

COUNTRY OF ORIGIN INFORMATION REPORT

ZIMBABWE

31 OCTOBER 2006

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, 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 30 September 2006. The latest news section contains information available up to 27 October 2006.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office 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 Home Office 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 Bulletins 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, the Home Office 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.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports 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 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. 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.

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Latest News

EVENTS IN ZIMBABWE, FROM 1 OCTOBER TO 27 OCTOBER 2006

- 26 October MDC supporters in Mudzi West in Mashonaland East have been forced to stay indoors following an orgy of violence unleashed by local Zanu (PF) candidates before the forthcoming rural district council elections. In Manicaland, police details are reportedly disrupting MDC meetings and arbitrarily arresting and beating up senior party officials in the province.
SW Radio Africa, Zanu (PF) unleashes violence ahead of weekend elections, 26 October 2006
<http://www.swradioafrica.com/news261006/zanupfviolence261006.htm>
Date accessed 27 October 2006
- 26 October Zimbabwe police on Wednesday arrested 43 protesting students in Bulawayo city, hardly two days after arresting another twelve students in Masvingo as unrest rocks under-funded and collapsing state universities.
ZimOnline, 43 more students arrested as unrest rocks state universities, 26 October 2006
<http://www.zimonline.co.za/Article.aspx?ArticleId=351>
Date accessed 27 October 2006
- 23 October Authoritative sources told ZimOnline that Agriculture Minister Joseph Made told GMB chief executive officer Samuel Muvuti that more maize should be moved to rural areas to ensure hungry villagers – who traditionally back ZANU PF – vote for the ruling party in even larger numbers.
ZimOnline, ZANU PF lures rural voters with cheap maize, 23 October 2006
<http://www.zimonline.co.za/Article.aspx?ArticleId=323>
Date accessed 23 October 2006
- 20 October The MDC is facing massive logistical problems as a result of fuel shortages in the run-up to next weekend's Kadoma mayoral and rural district council elections, a senior party official said Friday. The party is also having to fight the authorities over what it says are 'blatant attempts' by Zanu (PF) to deny them the right to address their supporters.
SW Radio Africa, MDC election campaign trail hits brickwall, 20 October 2006
<http://www.swradioafrica.com/news201006/mdccampaign201006.htm>
Date accessed 20 October 2006
- 20 October The Mail and Guardian report that Zanu-PF will table a motion in Parliament demanding the sacking of Zimbabwe's top union leaders, in what insiders say is the first step by the ruling party to annexing the powerful but pro-opposition labour movement.
The Mail and Guardian online, Mugabe's party takes aim at labour leadership, 20 October 2006
http://www.mg.co.za/articlePage.aspx?articleid=287359&area=/breaking_news/breaking_news_africa/
Date accessed 20 October 2006
- 19 October A government spokesman's remark that he has no regrets over the massacre of about 20,000 people by Zimbabwean security forces nearly 20 years ago is reopening old wounds.

- IRIN, Old wounds inflame political tensions, 19 October 2006
<http://www.irinnews.org/report.asp?ReportID=56011&SelectRegion=SouthernAfrica&SelectCountry=ZIMBABWE>
 Date accessed 23 October 2006
- 19 October The Zimbabwe National Army (ZNA) has 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.
 Zimbabwejournalists, Army On Massive Recruitment Drive, 19 October 2006
http://www.zimbabwejournalists.com/story.php?art_id=1185&cat=1
 Date accessed 23 October 2006
- 18 October A CIO document claims that most Zimbabweans and some junior soldiers and police officers, all hit hard by the country's unprecedented economic meltdown, wished Mugabe dead "as they believed that only that or a (military) coup will solve all their economic problems."
 ZimOnline, Zimbabweans ready to topple Mugabe: spy agency, 18 October 2006
<http://www.zimonline.co.za/Article.aspx?ArticleId=306>
 Date accessed 19 October 2006
- 17 October Zimbabwe's main opposition party says it has begun decentralised street marches in urban areas to psych up supporters ahead of planned mass protests against President Robert Mugabe's government.
 ZimOnline, MDC to roll out decentralised protests, 17 October 2006
<http://www.zimonline.co.za/Article.aspx?ArticleId=291>
 Date accessed 19 October 2006
- 16 October Zimbabwe's judge President Rita Makarau has criticised the judicial system in the country for allowing at least 10 inmates to stay in remand prison for up to nine years without trial or being sentenced.
 SW Radio Africa, Shocking judicial delays as 10 prisoners spend 9 years without trial, 16 October 2006
<http://www.swradioafrica.com/news161006/trialdelays161006.htm>
 Date accessed 20 October 2006
- 16 October Zimbabwe's prisons and court system are "embarrassing and disturbing", says a recently appointed senior judge.
 BBC News, Zimbabwe prisons 'embarrassing', 16 October 2006
<http://news.bbc.co.uk/1/hi/world/africa/6056490.stm>
 Date accessed 16 October 2006
- 16 October An order by the office of Zimbabwe's attorney-general (AG) for the immediate arrest of a government agent implicated in the murder of two political opponents six years ago is being met with scepticism by the opposition Movement for Democratic Change (MDC).
 AlertNet.org, Govt orders hitman's arrest for killing political opponents, 16 October 2006
<http://www.alertnet.org/thenews/newsdesk/IRIN/d51e4e60b374f720ceee4dc07807c641.htm>
 Date accessed 16 October 2006
- 16 October Timothy Mubhawu, the MDC Member of Parliament for Mabvuku, has been suspended from the Tsvangirai MDC as a result of chauvinistic

- statements he made in parliament two weeks ago. MDC officials told us that the suspension was not only about the primitive comments he made in parliament but also to do with the violence that broke out in his constituency in July.
SW Radio Africa, Tsvangirai MDC suspends MP over sexist remarks and violence, 16 October 2006
<http://www.swradioafrica.com/news161006/mubhawu161006.htm>
Date accessed 20 October 2006
- 10 October President Robert Mugabe's ruling ZANU PF party retained two rural constituencies in weekend by-elections. The Rushinga by-election was held to fill the vacancy left after the death of ZANU PF legislator Sandra Machirori, while the Chikomba poll was to replace the late ruling party parliamentarian and former information minister Tichaona Jokonya who died last June.
ZimOnline, ZANU PF retains seats in rural strongholds, 10 October 2006
<http://www.zimonline.co.za/Article.aspx?ArticleId=248>
Date accessed 10 October 2006
- 5 October A Zimbabwean court on Tuesday ordered a probe into allegations that labour union leaders were tortured by police while in custody awaiting trial for attempting to protest against President Robert Mugabe's rule.
ZW News, Zim torture allegations to be probed, 4 October 2006
<http://www.zwnews.com/issuefull.cfm?ArticleID=15243>
Date accessed 5 October 2006
- 5 October The Registrar General Tobaiwa Mudede revealed last week that his office does not have enough funds to print passports and identification cards due to a lack of funds. Our Harare correspondent Simon Muchemwa told us Mudede made the comments on the programme "Behind The Camera" which aired on state television last Wednesday. Muchemwa said the problem is so serious that Zimbabweans who applied for I.D.s or passports in mid 2005 are still waiting for their documents to be issued. And the average waiting time is now 6 months to 3 years.
SW Radio Africa, Government too broke to print plastic I.D.s and passports, 5 October 2006
<http://www.swradioafrica.com/news161006/mubhawu161006.htm>
Date accessed 9 October 2006
- 2 October Ordinary Zimbabweans are angry with President Robert Mugabe for what many are describing as unforgivable and irresponsible statements he has been making following last month's assault by security forces on national trades union chief, Wellington Chibebe and other top union leaders.
IWPR, Fury at Mugabe Approval of Police Beatings, 2 October 2006
http://www.iwpr.net/?p=acr&s=f&o=324293&apc_state=henpacr
Date accessed 3 October 2006

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Freedom House <http://www.fco.gov.uk>
Human Rights – Annual Report 2006
http://www.fco.gov.uk/Files/kfile/hr_report2006.pdf
Date accessed 18 October 2006

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Background information

GEOGRAPHY

- 1.01 The official name of the state is the Republic of Zimbabwe. It is located in southern Africa and has an area of 390,757 sq km. It is land-locked and is bordered to the north-west by Zambia, to the east by Mozambique, to the south by South Africa and to the west by Botswana. [1k]
- 1.02 The principal towns (those with a population over 100,000) are Harare (the capital), Bulawayo, Chitungwiza, Mutare (Umtali) and Gweru (Gwelo). [1b]
- 1.03 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)
- 1.04 The Economist Intelligence Unit Country Profile 2006 notes that:
- "World Bank estimates put Zimbabwe's population at 13.1m in 2003. However, the 2002 census controversially put the figure at 11.6m about 1.5m below earlier projections, which would indicate that the population has fallen in recent years. This low figure reflects a combination of the HIV/AIDS pandemic and emigration. However, the government has been unwilling to sanction the data officially. 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. Harare's population, 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] (p16)
- 1.05 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&src=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 The Economist Intelligence Unit stated in its Zimbabwe Country Report dated April 2006 that during 2005 the Zimbabwean economy contracted by 7.1 per cent; however, it forecast that the contraction in GDP for 2006 and 2007 would slow to 4.2 per cent during 2006 and, 1.5 per cent during 2007. [24a] (p5) ZimOnline reported on 10 July 2006 that inflation had fallen back slightly from its high in May (2006) of 1,193.5 per cent and in June stood at 1,184.6 per cent. The report also noted that "According to the CSO [Central Statistical Office], the latest inflation figures mean crisis sapped Zimbabweans are paying 13 times more for the same basket of goods and services in June 2006 as they were paying in June 2005." The average cost of basic services and food per person had risen to Z\$117,300. [89w] However, the rate of inflation rose again during August, reaching a new high of more than 1,204%. [89aa Zimbabwe Situation] A BBC news article dated 9 June 2006 reported that some economists were predicting that Zimbabwe's inflation rate could hit 1,800 per cent by the end of the year. [3a] The IMF forecasts that inflation will rise significantly during 2007, possibly reaching 4,279%. [89aa Zimbabwe Situation] *The Times* reported 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]
- 2.02 Noting the impact of the decrease in foreign exchange entering the economy, the Economist Intelligence Unit noted in its Zimbabwe Country Profile 2006, that: "Although the root cause of Zimbabwe's current economic crisis has been the twin impact of the fiscal deficit and the land reform programme, since 2002 a major problem has been growing shortages of foreign exchange." The report noted that the shortage of foreign exchange coupled with a significant increase in world oil prices over the last few years has decreased the amount of money available to "...pay for food imports to fill the deficit caused by falling domestic production..." [24e] (24-25)
- 2.03 The USSD Bureau of Consular Affairs noted on its travel warning of 14 November 2005 that: "Zimbabwe's economy is in a protracted state of decline, with extremely high rates of unemployment and inflation. Shortages of staple foods are a persistent problem. Deteriorating economic conditions have led to a significant increase in crime, including violent crime. A nationwide fuel shortage makes internal travel difficult and unreliable, and severely restricts the response capability of police and other emergency services." [2f] The USSD Consular Information Sheet, updated on 6 March 2006, 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]
- 2.04 The Foreign and Commonwealth Office (FCO) Country Profile for Zimbabwe, last reviewed on 7 July 2006, noted that:
- "Zimbabwe's economy has declined rapidly since the late 1990s, in spite of well-developed infrastructure and financial systems. For example, between

