statute books"*. *The Financial Gazette* (2/12) and *The Daily Mirror* (3/12) echoed similar views in their follow-up reports on the matter. What none of the media reported however, was that the relevant section of the Bill is intended to replace similar sections contained in the Public Order and Security Act but which do not contain the same terrifyingly punitive penalties. But while the private media at least informed the public of this unprecedented plan to silence all criticism of the presidency, the uniformed forces and State interests, the government media conveniently suffocated the whole issue." **[55e]**

(For additional information see **18.01 – Freedom of Speech and Media**)

37.08 Kubatana.net noted on 5 December 2004 that "**Clauses 31 and 33** of this Bill do not introduce new crimes. **They have replaced Sections 15 and 16 of the Public Order and Security Act [POSA]**. Those sections of POSA replaced by clauses in this Bill will be repealed."

"**Clause 31 of the Criminal Law [Codification and Reform] Bill** – Publishing or communicating false statements prejudicial to the State is an almost word for word replacement of Section 15 of POSA. There are slight differences in paragraphing and there is a more severe level of punishment."

"**Clause 33 of the Criminal Law [Codification and Reform] Bill** - Undermining authority of or insulting President is an almost word for word replacement of Section 16 of POSA." **[55c] (p.1)**

37.09 Kubatana.net noted (updated 3 March 2005) (NB. Originally accessed in February 2005) that the Bill had been "Passed by Parliament, awaiting signature by the President and must be gazetted before it will come into force". **[55d] (p.2)** However, a letter from the Foreign and Commonwealth Office (FCO), dated the 12 September 2005 reported that the Criminal Law (Codification and Reform) Bill has already been signed into law, but will not come into effect for 12 months. "President Mugabe delayed signing it until after the elections; finally signing it on 7 May 2005. However, it still needs a Statutory Instrument (SI) to make it operative as well as the 12 month period." The FCO stated that "We are trying to find out when the Ministry of Justice intends to issue the SI; although, we understand that this will not be in the immediate future." **[13e]**

37.10 Newzimbabwe reported on 10 July 2006 that the Criminal Law (Codification and Reform) Bill finally took effect on Saturday 8 July 2006. **[41c]**

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PUBLIC ORDER AND SECURITY ACT

37.11 The Human Rights NGO Forum reported in May 2002 that on the 22 January 2002 the Public Order and Security Act (POSA) was to replace the Law and Order Maintenance Act (LOMA) which was introduced in 1960 by the colonial regime as a tool to thwart Black Nationalist movements. The Act was also reportedly used to hinder the training and deployment of MDC election monitors. **[35i]**

37.12 The Zimbabwe Human Rights NGO Forum report *Human Rights and Zimbabwe's Presidential Election* outlined the major points of POSA:

"(i) Prohibited public statements or behaviour causing people to hate, ridicule, be hostile to or contemptuous of the person or Office of (acting) State President. Penalty – Z$20 000 and/or one year imprisonment.

"(ii) Prohibited abusive, indecent, obscene and/or false public statements causing people to be hostile to or contemptuous or disrespectful of the police. Penalty – Z$20 000 and/or two years imprisonment.

"(iii) Prohibited untrue statements which the author realised might incite or encourage public disorder or violence, negatively affect Zimbabwe's defence or economy, undermine public confidence in the police, prisons or defence force, or interfere with specified essential services. Penalty – Z$100 000 fine and/or five years imprisonment.

"(iv) Prohibited planned or spontaneous public association likely to disturb the peace by force, obscenity, abuse, threat or insult; together with public statements likely to make anyone hate or despise any section of Zimbabwean society because of their race, tribe, religion or gender. Penalty – Z$50 000 and/or imprisonment for 10 years.

"(v) Required four days advance notice to (not permission of) the police for any public gathering. Penalty – Z$10 000 and/or six months imprisonment, plus personal liability to compensate for any personal injury and/or damage to private property.

"(vi) Gave the police power to prohibit any public gathering they reasonably believe would result in public violence (even though police permission is not required to hold any gathering); to disperse such a gathering; and to cordon and search any area at any time. Penalty for entering or leaving a cordoned area without written police permission– Z$10 000 and/or six months imprisonment.