2000 and 2004, the national cattle herd shrank by 90%, and the production of flue-cured tobacco declined from 237m kg to 70m kg. Inflation reached a peak of nearly 600% in 2004, and unemployment is reportedly more than 70%.

“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.” [13c] (Economy)

- 2.05 BBC News reported on 25 January 2006 that IMF officials are in Zimbabwe assessing the country’s economic situation ahead of a key meeting in March to decide on Zimbabwe’s continued membership. Zimbabwe repaid a large chunk of its outstanding debt last year, but still owes the IMF more than \$136m (£76m).” [3at] The Zimbabwe Situation reported on 8 March 2006 that the IMF had met that day and decided to renew sanctions against Zimbabwe until September 2006. [89x]
- 2.06 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]
- 2.07 The Zimbabwe Situation noted on 14 August 2005 that the minimum wage was between Z\$800,000 and Z\$1.2 million. [89v] However, the Economist Intelligence Unit stated in ‘Country Profile Zimbabwe 2005’ that escalating inflation rates had led to a real value erosion of wages. This was more noticeable in the government sector. [24b] (p28) 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] Human Rights Watch reported in ‘No Bright Future’ published in July 2006 that “The monthly average wage of Zimbabweans is estimated to be somewhere between Z\$10 million (US\$100) and Z\$20 million (US\$200). However according to the government’s central statistical office, the average Zimbabwean needs to earn at least Z\$68 million (US\$680) per month to rise above the poverty line.” [69a] (p14)
- 2.08 Reliefweb noted in a report published on 30 March 2005 that: “Minimum wages for both agricultural and manufacturing sectors have been trailing behind the minimum household expenditure requirements throughout the current consumption year.” Reliefweb noted that increases in the minimum

wage rate had failed to keep pace with inflation, resulting in the average urban household only being able to cover their minimum food needs. The report stated that: “The situation was worse for agricultural workers.” [93] (p2)

- 2.09 The Economist Intelligence Unit stated in its Zimbabwe Country Report dated December 2005 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 June 2006 that power shortages continued throughout the first half of the year. [24d]

- 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 off 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]

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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 didn't 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 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 Wordpress.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 – Zimbabwe Country Profile 2006 noted that:
- “The land question has always been a central and controversial issue in Zimbabwe because of the highly skewed distribution of land. Until 2002 about 30% of agricultural land was covered by some 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 only been really raised as an issue for political reasons, notably the president's waning popularity since 1999. Although there was considerable harassment and violence against commercial farmers in 2000-01, the controversial fast-track land reform only really picked up pace in 2002. It has since been wound down, although there have still been seizures of farms.” [24e] (p30)
- 4.02 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 Zimbabwe Situation (accessed 13 February 2006) reported that the EU Council updated its list of Zimbabweans subject to a travel ban and assets freeze on 29 July 2005. The additional names included prominent politicians and senior civil servants. [see source document for full list] [89] (p1) Hansard reported on 27 February 2006 that “The General Affairs and External Relations Council decided on 30 January to renew the European Union’s sanctions against the Government of Zimbabwe, with effect from 21 February, for a further 12 months.” [135] (p4)

5.02 The Royal African Society (accessed 1 September 2005) noted that Commonwealth leaders had decided to continue Zimbabwe’s suspension. The Commonwealth accepted a recommendation that President Obasanjo of Nigeria and the Commonwealth Secretary General, Don McKinnon, monitor developments until the next Commonwealth Heads of Government meeting in two years’ time. [46] The Commonwealth Secretariat noted on 1 September 2005 that the next meeting of the Commonwealth Heads of Government meeting was due to take place in Valletta, Malta from 25–27 November 2005. [113]

Up-to-date sanctions lists for the European Community and the United States Government can be found at the following link:

http://www.zimbabwesituation.com/sanction_list.html

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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 are free and fair. [31] However, the Movement for Democratic Change (MDC), who 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 who 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. [31] 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. In addition, 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 its 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, 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 2004

Gutu North

- 6.17 Following the death of vice-president Simon Muzenda in September 2003, the seat of Gutu North was vacant. The Zimbabwe Independent reported on 16 January 2004 that a by-election was set for 2–3 February 2004. Retired Air Marshall Josiah Tungamirai contested the seat for ZANU-PF and Casper Musoni ran for the MDC. Musoni accused ZANU-PF of intimidating opposition supporters ahead of the elections. [11n] The Zimbabwe Independent and The Standard carried MDC claims of assaults and abductions. [20c] On 2 February the Daily News reported that the MDC had uncovered a plan to insert 7,000 voters from outside the constituency onto the electoral roll for Gutu North. [9q] However, the Daily News also reported on 4 February 2004 that "Police maintained a heavy presence [at polling stations] and removed all traditional leaders who had camped outside polling stations, allegedly on the instructions of the ruling party." They continued, "The MDC vice-provincial chairman, Shacky Makate, said despite reports of chiefs and headmen instructing their subjects to vote for the ruling party, polling was peaceful throughout the constituency". [9a] ZANU-PF's Josiah Tungamirai won the seat with 20,699 votes to Musoni's 7,291, according to the Daily News on 5 February 2004. Musoni accepted the results despite believing the run-up to the poll was not free and fair. [9]

Zengeza

- 6.18 The seat of Zengeza, in Chitungwiza, fell open after the incumbent MP, Tafadzwa Musekiwa, left the country. IRIN reported that the MDC's Musekiwa won 14,814 votes to ZANU-PF's 5,330 in the June 2000 parliamentary elections. On 27/28 March 2004 a by-election was held to fill the vacant seat. The election was marred by violence, with one MDC youth, Francis Chinozvinya, reportedly shot dead in the home of the MDC candidate, James Makore. [10bg] The Financial Gazette reported on 4 January 2004 that the result was a victory for ZANU-PF's Christopher Chigumba, with 8,442 votes to Makore's 6,704. However, the MDC said that they would challenge the result, claiming that the violence in the run-up to, and during the poll undermined the election. [37d]

Lupane

- 6.19 On 19 May 2004, the Independent reported that the Lupane by-election held over the weekend of 15-16 May was "brazenly rigged". The by-election resulted from the death of David Mpala, MDC member whose health had

deteriorated after he was tortured by ZANU-PF supporters in 2002. [4b] ZANU-PF won the by-election by 883 votes, 10,069 to the MDC's 9,186. This after ZANU-PF lost the Lupane seat in the 2000 parliamentary elections by about 10,000 votes. [10d] Independent Zimbabwean monitors alleged that Mugabe bussed people in from neighbouring constituencies to vote and the MDC claimed opposition campaigners were abducted and tortured and villagers were told they would not be eligible for famine relief if they did not vote for ZANU-PF. The leader of the National Constitutional Assembly urged the MDC to boycott the elections saying that it made no sense to keep contesting elections then crying foul when they lost. [4b]

Seke

- 6.20 IRIN reported that on 6 September 2004, ZANU-PF moved a step closer to gaining total control of parliament after it won the parliamentary seat from the Movement for Democratic Change (MDC). ZANU-PF recaptured the Seke seat by default following the MDC's decision to boycott the poll, in line with a decision it took in September 2004 to suspend its participation in all elections. The MDC's decision to boycott all elections follows the Zimbabwean government's agreement to a SADC (Southern African Development Community) protocol, agreed in Mauritius, guaranteeing equal access to the state media and freedom of association. IRIN noted that ZANU-PF's victory in Seke placed it within two seats of a two-thirds majority needed to amend the constitution. [10w]

Masvingo

- 6.21 On 11 October 2004 IRIN reported that Zimbabwe's ruling ZANU-PF retained Masvingo after the Movement for Democratic Change (MDC) failed to field a candidate. The by-election was called following the death of 69-year-old Eddison Zvobgo, a founding member of ZANU-PF. The result of the by-election did not affect the ruling party's share of the vote, which continued to stand at 98 seats. [10ac]

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BY-ELECTIONS IN 2005

Bulawayo

- 6.22 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

- 6.23 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]