"(vii) Gave the police power to demand from anyone in public space their identity document. Penalty – seven days to produce identity documents at the nearest police station, or detention by the police until identity is proved." **[35i] (p.2)**

37.13 The USSD 2006 report noted that: "POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA." **[2b] (Section 2d)**

37.14 IRIN reported on 16 February 2004 that under the powers of POSA, the police prevented a demonstration by the Women of Zimbabwe Arise (WOZA) group. No arrests or beatings occurred. **[10be]** The USSD 2005 noted that "Attorneys sometimes were denied access to their clients. For example, on March 31, police arrested dozens of Women of Zimbabwe Arise! (WOZA) members who were holding a prayer vigil on election day. Police beat some women and refused them medical treatment. All the women were held in an open courtyard and denied access to lawyers. Police told them that they could pay a fine and admit guilt or spend the weekend in jail and be charged under POSA. Fearing further abuse and without the benefit of legal representation, the women paid the fines." **[2h] (Section 1e)**

37.15 Amnesty International's 2007 report noted that POSA "… continued to be used selectively to prevent the political opposition and civil society groups from meeting or engaging in peaceful protest. Hundreds of human rights activists were arrested or detained under these laws during the year." **[14d] (p2)** The *Africa Research Bulletin* reported in its February 2007 update, that the police imposed a three-month ban on political rallies and protests in several of Harare's townships on 21 February 2007. **[121b] (p16986)**

37.16 In an attempt to close any loopholes in POSA, Amnesty International reported in July 2005 that:

"The government of Zimbabwe has used the law as a tool of repression. For example, many activists have been charged under MOA [Miscellaneous Offences Act], usually with conduct likely to cause a breach of the peace, when the police have tried but failed to bring charges under POSA. According to Zimbabwe Lawyers for Human Rights the MOA is being used in conjunction with POSA to 'Create a minefield for human rights activists', as virtually any conduct can be deemed to be behaviour likely to cause a breach of the peace." **[14b] (p.2)**

37.17 The Zimbabwe Situation reporting the Zim Daily noted that amendments made to the POSA were signed into law under the General Laws Amendment Act (GLAA) on 8 February 2006. The articled noted that:

"The GLAA amends 22 sections of POSA, as well as several other acts. Mujuru signed the law on February 3 according to a notice published in the latest 'Government Gazette.'

"The amendments increase the fine imposed under Section 16 of POSA from Z$20,000 to Z$2 million. The penalty may also entail one year imprisonment, either as an alternative or supplement to the fine. Section 16 deals with the 'publication of false statements that will engender feelings of hostility towards – or cause hatred, contempt or ridicule of – the President or Acting President.' Those convicted under Section 15 of POSA, which deals with 'the publishing or communication of statements prejudicial to the state', will now be liable to a fine of Z$10 million – up from Z$100,000 – or five years' imprisonment, or both.

"Section 15 also covers the 'publishing of statements likely to promote or incite public disorder or adversely affect the security or economic interests of Zimbabwe.' Under the new amendments, 'causing disaffection among the police force or defense forces' will be punishable by a fine not exceeding Z$4 million while 'unauthorized public gatherings for the purposes of rioting or causing disorder' will be punishable by a fine of up to Z$10 million. The proposed amendments will not alter the prison terms previously stipulated by POSA." **[89l]**

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Annex A: Chronology of major events

1890 British Colony of Southern Rhodesia established; subsequent influx of White settlers, mainly from the United Kingdom and South Africa.

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

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

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

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

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

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

1979 Ian Smith's administration concludes an 'internal settlement' with some Black nationalists; Bishop Abel Muzorewa becomes first Black Prime Minister of 'Zimbabwe-Rhodesia'.
December: Lancaster House constitutional conference in London, attended by all parties including the PF produces independence settlement for Rhodesia; Whites to be guaranteed 20 seats in new 100-seat parliament.

1980 **February:** Robert Mugabe's ZANU-PF party wins 57 out of 80 'common roll' seats and Nkomo's PF (ZAPU) wins 20 seats; Bishop Muzorewa's UANC party wins only three seats and Rhodesia Front wins all 20 seats reserved for Whites
April: Independence of Zimbabwe – Robert Mugabe of ZANU-PF becomes Prime Minister and Reverend Canaan Banana becomes President, with ceremonial duties only.

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

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

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

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

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

1990 **August:** Joshua Nkomo becomes Vice-President, in addition to existing Vice-President Simon Muzenda.

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

1995 **April:** ZANU-PF wins decisive victory in general elections, although eight opposition parties boycott polls – ZANU-PF takes 118 seats and Sithole's ZANU-Ndonga two.
October: Sithole charged with conspiracy to assassinate Mugabe.

1996 **March:** Mugabe wins Presidential elections with nearly 93 per cent of the vote, but turnout less than 32 per cent.

1997 **July:** Criminal charges brought against former President Canaan Banana for alleged sexual assault against a former male employee.
December: Sithole found guilty of plotting to kill Mugabe and sentenced to two years' imprisonment, but released on bail pending appeal.

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

1999 **July:** Vice-President Joshua Nkomo dies.
September: Movement for Democratic Change formed.

2000 Reverend Ndabaningi Sithole, leader of ZANU-Ndonga, dies
May: Former President Canaan Banana ordered to serve a year in prison for sexually assaulting a male bodyguard.
June: MDC wins 57 of 120 directly-elected seats in parliamentary elections marred by a violent campaign, perpetrated mainly by Government supporters against the opposition MDC and white farmers that leaves 37 people dead
November: ZANU-PF holds Marondera West in by-election.

2001 **January:** ZANU-PF wins Bikita West in by-election from MDC; campaign marred by violence.
January: Canaan Banana reportedly released from prison.
April: June 2000 election results in Buhera North, in which ZANU-PF's candidate was declared the winner over MDC leader Morgan Tsvangirai, and in Hurungwe East nullified by High Court; by-elections pending.

July: ZANU-PF holds Bindura in by-election with increased majority; violent campaign and MDC candidate detained by police.
September: MDC wins Bulawayo mayoral elections with landslide majority; ZANU-PF holds Makoni West and Chikomba parliamentary seats in by-elections with increased majority – results emphasise rural-urban political divide.

2002 **March:** President Mugabe re-elected President for six-year term in controversial election following a violent campaign; EU and USA apply selected sanctions against the Zimbabwean Government and officials.
March: Zimbabwe suspended from Commonwealth for one year because of election fraud and violence.
March: Introduction of the Access to Information and Protection of Privacy Act.
September: Local council elections. Won by ZANU-PF after a campaign. condemned by rights groups.
September: ZANU-PF are also victorious in the Hurungwe West by-election, but similar criticisms are levelled at the ruling party.
October: Learnmore Jongwe, MDC MP and spokesperson dies in Harare prison.
October: Last of Zimbabwe's troops are withdrawn from DRC.

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2003 **February:** The trial of Tsvangirai, Ncube and Gasela starts. They are charged with plotting to assassinate Mugabe.
March: Commonwealth continues sanctions until a reassessment takes place in December 2003.
March: National stayaway organised by the MDC. Deemed a success, which brought violent reprisals from the state and its agents.
March: By-elections in Kuwadzana and Highfields. Both won by the MDC.
April: ZCTU strike over massive rises in the price of fuel.
June: Mass action organised by the MDC. The stayaway from work was widely observed, though no evidence of the mass demonstrations that were planned. Again, this resulted in a swift and violent response from the state and its agents.
June: Tsvangirai charge with treason. This means Tsvangirai has two charges of treason outstanding against him.
August: Council and Mayoral elections throughout much of Zimbabwe. Also, by-elections in Makonde and Harare Central. ZANU-PF hold rural Makonde, and MDC hold the urban seat of Harare Central.
September: Simon Muzenda, one of Zimbabwe's two vice presidents, dies.
November: Kadoma by-election. ZANU-PF win the seat from the MDC.

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2004 **January:** Tsvangirai takes the stand at his treason trial.
February: ZANU-PF retain the seat of former Vice-President Muzenda in the Gutu North by-election.
February: Tsvangirai trial ends on 24 February 2004. The judgement was scheduled to be handed down on 29 July 2004, but was subsequently postponed indefinitely.

February: Cabinet reshuffle.
March: ZANU-PF win the Kadoma by-election.
May: ZANU-PF win Lupane by-election by 883 votes amid evidence that election was rigged.
May: Government announce expecting bumper harvest and therefore food aid will not be required. Widely perceived to be untrue and that government planned to use food as a political weapon in 2005 parliamentary elections.
July: Verdict in Tsvangirai trial postponed indefinitely when two lay assessors insisted they be fully consulted by trial judge.
July: Tsvangirai subject of assassination attempt.
July: Executive summary of Southern Africa Development Council report on human rights in Zimbabwe published.
August: MDC announce boycotting all elections until electoral reforms in place.
August: Government published bill to restrict operation of human rights NGOs.
August: The Non-Governmental Organisations Bill (NGO Bill), requiring the registration of all NGOs and also restricting the activities of NGOs, approved by parliament.
September: ZANU-PF recapture Seke constituency following the MDC's earlier decision to boycott all elections.
October: Morgan Tsvangirai acquitted on two charges of treason. The acquittal was delivered by the High Court on 15 October.
October: ZANU-PF retains Masvingo constituency. The by-election was called following the death of Eddison Zvogbo, a founding member of ZANU-PF.
November: Zimbabwe Supreme Court rules that the law used to seize white-owned farms is 'legal'.
December: Former Minister of Information, Jonathan Moyo, suggests that failed asylum seekers sent back by the UK could be undercover mercenaries or agents of regime change. Minister of Justice, Patrick Chinamasa says that returned asylum seekers would be welcomed back.