RECENT DEVELOPMENTS

- 7.01 Following the MDC's third successive defeat at the March 2005 parliamentary elections, earlier tensions in the leadership of the party regarding how the party should challenge President Mugabe and ZANU-PF's hold on power, came to the fore. *The Sunday Mirror* reported (7 August 2005) that as a direct result of policy disagreements, the MDC split into two rival factions. The split was directly caused by disagreement over how the MDC should tackle the Senate elections with Morgan Tsvangirai leading the section opposed to participating in what it saw as a rigged electoral system. The pro-senate faction was led by Welshman Ncube and Arthur Mutambara. [64b]
- 7.02 In what appeared to be a continued breakdown in the relationship between the two factions of the MDC, *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 supporters of Morgan Tsvangirai's faction. [82d]
- 7.03 Following the MDC's split, *The Guardian* noted on 13 September 2006, that Morgan Tsvangirai had promised that his faction of the party would lead a winter of public demonstrations against the government's misrule. [34f]
- 7.04 *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), effectively ended as soon as it began, following the arrests of the leaders of the ZCTU. [61]
- 7.05 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]
- 7.06 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]

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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 2005 (USSD 2005), published on 8 March 2006, noted that:

"The constitution provides 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." [2h] (Section 5)

8.05 The USSD 2005 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 – both perceived and actual – and obstructed their activities." [2h] (Introduction)

"The constitution provides for freedom of expression, but legislation limits this freedom in the 'interest of defence, public safety, public order, state economic interests, public morality, and public health'. The government restricted this right in practice." [2h] (Section 2a)

"The constitution provides for freedom of assembly; however, the government restricted this right in practice through laws such as POSA, which many legal experts believed were unconstitutional." [2h] (Section 2b)

“The constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly.” [2h] (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 favour of ZANU-PF, which has ruled continuously since independence in 1980.” [2h] (Section 3)

“Although the constitution prohibits such practices, security forces tortured, raped, and otherwise abused persons. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to torture suspected opposition members and farm laborers.” [2h] (Section 1c)

“The constitution provides for an independent judiciary; the judiciary was under intense pressure to conform to government policies, and the government repeatedly refused to abide by judicial decisions.” [2h] (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 increasingly defendants in politically sensitive cases were 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... The constitution provides for the right to a fair trial; however, this right frequently was compromised due to political pressures.” [2h] (Section 1e)

“The constitution prohibits such actions [arbitrary interference with privacy, family, home, or correspondence], but the government did not respect these provisions. Security forces searched homes and offices without warrants; the government was believed to monitor some private correspondence and telephones, particularly international communications; and the government forcibly dispersed persons from their homes.” [2h] (Section 1f)

“The constitution provides for these rights [freedom of movement within the country, foreign travel, emigration, and repatriation]; however, the government restricted them in practice.”

“The constitution provides for freedom of religion, and the government generally respected this right in practice. However, a law that criminalizes purporting to practice witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.” [2h] (Section 2d)

- 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, 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 re-introduction 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 2005 (USSD 2005), published on 8 March 2006, clarified this by noting that the “... new constitutional amendment transferred title to the state of all land previously acquired, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land (undefined in the text of the amendment) for any purpose simply by publishing a notice of acquisition. [2h] (Section 1f)

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

8.11 Noting the changes with regard to the re-introduction 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 2005 noted that “The government was widely criticized for [re]creating the senate, widely seen as a vehicle for patronage and a useless and expensive body. It will sit for a single five-year term and has no independent political authority. [2h] (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 2005 noted a number of incidents where the government had used its powers under the new Act to restrict movement or confiscate travel documents. The report noted that:

“In public statements on multiple occasions, Government officials indicated their intention to revoke passports of human rights defenders and key opposition leaders. On December 7, immigration officials confiscated the passport of Trevor Ncube, the owner of the *Independent* and *Standard* newspapers, after he landed in Bulawayo. On December 12, Ncube filed a court case to get his passport back, arguing the confiscation violated his basic rights. On December 8, immigration officials confiscated the passport of MDC official Paul Themba Nyathi. On December 14, immigration returned both passports after the attorney general determined that officials could not confiscate passports without specific enabling legislation.” [2h] (Section 2d)

- 8.13 The USSD report 2005 also noted that “The Constitutional Amendment (17) Act ... abolished the ESC [Electoral Supervisory Committee] and established the ZEC [Zimbabwe Electoral Commission] as the only constitutional body in charge of elections. The MDC and human rights NGOs supported the consolidation of these two organizations but said the ZEC was not truly independent and that a separate, ruling party-aligned registrar general remained.” [2h] (Section 3)

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POLITICAL SYSTEM

STATE STRUCTURES

- 9.01 Europa World online – Zimbabwe (The President), accessed on 4 July 2006, 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 4 July 2006, 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 June 2006, noted that:

“On the surface, the president, Robert Mugabe, remains firmly in control of Zimbabwe and appears set to maintain his rule until his current term expires in 2008 – when he will be 84 – and possibly beyond, if a compromise can be reached over amending the constitution and delaying the presidential election to coincide with the parliamentary one in 2010. But the ongoing collapse of the economy and the growing rivalries within Mr Mugabe’s ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), are making the current situation unstable and perhaps even unsustainable. In particular, to

protect himself from ambitious politicians within the party, Mr Mugabe is increasingly relying on the military, not only appointing retired generals to head up state bodies, but also using powerful military committees to run the country.” [24d] (p7)

- 9.06 The EIU noted that current “...divisions within the party are likely to be exacerbated by the illness of one of the two vice-presidents, Joseph Msika, which is starting to trigger a new bout of political jockeying.” The report stated that the last time there was a Vice-Presidential vacancy, which was in 2005, there had been a “battle” among competing wings of the party to gain the appointment. [24d] (p7)
- 9.07 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 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)
- 9.08 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)
- 9.09 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)

9.10 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)

9.11 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)

9.12 Earlier reports of dissent within the party included a report from ZWNNews on 10 July 2005 that reported Ignatius Chombo, the Minister of Local Government, Public Works and Urban Development openly criticising 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]

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Human Rights

INTRODUCTION

10.01 Amnesty International noted in its 2006 annual report (covering 2005) that:

“The government engaged in widespread and systematic violations of the rights to shelter, food, freedom of movement and residence, and the protection of the law. Hundreds of thousands of people were forcibly evicted during winter and their homes demolished as part of Operation Murambatsvina (Restore Order). Tens of thousands of informal traders and vendors lost their livelihoods and their ability to support their families as part of the operation. Despite overwhelming evidence of humanitarian need the government repeatedly obstructed the humanitarian efforts of the UN and civil society groups... Freedom of expression, association and assembly continued to be severely curtailed. Hundreds of people were arrested for holding meetings or participating in peaceful protests.” [14m] (p1)

10.02 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)

10.03 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 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]

10.04 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in January 2006, reported that:

“The continuing erosion of human rights in Zimbabwe was highlighted in 2005 by Operation Murambatsvina, the government’s program of mass evictions and demolitions which began in May, and, which, according to the United Nations, deprived 700,000 men, women and children of their homes, their livelihoods, or both throughout the country. The evictions and demolitions occurred against a background of general dissatisfaction in many of Zimbabwe’s urban areas over the political and economic situation in the country. The country is currently spiralling into a huge economic and political crisis.

“The government continues to introduce repressive laws that suppress criticism of its political and economic policies. In August, parliament passed the Constitutional Amendment Act, which gives the government the right to expropriate land and property without the possibility of judicial appeal, and to withdraw passports from those it deems a threat to national security.” [69g] (p1)

10.05 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, reported that:

“The government's human rights record remained very poor. While violence during the election campaign period was lower than in previous elections, the government continued to interfere with campaign activities of the opposition. The ruling party's two-thirds parliamentary majority enabled it to amend the constitution without a referendum or broad consultation. Constitutional amendments passed by parliament and signed by President Mugabe granted the government the ability to restrict exit from the country for reasons of public interest, transferred title to the government to all land reassigned in the land acquisition program, and removed the right to challenge land acquisitions in court. The government's Operation Restore Order campaign to demolish allegedly illegal housing and businesses displaced or destroyed the livelihoods of over 700 thousand persons and further strained the country's poor and depressed economic activity. Many of the displaced lost access to education, treatment for HIV/AIDS, other medical care, and their livelihoods. The economy continued to decline, with hyperinflation and widespread shortages, primarily due to the government's command and control economic policies.” [2h] (Introduction)

“There were reports of three political killings during the year by the government or ruling party supporters and one killing by opposition supporters. Individuals targeted for harassment, torture, and killing tended to be active members of the opposition or high-level ZANU-PF members in disfavour with the ruling party. The government routinely used selective violence to achieve its political objectives. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.” [2h] (Section 1a)

“Although the constitution prohibits such practices, security forces tortured, raped, and otherwise abused persons. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to torture suspected opposition members and farm labourers. Human rights groups reported physical and psychological torture perpetrated by government supporters.” [2h] (Section 1b)

“The constitution provides for freedom of expression, but legislation limits this freedom in the “interest of defence, public safety, public order, state economic interests, public morality, and public health.” The government restricted this right in practice. The government closed an independent weekly during the year, and three newspapers closed in 2003 and 2004 remained closed. Security forces arbitrarily detained and harassed journalists. Journalists practiced self-censorship.” [2h] (Section 2a)

“A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, and

harassment. The government monitored their activities closely and was generally unresponsive to their concerns.” [2h] (section 4)

- 10.06 HRW Zimbabwe 2006 noted that in the aftermath of Operation Murambatsvina, many thousands of people were in serious need of shelter. The report noted that:

“Thousands of people remain homeless and displaced by the evictions with no shelter and little or no access to food, water and medical assistance. To date none has received any housing under the Zimbabwe government’s Operation Garikai program, ostensibly initiated to provide accommodation to all persons made homeless by the evictions. The Zimbabwean government has not investigated reports of excessive use of force by the police or brought the perpetrators to justice.” The report noted that with regard to assistance for those made homeless by government actions: “The government continues to obstruct the provision of humanitarian assistance by local and international humanitarian agencies to internally displaced and evicted populations.” [69g] (p2)