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2005

January: Morgan Tsvangirai states that the MDC has been exposed to lower levels of political violence in the run-up to the March election compared to previous elections.
January: South Africa's ruling African National Congress (ANC) and its alliance partners concluded that conditions were not believed to be "conducive" to holding "free and fair elections" in Zimbabwe in March.
January: Congress of South African Trade Unions (COSATU) announces that they intend to undertake a pre-election fact-finding mission to Zimbabwe. On arrival, the 20-member team is refused entry by immigration officials at Harare's international airport.
February: President Mugabe announces that the 2005 parliamentary elections will take place on 31 March; he promises to abide by SADC guidelines.
February: President Mugabe announces that war veterans and traditional chiefs would receive pay increases of 1,400 per cent.
February: MDC announce that they will participate in the March 31st parliamentary elections.

31 March: After a relatively peaceful election campaign, ZANU-PF wins two-thirds of the votes in the parliamentary elections. MDC and International community condemn the election as rigged. South Africa and other African states hail the election as free and fair.
April: Archbishop Pius Ncube stated that the Zimbabwean government was refusing to sell food to suspected opposition supporters in parts of southern Zimbabwe. The Archbishop claimed that in these areas, agents of the government held lists of people thought to support the opposition.
May: Operation Murambatsvina – Tens of thousands of shanty dwellings and illegal street stalls are destroyed as part of a "clean up" programme.
June: Opposition and civil society groups call on Zimbabweans to support a nationwide two-day strike. The government warned that it would come down hard on any gathering of people or disturbances. However, *The Telegraph* reported that the strike had flapped, undermined by poor organisation.
July: The UN send a fact-finding mission to Zimbabwe to report on Operation Murambatsvina, the subsequent report estimates that the clear-up operation has left about 700,000 people homeless. Access to food and medical treatment for those who have been evicted is described as precarious.
28 July: Vice President, Joyce Mujuru announces that "Operation Murambatsvina is now complete".
2 August: Prosecutors drop remaining treason charges against opposition leader Morgan Tsvangirai.
13 August: Three weeks after the official cessation of Operation Murambatsvina, the US ambassador to the United Nations food agencies claimed that people who had been caught up in Operation Murambatsvina were dying of hunger.
August: Constitutional Amendment Bill passed by parliament. The proposed Bill will reintroduce a second parliamentary chamber (Senate) and fast track all future land seizures removing a landowners' right to appeal to the courts. The Bill will also allow the government to prevent Zimbabweans from leaving the country; commentators believe that this will be used to confiscate opposition members' passports.
November: MDC leader Morgan Tsvangirai declared a boycott of the Senate elections scheduled for the end of November. The pro-senate wing of the MDC, led by MDC secretary general Welshman Ncube, responded that Mr Tsvangirai did not have the authority to make such a decision - and a group of 26 MDC members registered their candidacy for the elections in defiance of the party leader. The rift in the party escalates as the two factions exchanged, through the media, increasingly harsh words.
27 November: Ruling Zanu-PF party wins an overwhelming majority of seats in a newly-created upper house of parliament, the Senate. The opposition MDC splits over its leader's decision to boycott the poll.
December: After a four-day visit, UN humanitarian chief Jan Egeland says Zimbabwe is in "meltdown".
9 December: The Zimbabwean government announced that the country's annual inflation rate rose to 502.4 per cent in November.

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2006 **January:** Zimbabwean judge Benjamin Paradza, due to be sentenced by the High Court for corruption, was reported to have 'gone missing'. Mr Paradza, who faces three years in prison or a fine, claims that he was being targeted for

delivering judgements that were not in favour of the government. Mr Paradza is seen by many as the last truly independent judge in Zimbabwe.

February: Arthur Mutambara is elected president of the pro-senate faction of the MDC.
22 February: Robert Mugabe celebrates his 82nd birthday.

March: IMF maintains Zimbabwe sanctions. The IMF postponed a decision to expel Zimbabwe after it repays $120m of its debt to the Fund and pledged to clear the rest by November 2006. The IMF stated it will review its relation with Zimbabwe in September.
10 March: Zimbabwe's inflation hits a record high of 782 per cent.

May: Year-on-year inflation exceeds 1,000 per cent.

June: Information and Publicity Minister, Tichaona Jokonya, died on the 24 June after collapsing in a bath tub following kidney dialysis treatment.