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SECURITY FORCES

- 11.01 The CIA World Fact Book (Zimbabwe), updated on 29 June 2006, notes that the main military branches are the “Zimbabwe Defense Forces (ZDF): Zimbabwe National Army, Air Force of Zimbabwe (AFZ), Zimbabwe Republic Police.” [136] (p1) In addition, Jane’s Security Sentinel (Issue 16 2004) reported that other security forces included the Central Intelligence Organisation (CIO) and the Police Support Unit – “... a de facto counter-insurgency and border patrol... It is thought to number in excess of 2,000 full time personnel...” [111] (p1)
- 11.02 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that “... security forces intimidated and committed abuses against opposition parties and their supporters – both perceived and actual – and obstructed their activities.” [2h] (Introduction) The report also noted that:
- “There were reports of three political killings during the year by the government or ruling party supporters and one killing by opposition supporters. Individuals targeted for harassment, torture, and killing tended to be active members of the opposition or high-level ZANU-PF members in disfavor with the ruling party. The government routinely used selective violence to achieve its political objectives. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.” [2h] (Section 1a)
- 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] (p.4) 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] (p.55)

11.04 *The Sunday Times* noted (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." [18f] (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)

- 11.07 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)

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POLICE

- 11.08 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]
- 11.09 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 lead 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]
- 11.10 ZimOnline 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]
- 11.11 ZimOnline reported on 23 June 2006 that investigations conducted by the Central Intelligence Organisation (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, was 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]
- 11.12 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)

- 11.13 *Jane’s Sentinel Security Assessments – Southern Africa (Zimbabwe)*, issue no.16, 2004, 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.” [111] (p648)
- 11.14 *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. [111] (p649)
- 11.15 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)
- 11.16 The Economist Intelligence Unit’s Zimbabwe Country Profile 2006, noted that the police have become “...a highly politicised body in recent years, [and] 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.” The report noted that in 2004 there were 21,800 police officers. [24e] (p15-16)

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Arbitrary arrest and detention

- 11.17 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. [35i] (p3) The USSD 2005 report noted that there continued to be reports of “...repeated arbitrary arrest and detention and lengthy pre-trial detention.” [2h] (Introduction)
- 11.18 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)

- 11.19 Kubatana 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]
- 11.20 The USSD 2005 report stated that during the year there continued to be reports of politically motivated kidnappings. “Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions. Abductees were often tortured. The government often did not investigate abductions and torture of MDC supporters.” [2h] (section 1b)

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Torture

- 11.21 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that the constitution prohibits the use of excess force or torture by state agents. However, the report stated that:
- “...security forces tortured, raped, and otherwise abused persons. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects.” [2h] (Section 1c)
- 11.22 Freedom House noted in ‘Freedom in the World – Zimbabwe 2006’ 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, search, and seizure. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects held by police or security services.” [105a] 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]
- 11.23 *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]
- 11.24 ZimOnline reported on 31 December 2005 that “Human rights groups accuse Zimbabwe’s police of torturing President Robert Mugabe’s political opponents. They also accuse the police of selectively applying the country’s tough security laws against the opposition.” Highlighting an example of police abuse, the article noted that “Zimbabwe police on Tuesday arrested and severely tortured a senior member of the main opposition youth assembly, Nominate White, for allegedly addressing an ‘illegal’ political meeting in Banket.” [49z]

- 11.25 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.” [49a] The ZHRF reported that incidents of torture were “rising”. [49am]
- 11.26 The ZHRF noted in its ‘Political Violence Report – July 2006’ that between 1 January 2006 and 31 July 2006 there were 194 reports of torture. [35] (p3)
- 11.27 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]

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Extra-judicial killings

- 11.28 The ZHRF noted in its ‘Political Violence Report – July 2006’ that between 1 January 2006 and 31 July 2006 there were no reports of extra-judicial killing. Although there were six death threats and two cases of attempted murder. [35] (p3)
- 11.29 However, the USSD 2005 report noted that during the year there were reports of three politically motivated killings by government agents or agents acting on behalf of the government. There was also “...one killing by opposition supporters. Individuals targeted for harassment, torture, and killing tended to be active members of the opposition or high-level ZANU-PF members in disfavor with the ruling party. The government routinely used selective violence to achieve its political objectives. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.” [2h] (section 1a)

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ARMED FORCES

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

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

“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]

- 11.31 Noting the Government’s further militarisation of Zimbabwean society, ZimOnline 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]

- 11.32 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 “...has effectively taken over many of the functions that would normally be the domain of local government...” [65b] (p27)
- 11.33 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 ‘Country Profile 2006 – Zimbabwe’ 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] (p11)
- 11.34 *Jane’s Sentinel Security Assessments – Southern Africa (Zimbabwe)*, issue no.16, 2004, noted that: “The current 30,000 strong army of Zimbabwe is currently divided into five brigade headquarters, four of which are based on geographical areas; the fifth is the presidential guard elite unit based in Harare.” The Zimbabwean 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. A brigade headquarters and six battalions have so far been disbanded, and the last phase of the reorganisation will see three more battalions go, resulting in five brigade headquarters. [111] (p636)
- 11.35 The USSD 2005 report noted that “The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, there were cases in which the government called upon them for domestic operations.” [2h] (1d)
- 11.36 *Jane’s Sentinel Security Assessments – Southern Africa (Zimbabwe)* also noted that “Close links between commanding officers, ruling party leaders and Zimbabwean businessmen have led to the involvement of many units in controlling lucrative mining, timber and agricultural concessions in southern DRC. This has resulted in massive individual and institutional corruption and the neglect of overall strategy in pursuit of financial gain.” [111] (p637)

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Patriotic Guards

- 11.37 The US State Department Report on Human Rights Practices 2004, published on 28 February 2005, noted that:

“While supposedly a youth service training program, some graduates of the National Youth Service were used for security related activities. Senior government and ruling party members tightly controlled the security forces and directed activities of security-related elements of National Youth Service graduates (youth militias).” [2a] (Introduction)

- 11.38 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. [67]

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Arbitrary arrest and detention

- 11.39 See earlier comments regarding the police and army.

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Torture

- 11.40 On 27 June 2006, ZimOnline, noting a report by 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...” [49a]
- 11.41 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

11.42 See earlier comments regarding the police and army.

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CENTRAL INTELLIGENCE ORGANISATION

11.43 *Jane's Sentinel Security Assessments – Southern Africa (Zimbabwe)*, issue no.16, 2004, noted that:

“The CIO [Central Intelligence Organisation] is believed to have been formed by the Smith administration. It was later taken over by Robert Mugabe and re-aligned in order to adopt a protective role for his party... In 1990 two of its members were convicted of murdering an opposition politician but they were later acquitted by the prime minister.” *Jane's* notes that while the CIO was believed to be ‘largely ineffective’ – “There are signs that it has reorganised somewhat, and has equipped itself with modern ‘tools of the trade’ in recent years.” [111] (p649)

11.44 *Jane's Sentinel Security Assessments (Zimbabwe)*, also noted that “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.” [111] (p649)

11.45 The USSD 2005 noted that “The Central Intelligence Organization (CIO), under the minister of state for national security in the president's office, is responsible for internal and external security... Security forces rarely are held accountable for abuses.” [2h] (Section 1d)

11.46 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)

11.47 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)

11.48 ZimOnline reported on 22 July 2004 that:

“Several officers from the country’s spy agency, the Central Intelligence Agency (CIO), have been arrested, suspended or dismissed from the organisation after extorting money from individuals, companies and institutions suspected of having externalised foreign currency. The officers, mostly in the junior and middle ranks, were moving around Harare and other cities in the

- country collecting ransom and promising their victims that they would not be touched under the government's financial sector clean-up campaign." [49b]
- 11.49 ZimOnline continued "According to an anonymous official at the ministry, cases of extortion and corruption in the CIO is 'rampant'. Minister of State Security, Nicholas Goche, said those who were convicted would be dismissed automatically. The anonymous official said a number of officers had been dismissed and others were appearing in the courts." [49b]
- 11.50 *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 Central Intelligence Organisation (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]
- 11.51 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)
- 11.52 ZimOnline reported on 29 August 2005 that:
- "Zimbabwe's powerful intelligence minister Didymus Mutasa last week threatened judicial and police officers with unspecified action if they did not release one of his 'blue-eyed boys' arrested for murdering his political rivals, authoritative sources told ZimOnline. In yet another illustration of the erosion of the rule of law in Zimbabwe, Mutasa last Monday phoned Rusape town magistrate Tendai Mahwe instructing him to release Albert Nyakuedzwa from prison and to quash murder charges against him.... Nyakuedzwa, who is in jail awaiting trial, is said to have led a campaign of violence against Mutasa's rivals in Zanu PF. According to the sources he organised the murder of Mukono to punish him for having campaigned against Mutasa in the run up to last March's parliamentary election." [49i]
- 11.53 The Zimbabwean noted (accessed on 13 June 2006) that Didymus Mutasa again threatened to use his position as Minister for Security to use CIO agents to silence criticism. The report noted that Mutasa had threatened reporter Walter Marwizi to reveal his sources stating that if he did not he would send his "...operatives and they will do a clean job." [99b]