July: Opposition MP Trudy Stephenson (pro-senate faction) attacked by MDC supporters loyal to Morgan Tsvangirai. A report published by Morgan Tsvangirai's faction of the MDC claims that the CIO was responsible for the attack.

August: As a result of spiralling inflation, new banknotes, with three noughts deleted from their values, are introduced; inflation exceeds 1,204 per cent, a report from the International Monetary Fund states that it expects inflation to exceed 4,200 per cent in 2007.

September: Riot police disrupt a planned demonstration against the Government's handling of the economic crisis. Union leaders are taken into custody and later hospitalised, allegedly after being tortured.

October: ZANU-PF win the Chikomba and Rushinga parliamentary by-elections on 7 October 2006.

November: Local government elections - ZANU-PF take 1,247 wards (482 of which were taken unopposed). The MDC (Pro and Anti-Senate factions) take only 82 wards.

December: ZANU-PF party conference approves a plan to move presidential polls from 2008 to 2010, effectively extending Mr Mugabe's rule by two years.

2007 **12 February:** Zimbabwe's annual inflation leapt to a new record 1,593.6 per cent in January, showing no respite in a crisis marked by chronic shortages of foreign exchange, food and fuel and unemployment of more than 80 per cent.

19 February: Armed riot police dispersed around 50,000 Movement for Democratic Change (MDC) supporters who had gathered to hear Morgan Tsvangirai launch the party's campaign for next year's presidential election. There were reports that police had indiscriminately beaten up opposition supporters.

11 March: Police and security forces suppress a prayer meeting called by the MDC in the Harare suburb of Highfield. Opposition leader Morgan Tsvangirai

is hospitalised with a head wound after his arrest at a rally. One man is shot dead as riot police move to disperse the gathering.

28 March: Heavily armed Zimbabwe police officers storm the Headquarters of the MDC at Harvest House. 80 people, including senior MDC officials, were arrested and taken to Harare Central Police Station, where many claim that they were beaten and or tortured.

4 April: Edward Chikombo, a journalist with reported links to the opposition, was found murdered. The killing was thought to be linked to the smuggling out of the country television pictures of the badly injured opposition leader.

26 May: Riot police again storm Harvest House this time arresting MDC youth members. 211 youth members were arrested with reports of beatings and interrogation before the 211 youth members were released without charge.

June: Nine men are charged with treason for plotting a coup. Their lawyer says they were planning to form a political party.

Ruling ZANU-PF and opposition MDC hold preliminary talks in South Africa.

26 June: Industry and International Trade Minister Obert Mpofu orders retailers to shift prices back to where they were on June 18. This cut prices by around 50 per cent.

10 August: President of the students' union, Clever Bere released from custody after being held for three days. Bere's arrest followed months of student unrest across Zimbabwe.

20 November: Former Prime Minister Ian Smith dies.

December: Mugabe attends EU-Africa summit, where he is criticised over his rights record. British Prime Minister Gordon Brown boycotts the meeting over Mugabe's presence.

Mugabe is endorsed as ZANU-PF candidate for forthcoming elections.

2008 **January:** Presidential and parliamentary elections are set for 29 March.

March: Mugabe defeated in first round of presidential polls. Opposition MDC wins parliamentary elections.

May: Electoral Commission announces presidential run-off election to be held on 27 June. Mr Tsvangirai says there should be no need for second round, insisting he won outright in first round, but agrees to take part in run-off.

June: Government bans food aid distribution, accusing aid agencies of campaigning for the opposition.

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Annex B: Political organisations

ZANU-PF

The Economist Intelligence Unit Country Profile 2007 noted that:

"At independence ZANU-PF's ideology was initially Marxist-Leninist, and its leaders-Mr Mugabe in particular-were committed to socialism. However, from the late 1980s, …the president did allow a move towards market-oriented economic policies, although… As the political crisis in Zimbabwe has intensified in recent years, Mr Mugabe has reverted to more revolutionary language, notably the need to complete the chimurenga (the revolution by which he came to power) through the redistribution of land. He has also called for the nationalisation of mines and industries at various times. With the rapid collapse of the economy and the international isolation of the regime from 2001 onwards, there have been frequent reports of attempts within ZANU-PF to force Mr Mugabe to retire from office. …rivalries have been particularly intense as a vice-presidential post, which is seen as an important stepping-stone to acquiring the presidency, became vacant in September 2003 with the death of Simon Muzenda. Although Mr Mugabe initially seemed content to allow campaigning within the party for the post, he acted quickly when this threatened to get out of control in early 2004 by launching a high-profile anti-corruption campaign. In the run-up to the annual ZANU-PF congress in December 2004 Mr Mugabe moved to reassert his power over the party by manoeuvring Mrs Mujuru into the vice-presidential post and retaining the other vice-president, Joseph Msika, thus sidelining the ambitions of Emmerson Mnangagwa, who had long been considered his heir apparent. Since her appointment, Mrs Mujuru has moved quickly to establish herself as the country's senior vice-president, although doubts still remain about whether she will be taken seriously as a candidate for the presidency because she is a woman. … Meanwhile, the poor health of Mr Msika - who has not carried out all his official functions since early 2006 - remains a potential problem. There is likely to be another major political battle to succeed him within ZANU-PF, although the picture is complicated by an ethnic dimension given that Mrs Mujuru represents the Shona majority, whereas the other vice-president typically represents ZAPU and the country's Ndebele minority."
[24e] (p11-13)