- 11.54 A report published by Redress Zimbabwe, entitled “The Face of Torture and Organised Violence – March 2005” noted that; with regard to a spy scandal earlier in the year, the CIO were accused of torturing one of the men accused of spying. The torture of this individual was such that the Redress report stated that “More than a month after his arrest sources said he was still unable to walk or talk properly after severe torture, his legs were badly swollen and he was unable to eat.” [56] (p17)
- 11.55 In a move designed to monitor student activities, the USSD 2005 noted that “CIO personnel took faculty and other positions and posed as students at the University of Zimbabwe to intimidate and gather intelligence on students who might protest government actions. Approximately five students were suspended or expelled during the year for political activity.” In addition, teachers who were believed to support the opposition were reported to have been harassed by the CIO. “On September 20, two CIO personnel kidnapped Henry Taruva, a high school teacher in Gweru, interrogated and tortured him for teaching opposition views to his students. Unlike previous years, there were no reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.” [2h] (Section 2a)
- 11.56 ZWNNews reported on the 21 September 2006 that a report published by Morgan Tsvangirai’s faction of the MDC claimed that the Central Intelligence Organisation (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]

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OTHER GOVERNMENT FORCES

ZANU-PF YOUTH

- 11.57 Freedom House in ‘Freedom in the World – Zimbabwe (2006), noted that “ZANU-PF youth militias use rape as a political weapon.” [105a] (p9)
- 11.58 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]

- 11.59 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]
- 11.60 According to a report from ZBC Radio 3 on 24 November 2001, in 2001 the Government established the Border Gezi National Youth Training Centre in Mount Darwin, Mashonland. Named after the former Minister for Youth, the training centre was the first in the country. National Youth Service (NYS) was reported to last for three months and entail self-defence, patriotism and entrepreneurial skills, amongst others. [37h] However, reports in the *Financial Gazette* of 6 June 2002 claimed that youths had been used to terrorise the political opposition. These same youths had since admitted that they only received military training. In this respect, claims have been made that the NYS scheme was only a ploy, its real purpose was as a front to mobilise ZANU-PF youths to campaign for the party. [37h]
- 11.61 The Zimbabwe Human Rights NGO Forum's report entitled 'Zimbabwe – Facts and Fictions', published in November 2005, noted that “The programme and activities of the youth militia seem to have declined, probably more out of budgetary constraints as opposed to a response to the recommendation of the ACHPR [African Commission on Human and People's Rights]. Youth camps have not closed down as recommended by the ACHPR, but they have decreased in number especially after the 2002 presidential elections.” [35y] (p37)

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Compulsory service

- 11.62 The *Financial Gazette* reported on 6 June 2002, that the Government had stated that 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] However the USSD 2004 appears to indicate that a diploma from a National Youth Service training camp was not always needed to access higher education/government employment. “The Government sometimes ordered that students entering college, teacher

training schools, or the civil service must present a diploma from one of the National Youth Service training camps.” [2a] (Section 5)

11.63 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, stated that “There were reports that the government removed from the civil service and the military persons who were perceived as opposition supporters. Additionally, there were reports that the government assigned soldiers and graduates of ZANU-PF's national youth service training centers to work in government ministries.” [2h] (Section 3)

11.64 The USSD 2005 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. In May the government announced its intention to make national service compulsory for all students, starting in primary school, but there were no reports that the government implemented this requirement. The stated purpose of the training camps was to instil national pride in the youths, 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 and military training. There were credible reports that graduates were used for political violence. Unlike in previous years, there were no reports of rape at the government's national youth service training camps.” [2h] (Section 5)

11.65 The Solidarity Peace Trust, comprising of 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]

11.66 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

11.67 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 threatened that their families would suffer consequences if they did not. [65a]

- 11.68 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

- 11.69 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]
- 11.70 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 USSD 2005 report stated that youths participating in the National Youth Service camps were often subject to abuse; however, the report noted that “Unlike in previous years, there were no reports of rape at the government’s national youth service training camps.” [2h] (Section 5) However, the USSD 2004 noted the previous year that “[The] Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations of rape at the Government’s National Youth Service training camps. Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many girls came to the camps because of the economic suffering in the country. In addition, members of government-sanctioned militias gang raped adolescent girls as young as 12.” [2a] (Section 5)

- 11.71 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]

- 11.72 On 21 September 2002, *The Herald*, a pro-government paper, reported that 1,870 graduates of the programme had secured employment, mainly with state bodies, such as the armed forces, the Prison Service and the state Grain Marketing Board. [23b]
- 11.73 The BBC News report noted on 27 February 2004 that youths are beaten until they succumb to orders. "They [the youths] are taught that it is their job to keep President Mugabe in power. Panorama has also learned that some of the recruits are taught to torture their opponents." [3bh]

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Actions of the youth militia

- 11.74 The *Daily News* on 18 December 2002 reported that ZANU-PF's youth militia, known as "Green Bombers" have earned a reputation for robbery and violence. Under the guise of enforcing Government price control policies, the green uniformed youths confiscated goods including food, and sold it on for an inflated price, or kept it themselves. It was reported that the police did not interfere with the activities of the youth militia. [9bb] However, according to the Solidarity Peace Trust, there were a few cases on record of youth militias having attacked police and the army, and being attacked or arrested in return. The courts, on occasion, had criticised and passed judgement against the militia. [65a] The *Daily News* stated that the Green Bombers had become an increasingly common sight, "particularly in Harare, Chitungwiza and Bulawayo" – all opposition strongholds. The youth militias were used to intimidate and attack those who the Government perceived as opposition members or supporters. [9bb]
- 11.75 In a *Daily News* report, dated 23 January 2003, the Zimbabwe Human Rights organisation (ZimRights) accused the Green Bombers of stealing maize meal for themselves in Gwanda. Youths accompanied trucks of maize from the millers to the shops and set aside a quota for themselves. [9cm] 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]
- 11.76 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]
- 11.77 The BBC confirmed on 24 April 2003, in an article entitled 'Zimbabwe militia occupy town' that the militias had replaced the police as the law in Kamativi, beating up police officers who had arrested ZANU-PF supporters. In Kamativi, the Green Bombers numbered over 1,000. They were drawn from one of the four militia camps in Tsholotsho district and had already ousted MDC officials,

including councillors from the town. Residents of the former mining town had to have passes to move in and out of the compound. [3y]

11.78 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]

11.79 The USSD 2005 report noted that members of the youth militia committed numerous, serious human rights abuses including the torture, rape, and abuse of persons perceived to be opposition supporters. [2h] (Introduction) 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.” [92]

11.80 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)

11.81 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 have 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 are 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]

11.82 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)

- 11.83 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]

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Impunity

- 11.84 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 reported 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

- 11.85 The USSD, in a publication dated 12 March 2003, noted that the self-styled war veterans consisted mostly of individuals "... most of whom had no role in

the liberation struggle” which they claim to have fought in. [2g] The USSD 2005 report noted that:

“On April 28, Elifas Gora and Newman Zifodya, ZANU-PF supporters, beat Ebrahim Mofat to death at Gora's house after a group of war veterans and ZANU-PF supporters abducted and tortured him. Police had arrested Mofat on allegations that he burned houses belonging to ZANU-PF supporters and detained him for three days before releasing him. He was abducted soon after his release. Mofat's family reported the murder and police arrested Gora and Zifodya but later released them on bail. By year's end there were no developments in the case.” [2h] (section 1a) In another example, the USSD 2005 report stated that “In early April ZANU-PF youths and war veterans kidnapped and severely beat Wilson Mushonga, the son of the MDC candidate in Mazowe East, and a group of his colleagues. He and his colleagues were hospitalized as a result of the attack. By year's end there was no official action against the attackers.” [2h] (section 1b)

- 11.86 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]
- 11.87 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)
- 11.88 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)
- 11.89 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)

- 11.90 A P Reeler’s report notes that the rise of the ‘War veterans’ to their current position of power can be simply chronicled:

“In early 2000, Zanu (PF) allocated the ‘war veterans’ Z\$20 million to use in their campaign for the ruling party in the General Election. They formed militias composed of Zanu (PF) supporters, mostly unemployed youths, and paid the recruits for their violent activities. Zanu (PF) provided transport and other necessary support, and personnel from the CIO, the army and the police participated or assisted in the operations undertaken by the ‘war veterans’;

“After the General Election, ZANU (PF) provided the ‘war veterans’ with two floors of a Government building in Harare, from which to conduct their operations;

“In September 2000, ZANU (PF) announced that the ‘war veterans’ would be brought into the army as a reserve force;

“In October 2000, Mugabe granted an amnesty to all perpetrators of violence in the period leading up to the General Election, except those who had killed or raped. The main beneficiaries of this amnesty were the “war veterans”. This fortified their belief that they were above the law and they became almost untouchable by the police unless ZANU (PF) authorised the police to take action against them, which happened rarely;

“In early 2001 the late Minister Gezi installed ‘war veterans’ in key positions in the reconstituted ZANU (PF) provincial executives;

“April, May and June 2001 saw an intensification of the campaign of terror against the MDC in both the rural areas and the towns, with the involvement of Government officials, as described earlier;

“At the end of May 2001 the Secretary-General of the ZNLWVA, Andy Mhlanga, said his association would be meeting to plan an aggressive strategy for the Presidential Election. The association would draw up a comprehensive budget and would be looking for at least Z\$1.5 million per province, a total of Z\$15 million; it would also lobby for a fleet of heavy-duty vehicles to use during the campaign.” [87] (p7-8)

- 11.91 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)
- 11.92 ZWNEWS.com noted on 13 January 2005 that on 17 January 2005 the Norwegian Council for Africa reported that war veteran’s leader, Jabulani Sibanda, had been suspended as chairman of the association. [20d] However, an earlier report published on the 7 December 2004 by allAfrica.com reported that “ZNLWVA national secretary general retired Major Alex Mudavanhu told journalists at a press conference last week that only the association’s congress had the mandate to remove an officer bearer from his or her post. He said the suspension of Cde Sibanda from the ruling Zanu-PF does not result in his suspension from their association.” [50j] Noting the growing rift between ZANU-PF and the War Veterans, allAfrica.com reported on 29 September 2005 that the ruling party had decided to expel Sibanda from ZANU-PF. [50y]
- 11.93 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)
- 11.94 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]

- 11.95 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]
- 11.96 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]
- 11.97 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

- 11.98 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)

- 11.99 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)

- 11.100 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 The *Zimbabwe Independent* reported on 23 January 2004 that the Constitution does not mention conscription and leaves it to parliament to fix the conditions of service in the armed forces. [21] *Jane's Sentinel – Southern Africa (Zimbabwe)*, issue no. 16 – 2004, noted that Zimbabwe does not have conscription but that plans to re-introduce 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.” [111] (p634)

- 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 2005 (USSD 2005), published on 8 March 2006, noted that “Military courts deal with courts martial and disciplinary proceedings only for military personnel.” [2h] (Section 1e)
- 12.04 The USSD 2005 noted that “The government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.” [2h] (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 Foreign and Commonwealth Office (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 2005 report noted that "Military courts deal with courts-martial and disciplinary proceedings only for military personnel... Defendants in these courts have the right to appeal to the supreme court." [2h] (Section 1e) However, the USSD 2005 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 – Southern Africa (Zimbabwe)*, issue no. 16 2004, 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.” [111] (p607) The USSD 2005 also stated 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.” [2h] (Section 1e)

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JUDICIAL INDEPENDENCE

- 13.04 Freedom House reported in Zimbabwe 2006 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. MDC leader Morgan 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 including former Chief Justice Anthony Gubbay by stating 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 that require processing. In October, the head of the magistrates' association, Enias Magate, stated that judges' low pay was exacerbating already substantial judicial corruption.” [105a] (p8)

- 13.05 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that “Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that increasingly defendants in politically sensitive cases were 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.” [2h] (Section 1e)
- 13.06 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]

13.07 Kubatana 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]

13.08 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)

13.09 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)

13.10 Reporting developments in Judge Paradza's case, the Institute for War and Peace Reporting (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]

- 13.11 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

- 14.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

“The constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly... The law requires that police inform an arrested person of the charges before taking the individual into custody.

Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities disregarded the law if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Friday, which permitted legal detention until Monday. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.” [2h] (Section 1d)

14.02 The USSD 2005 report also stated that:

“Although the Criminal Procedures and Evidence Act substantially reduced 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. In 2004 parliament amended the act to allow the police to hold persons suspected of committing economic crimes for up to four weeks without bail. In April 2004 Finance Minister Christopher Kuruneri was arrested on charges of dealing illegally in foreign currency. Authorities repeatedly deferred or denied his applications for bail. After 18 months in prison, he was granted bail in July, and on September 14, authorities suspended his trial citing his ill health; at year's end the trial had not resumed.

“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’. Family members sometimes were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, sometimes were held incommunicado. Family members and attorneys often could not verify that a person had been detained until the detainee appeared in court.” [2h] (Section 1d)

14.03 The USSD 2005 report went on to state that:

“The constitution provides for the right to a fair trial; however, this right frequently was compromised 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 can request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers for Human Rights... The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed.” [2h] (Section 1d)

14.04 On 25 June 2004, IRIN reported “New anti-corruption legislation, effective from this week, which formalises regulations allowing Zimbabwean police to hold suspects accused of economic crimes for up to four weeks without bail is ‘unconstitutional’, human rights activists alleged on Friday.” [10f]

14.05 The IRIN report also stated that:

“The amendment enables the police to detain people suspected of committing economic crimes, including corruption, money laundering and illegal dealing in foreign exchange and gold, for up to a week. The police can also hold suspects for a further 21 days if prima facie evidence of their involvement is produced, without giving them the option of applying for bail or paying a fine.” [10f]

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PRISON CONDITIONS

- 15.01 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 is appointed by the President. One member of the Commission must have held the rank of Superintendent or a more senior rank in the Prison Service for a period of at least five years. [31]
- 15.02 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:
- “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. Permission was required from the commissioner of prisons and the minister of justice, which sometimes was not granted or took a month or longer to obtain. The government granted local NGOs access on a number of occasions during the year. Unlike previous years, there were no reports of any group denied access.” [2h] (Section 1c)
- 15.03 Noting severe overcrowding in Zimbabwean prisons, the Institute for War and Peace Reporting (IWPR) noted in a report dated 7 August 2006 that a recent visit by a parliamentary committee to the country's 42 prisons found that over 25,000 offenders were being kept in prisons built only for 16,000. In one example of the conditions found in Zimbabwean prisons, the report noted that a former prisoner called Nixon Gandanzara claimed that he had been held in a “...cell measuring three-square meters with 33 others”. [77o]
- 15.04 The USSD 2005 report noted:
- “Prison conditions remained harsh and life threatening... In December 2004 the Law Society of Zimbabwe conducted a prison inspection at Khami Maximum Prison in Bulawayo that revealed the prison, built to accommodate 650 prisoners, had 1,167 inmates. Based on this review and another prison inspection, the law society concluded that overcrowding increased in 2004 and believed that it probably continued to increase during the year [2005]... Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhoea, measles, tuberculosis, and HIV/AIDS-related illnesses. One NGO estimated that HIV prevalence among prisoners was as high as 50 percent and reported that AIDS was a major cause of death in detention.” [2h] (Section 1c)

- 15.05 Freedom House noted in its 'Zimbabwe 2006' report that "Prison conditions are harsh and life threatening. ...overcrowding has contributed to a rise in HIV/AIDS and tuberculosis infections and to food shortages. Deaths in prisons are often caused by disease, poor sanitation, or beatings by guards." [105a] (p9) 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]
- 15.06 Concerning children in prisons, the USSD 2005 report noted that "Juveniles were not held separately from adults." [2h] (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]
- 15.07 The Mail & Guardian online reported on 9 September 2005 that prison overcrowding was a serious problem facing the Zimbabwe prison system. The backlog of cases going through the courts meant that some people had been held on remand for as long as five years. The article went on to note that more than a thousand prisoners were being held at Harare Remand Prison; "Eighty per cent of the inmates at the remand prison had been held there more than eight months..." [6f]
- 15.08 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]
- 15.09 The USSD 2005 report noted:
- "In September an official from the Justice, Legal, and Parliamentary Affairs Ministry acknowledged in a report in the state-controlled newspaper The Herald that 'prisons were in a deplorable state.' There were shortages of food, water, electricity, clothing, soap, and other toiletries. During the year there were reports that prisoners at a holding cell in Norton, a town near Harare, went for three days without eating as prison officials stated there was no money to buy food." [2h] (Section 1c)
- 15.10 The IWPR noted on the 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 (updated on 31 May 2006) noted that Zimbabwe remains a retentionist country. The method of execution is hanging. Since independence from the United Kingdom a total of 244 people have 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. The last executions were those of four prisoners convicted of murder hanged in June 2003. No executions were registered in Zimbabwe in 2004." The report also noted that on 30 May 2006 the Zimbabwe High Court sentenced Munetsi Kadzinga to death for murdering farmer Charles Anderson in 2002. [122]
- 16.02 The USSD 2005 report noted that "The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed." [2h] (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 2006', dated 6 September 2006, noted that:
- "Citizens of Zimbabwe cannot change their government democratically. Recent presidential and legislative elections have been marred by political violence and intimidation (perpetrated by both security forces and ZANU-PF youth militias), a discriminatory electoral framework, biased media coverage, and the unscrupulous use of state resources. President Robert Mugabe and ZANU-PF have dominated the political landscape since independence. Since 1980, at least 16 amendments to the constitution including the elimination of the post of prime minister in favor of an executive president-have expanded executive 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." [105c] (p5)
- 17.02 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:
- "Although the constitution provides for freedom of association, the government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as the government viewed their activities as non-political. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused persons perceived to be associated with the opposition. The government harassed some NGOs it believed opposed government policies with raids on their

offices, inquiries into their activities, and obstacles for renewing work permits of foreign employees. The formation of political parties and unions was not restricted; however, the government interfered with activities of political parties and unions during the year.” [2h] (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 2005 report noted that during 2005 the “... government routinely interfered with MDC-led local governments.”

“On July 23, Minister of Local Government Ignatius Chombo suspended Mutare Mayor Misheck Kagurabadza and three other senior city officials, officially for mishandling the city’s finances. Chombo announced the suspension immediately after Kagurabadza showed the UN special envoy the effects of Operation Restore Order, leading the mayor to conclude that his cooperation with the UN envoy was the true reason for the suspension. On December 29, Chombo suspended the remaining MDC councillors for mismanagement. Also on December 29, Chombo suspended Chitungwiza Mayor Misheck Shoko for failing to maintain city services. According to Shoko, the government made service delivery in Chitungwiza difficult, including diverting approximately the then equivalent of \$1.25 million (Z\$5 billion) of the town’s money to the ruling party’s parliamentary election campaigns.” [2h] (Section 3)

17.05 On 28 March 2005, the Institute for War and Peace Reporting (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”. [77]

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..." [105a] (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]

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FREEDOM OF ASSOCIATION AND ASSEMBLY

- 17.08 Amnesty International noted in its 2006 annual report (covering 2005) that, during the reporting year:

"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 meeting or engaging in peaceful protest. Hundreds of human rights activists and opposition supporters were arrested or detained under these laws during the year. Dozens of people were assaulted during arrest or while in police custody. Police repeatedly obstructed or denied detainees' access to lawyers, food and medical care." [14m] (p3)

- 17.09 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

"The constitution provides for freedom of assembly; however, the government restricted this right in practice through laws such as POSA, which many legal experts believed were unconstitutional. 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 most groups that conducted meetings did not seek permits, some 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. Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived as being potentially antigovernment." [2h] (Section 2b)