Movement for Democratic Change (MDC)

The Economist Intelligence Unit Country Profile 2007 noted that:

"The MDC was until recently the main opposition party. Although most of its support is in urban areas, it is also popular in Matabeleland in the south and Manicaland in the east. Despite its success in the 2000 parliamentary election the party has faced a huge political challenge, as the government has made a concerted effort to undermine its parliamentary representatives: many were harassed by the security forces and periodically arrested on spurious charges. Faced with such harassment and unable to organise mass demonstrations against the government under the country's repressive security laws, the party struggled to repeat its performance of 2000 in the 2005 parliamentary elections.

This prompted a major debate within the party, about whether contesting elections and engaging in democratic opposition made any political sense, given the country's repressive political climate. These divisions came to the fore in the Senate election, after which the MDC split into two factions. On the one hand, there is a faction led by the long-standing MDC president, Morgan Tsvangirai, which advocated a boycott of the Senate elections. On the other hand, there is a group led by the party's secretary-

general, Welshman Ncube, which opted to contest the Senate polls and continue to argue that they should maintain a formal parliamentary opposition to the government. Although at present neither faction has gained the upper hand or managed to establish a clear identity - both still seem to be campaigning under the MDC banner - the faction led by Mr Tsvangirai probably has the higher level of public support, winning its first by-election in May 2006 and gaining a higher turnout at its first Congress. There are some signs of a rapprochement between the two. Top party officials in both factions have previously argued that it will not be possible to patch up their differences, claiming that the divisions between the two - and the differences in the way in which they confront the government - are too deep for any reunification. However, it is also clear to both sides that a divided opposition will stand no real chance against ZANU-PF in any elections. Thus the executive councils of the two factions have met separately to discuss a possible reconciliation, and have reportedly designated negotiators to pursue such talks." **[24e] (p13-14)**

(Please see **Section 4 – MDC** and **Annex D** for information about the rival factions of the MDC.)

ZANU-Ndonga
The late Reverend Ndabaningi Sithole, who led ZANU before Robert Mugabe, set up ZANU-Ndonga. The party held two seats in Parliament prior to the elections in June 2000.

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

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

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

A Liberty Party candidate in the election for executive Mayor of Bulawayo in September 2001 polled just 390 votes, compared to nearly 61,000 for the MDC candidate and nearly 13,000 for ZANU-PF. Liberty Party candidates has historically received very few votes.

Zimbabwe Union of Democrats [ZUD]
The ZUD leader, Margaret Dongo, was the MP for Harare South prior to the June 2000 elections. She failed to come to an agreement with the MDC for the June 2000 elections and the seat was won convincingly by the MDC, with Dongo coming third with

only 951 votes, behind the ZANU-PF candidate. ZUD fielded 16 candidates in the 2000 elections but did not win any seats.

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

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

United Parties [UP]
The United Parties (UP) grouping was established by Bishop Muzorewa, leader of the UANC, in 1994 after UANC's merger with the Zimbabwe Unity Movement (ZUM). UP boycotted the 1995 general elections. In the presidential elections in 1996, Bishop Muzorewa was denied permission to withdraw his candidacy prior to the ballot and received 4.7 per cent of the vote. UP has failed to win any seats in subsequent elections.

Conservative Alliance of Zimbabwe
Successor to the Rhodesia Front, supported by sections of the White population

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

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Annex C: Prominent people: past and present

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

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

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

Simon Vengayi Muzenda
ZANU-PF, former Vice-President of Zimbabwe. Died September 2003.

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

Joyce Mujuru MP
ZANU-PF, one of two Vice-Presidents of Zimbabwe, replaced Simon Vengayi Muzenda in December 2004. In recent years she has positioned herself as the front runner in any possible take over.