- 17.10 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]
- 17.11 The USSD 2005 report also noted that:
- "Although the constitution provides for freedom of association, the government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as the government viewed their activities as non-political. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused persons perceived to be associated with the opposition. [2h] (Section 2b)
- 17.12 Amnesty International [AI] reported in July 2005 that "On the evening of 31 March, following Zimbabwe's parliamentary elections, police arrested activists belonging to the women's rights organisation Women of Zimbabwe Arise (WOZA). Approximately 260 women, including WOZA leaders Jenni Williams and Magodonga Mahlangu, were detained as they attempted to hold a peaceful post-election prayer vigil at Africa Unity Square in Harare." Amnesty stated that during and after the prayer meeting, WOZA members were beaten and threatened. It noted that "Among those beaten was a 74-year-old woman, who reported that she was told: 'Pray because you are going to die'. Many of the women were beaten during the arrests as they were forced into police vehicles. Several of the women were seriously injured and subsequently hospitalised, though none were given access to adequate medical treatment during their detention." [14b] (p.1) As mentioned in the previous section, WOZA members continued to protest a number of issues from children's education to the economic conditions within the country and continued to defy police bans on demonstrations. The police continued to arrested and intimidate WOZA members. ZimOnline noted on 21 June 2006, "Under Zimbabwe's tough security laws, it is illegal to demonstrate without seeking approval from the police." [49aj]
- 17.13 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]

- 17.14 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]
- 17.15 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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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

The Movement for Democratic Change (MDC)

- 17.16 The Economist Intelligence Unit reported in its ‘Zimbabwe Country Profile: 2006’ that:
- “The MDC was until recently the main opposition party. Although most of its support is in urban areas, it is also popular in Matabeleland in the south and Manicaland in the east. Despite its success in the 2000 parliamentary election the party has faced a huge political challenge, as the government has made a concerted effort to undermine its parliamentary representatives: many were harassed by the security forces and periodically arrested on spurious charges. Faced with such harassment and unable to organise mass demonstrations against the government under the country’s repressive security laws, the party struggled to repeat its performance of 2000 in the 2005 parliamentary elections. This prompted a major debate within the party, about whether contesting elections and engaging in democratic opposition made any political sense, given the country’s repressive political climate.” [24e] (p13)
- 17.17 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 (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]

- 17.18 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. [65b] (Solidarity Peace Trust 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 has 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)
- 17.19 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]
- 17.20 Noting the growing criticism of Morgan Tsvangirai, the International Crisis Group's 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)
- 17.21 The Institute for War and Peace Reporting (IWPR) noted on 16 November 2005 that President Mugabe's decision to create a 66-member Senate had effectively split the MDC into pro and anti camps concerning its participation in the senate elections. [77k] (p1) Keesing's News Digest for November 2005 noted that the faction opposed to participation in the elections, is "... led by MDC president Morgan Tsvangirai, and a second faction that contested the polls is led by secretary general Welshman Ncube." [124]
- 17.22 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." [89j]

- 17.23 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]
- 17.24 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 Institute for War and Peace Reporting (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)
- 17.25 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. “Bekhitamba 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]
- 17.26 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]
- 17.27 ZimOnline reported on 21 October 2005 that the Central Intelligence Organisation (CIO) had infiltrated the Movement for Democratic Change (MDC). The article noted that “Intelligence minister Didymus Mutasa has said state secret agents are working hard to manipulate divisions rocking Zimbabwe’s main opposition Movement for Democratic Change (MDC) party

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

17.28 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]

17.29 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.’” [121]

- 17.30 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]
- 17.31 *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]

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FREEDOM OF SPEECH AND MEDIA

- 18.01 Freedom House in ‘Freedom of the Press 2006’ noted that:

“The situation for Zimbabwean media remained extremely poor in 2005, as Robert Mugabe’s government made attempts to further restrict the already severely limited amount of unfiltered news and information that is able to circulate inside the country. Despite constitutional provisions for freedom of expression, an otherwise draconian legislative framework continues to inhibit the free operation of journalists and media outlets. Legal restrictions were tightened in January with the enactment of an amendment to the 2002 Access to Information and Protection of Privacy Act (AIPPA) and in June by a new Criminal Law (Codification and Reform) Bill. Whereas the original AIPPA required all journalists and media companies to register with the government-controlled Media and Information Commission (MIC) and gave the information minister sweeping powers to decide who can work as a journalist, the amended version introduced prison sentences of up to two years for journalists working without accreditation.” [105b] (Zimbabwe)

- 18.02 Reporters Without Borders, ‘Zimbabwe: Annual report 2006’ noted that during 2005, “... the situation worsened still further for independent journalists.” The “... government used its new cooperation with China to scramble the signal of the SW Radio Africa. Arrested and threatened with harsh prison sentences, staff on independent media and correspondents for the foreign press, are often taken before the courts or flee the country, even temporarily, to avoid prison.

“The Media Information Commission (MIC), in the guise of a media self-regulation body, is in reality the government’s control and censorship office. Chaired by an associate of Robert Mugabe, it has the power to grant or cancel

media licences, to issue or withdraw journalists' accreditations. Those found in contravention face two years in prison." [44e]

18.03 Freedom House also reported that:

"The government, through the Mass Media Trust holding company, controls several major daily newspapers, including *The Chronicle* and *The Herald*; coverage in these news outlets consists of favourable portrayals of Mugabe and the ruling ZANU-PF party, and attacks on perceived critics of the regime such as opposition parties, other anti-government groups, and foreign governments. Several independent weeklies such as *The Standard* and *The Zimbabwe Independent* continue to publish, although many journalists practice extensive self-censorship. During the year, there were reports that the CIO was attempting to increase its influence over media outlets such as *The Daily Mirror* through buying ownership shares and placing spies within the newsroom. The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are seen as mouthpieces of the regime."

The report went on to note that while "...satellite TV services that provide international news programming remain largely uncensored, their prohibitive cost places them out of reach for most Zimbabweans. Access to the Internet is unrestricted, although the law allows the government to monitor email content." [105b]

18.04 The Committee to Protect Journalists noted in two news reports (published on 30 June 2006 and the 10 July 2006) that the government had increased the censorship of foreign-based media organisations broadcasting into Zimbabwe by "jamming" Voice of America and SW Radio Africa radio broadcasts. [30f] [30g]

18.05 Human Rights Watch (HRW) noted in a statement on 9 February 2006 that the Zimbabwean Government had launched a new assault on the country's remaining independent press through a wave of criminal prosecutions and arrests. HRW also noted that "the Zimbabwean government is using criminal charges to muzzle independent reporting criticism", and "this crackdown targets media that criticize government institutions, officials and the ruling party". [69h] The Media Institute of Southern Africa (MISA) noted in its 'State of the Media Report 2005' that although cases of "... harassment, arrests, vilification and assault of journalists working for the private media have declined compared to the period leading to the 2000 and 2002 parliamentary and presidential elections, respectively, the clamped legislative media environment is still far from ideal." However, MISA noted that the decline in media freedom violations probably had more to do with an absence of a critically independent media environment, which had been destroyed in the years following the 2000 election. [116] (p5)

18.06 Noting a tightening of restrictions on journalists, MISA noted that "... the signing into law of the Criminal (Codification and Reform) Bill on 2 June 2005, will make it increasingly difficult for the few journalists who are still employed to perform their newsgathering tasks without fear or favour." The report stated that with the introduction of the Bill into law, journalists could now face penalties of up to 20 years' imprisonment and, or fines of up to Z\$2.5 million. [116] (p7)

- 18.07 The Committee to Protect Journalists noted in 'Attacks on the Press – Zimbabwe' (2005) that:

"Government control of the media is near complete. Zimbabwe today has no independent daily newspapers, no private radio or television news coverage, and only a handful of independent weeklies... A handful of nominally private but pro-ZANU-PF papers continued to publish, in addition to the independent weeklies The Standard and Zimbabwe Independent. In September, the Independent reported that the Central Intelligence Organization (CIO) had covertly sought to take over private newspapers and had succeeded in controlling the pro-government Daily Mirror and Sunday Mirror by buying majority shares with taxpayer funds, starting in 2002." The article added to Zimbabwean journalists' fears that the government used secret tactics to control the media in addition to its well-known, overt techniques. The story quickly became a scandal dubbed 'Mediagate'. [30d] (p1-4)

- 18.08 Voice of Africa Radio.com reported (accessed on 3 November 2005) that:

"Zimbabwe's state security agency, the Central Intelligence Organisation (CIO), is seeking to emulate South Africa's apartheid-era information blitz by covertly taking over newspapers hitherto seen as independent of state control... Information obtained from high-level intelligence sources show the CIO in 2002 started manoeuvres to muscle into the Financial Gazette and the Mirror Newspapers Group's two titles, the Daily Mirror and Sunday Mirror, which they now control, Billions of taxpayers' funds were poured in to the project."

The report noted that the CIO had failed to buy into the Tribune but was currently trying to acquire ZANU-PF mouthpiece, The Voice. [112]

- 18.09 Newzimbabwe.com noted on 20 November 2005 that:

"Zimbabwe's Central Intelligence Organisation (CIO) is going to launch another daily newspaper in Zimbabwe as they intensify their efforts to win the minds and hearts of a restive population, highly placed intelligence sources have said. The sources added that the new paper would be unleashed on an unsuspecting country during the first three months of 2006... The secret service is also said to be intending to use the papers in the succession race, possibly to sway the vote in favour of President Robert Mugabe's chosen successor. A source told NewZimbabwe.com: "The paper is going to hit the streets between January and March next year. The idea is to create the impression that the country has an independent press, while smoothing the public to accept Mugabe's chosen successor into public office." [90c]

- 18.10 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, reported that:

"The constitution provides for freedom of expression, but legislation limits this freedom in the 'interest of defense, public safety, public order, state economic interests, public morality, and public health.' The government restricted this right in practice. The government closed an independent weekly during the year, and three newspapers closed in 2003 and 2004 remained closed. Security forces arbitrarily detained and harassed journalists. Journalists practiced self-censorship.