Solomon Mujuru
Husband of Vice-President Joyce Mujuru, Solomon Mujuru was the military commander of the ZANLA forces prior to independence. In spite of his retirement from the army in 1992 and from parliament in 2000 he remains an influential figure within the country; he remains a member of ZANU-PF's Politburo and Central Committee.

Professor Jonathan Moyo MP
Ndebele, Former ZANU-PF Minister of State for Information and Publicity. The only non-party affiliated member of parliament.

Professor Welshman Ncube MP
Ndebele, Secretary-General of the pro-senate MDC, MP for Bulawayo North. He is the main driving force of the Mutambara faction.

David Coltart MP
White Zimbabwean, prominent human rights lawyer, MDC MP for Bulawayo South and Shadow Justice Minister.

Chenjerai 'Hitler' Hunzvi MP
Leader of war veterans in farm occupations, elected as ZANU-PF MP for Chikomba in June 2000; died in June 2001.

Ian Douglas Smith
Prime Minister of colonial Southern Rhodesia in 1960s, illegally declared independence (UDI) of Rhodesia from UK in 1965, PM until 1979, he died on 20 November 2007.

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

John Nkomo
John Nkomo is seen as a possible successor to Mr Mugabe. He is currently the national chairman of ZANU-PF and commands considerable respect within the party. He could well become the second vice-president if the current incumbent, Joseph Msika, is forced to retire because of ill health.

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

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

Reverend Ndabaningi Sithole
Former leader of ZANU, latterly leader of small ZANU-Ndonga party, died 2000.

Margaret Dongo
Leader of Zimbabwe Union of Democrats (ZUD), MP for Harare South until lost seat in June 2000 elections.

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

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

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

Constantine Guveya Chiwenga (General)
Commander of Zimbabwe Defence Forces (since 1 January 2004).

Vitalis Zvinavashe (General)
Commander of Zimbabwe Defence Forces, 1994–2003.

Pius Ncube
Roman Catholic Archbishop of Bulawayo, Zimbabwe, widely known as a human rights advocate and an outspoken critic of President Robert Mugabe. Heads a multi-denominational church coalition that seeks to improve the conditions of Zimbabweans. He received a Human Rights Award from Human Rights First on 23 October 2003, for speaking out against torture and confronting the Mugabe government. In September 2007 Pius Ncube was implicated in an adultery scandal, thought by many to have been inspired by the CIO, and subsequently resigned as Archbishop of Bulawayo.

Arthur Mutambara
President (leader) of the pro-Senate faction of the Movement for Democratic Change (MDC). Mutambara holds a PhD from Oxford University in Robotics and Mechatronics, and held professorships in that field in several US institutions. In the late 1980s, he rose to prominence at the University of Zimbabwe, leading the first anti-government student protests since independence.

Wellington Chibebe
Mr Chibebe has been leader of the Zimbabwe Congress of Trades Unions (ZCTU) since 2001.

Gideon Gono
As head of the Reserve Bank of Zimbabwe, he is the main driver of economic policy. He appears to have the ear of the president, and has retained his position in spite of mild critism of government economic policy and the ongoing decline in the economy. Some commentators suggest that he is a contender for the presidency when Mugabe steps down.

Emmerson Mnangagwa
Former head of the CIO, Emmerson Mnangagwa was until 2005 the prime contender to succeed Mr Mugabe. He was sidelined after too closely contesting the power of Mr Mugabe in the battle to appoint a new vice-president in 2005. However, Mugabe has kept Mnangagwa in the party and recently was said to favour Mnangagwa over Joyce Mujuru in an eventual take over.

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Annex D: MDC Leadership and Shadow Cabinet

LEADERSHIP OF THE MDC (ANTI-SENATE)

The Movement for Democratic Change (MDC) effectively split into two parties in November 2005 over the issue of participation in the Senate elections. **[124]** Morgan Tsvangirai continued to lead the main faction opposed to participation in the Senate elections. Please follow the link below for up-to-date information on the current position within the MDC. The link also can be used to access the party constitution that provides details of membership, party functions and aims.

MDC website: http://www.mdczw.org/index.php
MDC constitution: http://www.mdczw.org/MDC_Constitution.pdf

Leadership & Management Committee

President:	Morgan Tsvangirai
Vice President:	Thokozani Khupe
National Chairman:	Lovemore Moyo
Secretary General:	Tendai Biti
Deputy Secretary General:	Tapiwa Mashakada
Treasurer General:	Roy Benett
Deputy Treasurer General:	Elton Mangoma
Organising Secretary:	Elias Mudzuri
Vice Organising Secretary:	Morgan Komichi
Secretary for Information:	Nelson Chamisa

Committee Secretaries

Secretary for Finance and Economics:	Hon Tendai Biti
Secretary for Labour & Social Security:	Paurina Mpariwa
Secretary Defence & Home Affairs:	Dr Tichaona Mudzingwa
Secretary for International Relations:	Prof. E Mukonoweshuro
Deputy Secretary for International Relations:	Grace Kwinje
Secretary for Policy & Research:	Fortune Gwaze
Secretary for Lands & Agriculture & Natural Resources:	Seso Moyo
Secretary Education:	Fidelis Mhashu
Secretary for Legal & Parliamentary Affairs:	Innocent Gonese
Secretary of Health:	Dr Madzorere
Secretary of National Integration and Reconciliation:	Norman Maphena
Secretary Transport, Logistics and Welfare:	Paurine Gwanyanya
National Chairperson of the Women's Assembly:	Theresa Makone
National Chairperson of the Youth Assembly:	Tamsanga Khumalo
Secretary for Mines & Enviroment:	Joel Gabhuza
Secretary for Local Government:	Sessel Zvidzai
Secretary for Research and Policy:	Sekai Holland
Policy Cooridinator General:	Eddie Cross **[12e]**

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Annex E: Leadership of the MDC (Pro-Senate)

LEADERSHIP OF THE MDC (PRO-SENATE)

On 9 September 2005, Newzimbabwe.com published a list of the pro-Senate MDC's Shadow Cabinet.

President:	Arthur Mutambara
Foreign Affairs:	Moses Mzila-Ndlovu
Home Affairs:	Timothy Mkhahlera
Economic Affairs:	Edwin Mushoriwa
Health:	Blessing Chebundo
Education & Culture:	Njabuliso Mguni
Industry & Commerce:	Milton Gwetu
Labour & Social Welfare:	Pumula Luveve
Lands & Agriculture:	Edward Mkhosi
Local Government:	Trudy Stephenson
Gender & Youth Development:	Goodrich Chambaira
Mines:	Joel Gabbuza
Defence & Security:	Job Sikhala
Transport & Communications:	Abednico Bhebhe
Chief Whip:	Blessing Chebundo
Deputy Chief Whip:	Nomalanga Mzilikazi Khumal
Parliamentary Spokesperson:	Priscilla Misihairambwi Mushonga

[3ay] [41a]

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Annex F: MDC party symbols and slogans

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

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

(See source **[12a]** for details of the RESTART policies)

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Annex G: Government Cabinet list – August 2007

PRESIDENT

President	Robert Gabriel Mugabe
Vice-President	Joseph Msika
Vice-President	Joyce Mujuru

MINISTERS AND MINISTERS OF STATE

Finance	Samuel Mumbengegwi
Home Affairs	Kembo Mohadi
Foreign Affairs	Simbarashe Mumbengegwi
Defence	Sydney Sekeramayi
Justice, Legal and Parliamentary Affairs	Patrick Chinamasa
Agriculture and Rural Resettlement	Rugare Gumbo
Tourism	Francis Nhema
Transport and Communications	Christopher Mushohwe
Local Government	Ignatius Chombo
Health	David Parirenyatwa
Public Service	Nicholas Goche
Higher Education and Technology	Stanislaus Mudenge
Education, Sports and Culture	Aeneas Chigwedere
Energy and Power Development	Michael Nyambuya
Mines	Amos Midzi
Water Resources and Infrastructural Development	Munacho Mutezo
Economic Development	Sylvester Nguni
Youth Development and Employment	Ambrose Mutinhiri
Industry and Trade	Obert Mpofu
State Enterprises, Anti-Monopolies and Anti-Corruption	Samuel Undenge
Rural Housing and Social Amenities	Emmerson Mnangagwa
Science and Technology	Olivia Muchena
Information and Publicity	Sikhanyiso Ndlovu
Policy Implementation	Webster Shamu
National Security, Lands and Resettlement	Didymus Mutasa
Indigenisation and Empowerment	Paul Mangwana
Women's Affairs, Gender and Community Development	Oppah Muchinguri
Governor, Reserve Bank of Zimbabwe	Gideon Gono
Small and Medium-scale Enterprises	Sitthembiso Nyoni
Minister without Portfolio	Elliot Manyika
Agricultural Engineering and Mechanisation	Joseph Made
Water Resources and Infrastructural Development	Munacho Mutezo

EX-OFFICIO CABINET MEMBERS

Speaker of Parliament	John Nkomo
Attorney General	Gula Ndebele
Secretary to the Cabinet	Dr Mishek Sibanda **[13k]**

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Annex H: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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