“The government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. Using [Public Order and Security Act] POSA authority, the government arrested individuals for criticizing Mugabe in public; they were usually fined and released.” [2h] (Section 2a)

18.11 The USSD 2005 report stated that:

“The ministry for information and publicity controlled the state-run media. The government controlled two daily newspapers, the *Chronicle* and the *Herald*. The news coverage in these newspapers generally focused on the activities of government officials, negatively portrayed opposition parties and other antigovernment groups, and downplayed events or information that reflected adversely on the government. The government-controlled media generally portrayed President Mugabe and the government favourably. *The Daily Mirror*, a daily semi-independent newspaper owned by ZANU-PF-aligned interests, continued some critical coverage of government policy and ruling party interests and aired the views of the opposition and critics of the government, although its editorial pages were firmly pro-ZANU-PF. There were allegations that the CIO owned or controlled the *Daily Mirror*.

“There were two independent major weeklies (the *Independent* and the *Standard*) and a semi-independent weekly (the *Financial Gazette*) that continued to operate despite threats and pressure from the government. The major independent newspapers continued to criticize the government and ruling party; however, most also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.” [2h] (Section 2a)

18.12 As noted by the same source:

“Radio remained the most important medium of public communication, particularly for the majority of the population living in rural areas. The government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the information and publicity ministry. There were credible reports that the deputy minister of information routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the government.

“There were independent short-wave radio broadcasts to the country during the year; however, they were not widely heard because few citizens had access to short-wave radios. Voice of America broadcast a program daily on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the United Kingdom, using local sources and reporters. On May 31, the station switched to medium-wave since the government had interfered with its short-wave broadcasts, forcing the station to broadcast on multiple frequencies, a financially unsustainable course. Short Wave Radio Africa continued to broadcast 24 hours a day from its Web site. Voice of the People (VOP) broadcasts daily from the Netherlands.” [2h] (Section 2a)

- 18.13 The source went on to note that “The government controlled all domestically based television broadcasting stations, and the ZBC owned and operated television broadcasting facilities. ZBC banned most international programs in favor of programs produced locally or by Africans.
- “International television broadcasts were available freely through private satellite firms, but their expense and the requirement for payment exclusively in foreign currency made them unavailable to most citizens. In June there were reports in the independent media that police questioned satellite subscribers on their sources of foreign currency used to pay the subscriptions.” [2h] (Section 2a)
- 18.14 The source continued:
- “The Broadcasting Services Act, which parliament's legal committee found to be unconstitutional but 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.” [2h] (Section 2a)
- 18.15 The USSD 2005 report also noted that “The law permits the government to monitor and intercept e-mails entering and leaving the country. Security services reportedly continued to monitor e-mail and Internet activity and acquired new technology to do so; however, the extent of monitoring was unknown.” [2h] (Section 1f)
- 18.16 Reporters Without Borders reported on 19 January 2006 that Tatfataona Mahoso, the head of the Media and Information Commission (MIC), recently threatened the weekly Financial Gazette (FinGaz), one of Zimbabwe's last independent news media, with withdrawal of its licence. The threat was made after FinGaz refused to publish a note retracting a 1 December [2005] article questioning the independence of the MIC. However, the article noted that these threats had come at a time when information minister Tichaona Jokonya had announced that Zimbabwe's press laws were to be amended. “The decision was taken after the African Commission on Human and People's Rights (ACHPR), an African Union offshoot, issued a resolution on 5 December [2005] accusing Zimbabwe's legislation of violating basic rights and civil liberties.” [44d]
- 18.17 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.” [14] (p1)

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TREATMENT OF JOURNALISTS

18.18 Freedom House in 'Freedom of the Press 2006' noted that:

"Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure at the hands of the police, authorities, and supporters of the ruling party. Instances of arbitrary arrest and detention occur primarily when reporters are trying to cover political stories such as the controversial housing demolitions that began in May. Cornelius Nduna was forced into hiding in February and hunted by the Central Intelligence Organization (CIO) for possessing video footage of paramilitary activities at youth training camps. During the past several years, dozens of Zimbabwean journalists have fled the country, and according to a report by the Committee to Protect Journalists, over ninety currently live in exile, predominantly in South Africa and the United Kingdom.

"Foreign journalists are regularly denied visas to file stories from Zimbabwe, and local 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. In February, three such correspondents Angus Shaw, Brian Latham, and Jan Raath fled the country after extensive harassment by authorities, although Raath and Shaw eventually returned. The passport of publisher Trevor Ncube was temporarily seized by Zimbabwean airport authorities in December on his return from South Africa. Two reporters for the London-based *Sunday Telegraph* were arrested for reporting on the March parliamentary elections without proper accreditation and spent two weeks in prison before being deported." [105b]

18.19 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that: "Security forces arbitrarily detained and harassed journalists. Journalists practiced self-censorship."

"The government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. Using POSA authority, the government arrested individuals for criticizing Mugabe in public; they were usually fined and released. The ministry for information and publicity controlled the state-run media." [2h] (Section 2a)

18.20 ZimOnline reported on 15 December 2005 that the Committee to Protect Journalists ranked Zimbabwe among the three most dangerous places for journalists in the world. [49r]

18.21 The Zimbabwe Human Rights NGO Forum's report entitled 'Zimbabwe – Facts and Fictions', published in November 2005, noted that "In the six-month period between 1 February and 31 July 2005 at least 49 journalists have been arrested under AIPPA for practising journalism without accreditation." [35y] (p38) However, the Committee to Protect Journalists (CPJ) noted in 'Attacks on the Press – Zimbabwe (2005)' that "Although AIPPA has been used to harass and detain dozens of journalists, no successful prosecutions were brought under the law." [30d] (p4) add something here about the new amendment

- 18.22 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] (p.2) The RWB 2006 report notes that the situation has “...worsened still further for independent journalists.” [44e]

- 18.23 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]

- 18.24 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 identify 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]

- 18.25 The Media Institute of Southern Africa (MISA) noted in its ‘State of the Media Report 2005’ that “Immigration officials in Bulawayo seized [Zimbabwean publisher Trevor] Ncube’s passport on 8 December 2005 upon his arrival from South Africa where he is also the publisher of the weekly Mail and Guardian. No reasons were advanced for the unlawful action other than that Ncube who is the chairman of Zimind, publishers of the Zimbabwe Independent and Zimbabwe Standard weeklies, was on a list of Zimbabwean citizens whose passports were to be withdrawn. Under the draconian Constitutional Amendment (No 17) Act, the government is empowered to seize the passports

of citizens who undermine 'national interests' during their travels abroad." [116] (p2)

- 18.26 Reporters Without Borders on 20 July 2006 reported the arrest of two journalists covering a demonstration by Harare residents demanding improved municipal services. The journalists were released by the police the same day after demanding that they pay a fine. [44c]

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

HUMAN RIGHTS ACTIVISTS

- 19.01 Human Rights Watch (HRW) Country Summary – Zimbabwe, published in January 2006, reported that the situation of human rights defenders remained precarious. "The Constitutional Amendment Act has been added to a raft of laws that restrict the human rights of those who criticize the government and try to protect human rights in Zimbabwe." The act allows the Government to withdraw passports from those it deems to be a threat to security, thus restricting the rights to freedom of movement of any government critics or human rights defenders.

The HRW report added: "Human rights groups continue to work in a highly restrictive environment. The government uses repressive laws such as the Public Order and Security Act to restrict the right to freedom of assembly, association, and expression of civil society activists and the opposition." [69g] (p3) Amnesty International (AI) noted in its 'Annual Report – Zimbabwe 2006' that while the government had still not enacted the 'Non-Governmental Organisations Bill' the continuing "...threat of closure created a climate of fear and compromised the effectiveness of many NGOs." [14m]

- 19.02 AI also noted that "Human rights activists continued to face harassment, arbitrary arrest and detention and assault, most frequently at the hands of the police. ...the government continued to use the Private Voluntary Organisations Act to intimidate and harass NGOs. Following the March elections, the government used provisions in the Act to investigate numerous NGOs. Investigation teams made unannounced visits to NGOs, and demanded to see documents relating to activities and funding. The investigation process was reported to be intimidating and intrusive." [14m]
- 19.03 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)

19.04 Freedom House noted in its 2006 report that “The nongovernmental sector is small but active; however, NGOs particularly those dealing with human rights issues-have faced increasing legal restrictions and extralegal harassment.” The report also noted that following the elections of 2005 “...the government escalated its crackdown on opposition supporters and nongovernmental organizations (NGOs)...” [105a] (p3&7)

19.05 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that “A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, and harassment. The government monitored their activities closely and was generally unresponsive to their concerns.” [2h] (Section 4)

19.06 The USSD 2005 report stated 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 voter 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 Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights, Zimbabwe Peace Project, and Amani Trust.

“During the year police arrested or detained NGO members, often in connection with demonstrations or marches. On July 12, police arrested a worker from Action Aid for taking photographs of a woman's organization distributing assistance to individuals affected by Operation Restore Order.

“The government harassed some NGOs it believed opposed government policies with raids on their offices, investigations into their activities, and obstacles to renewing work permits of foreign employees. For example, in March security officers raided a local NGO dealing with girls victimized by rape or abuse. Officials searched the organization's offices, shelters for rape and abuse victims, and the home of the organization's head. Officials claimed to be looking for subversive materials.” [2h] (Section 4)

19.07 The Zimbabwe Information Centre reported on 26 April 2005 that:

“Government agents have since the beginning of this month raided 15 non-governmental organisations (NGOs) to probe their activities in a fresh crackdown on civic society, Zim Online has established. Sources yesterday said former intelligence minister and now Social Welfare Minister, Nicholas Goche, appointed a taskforce with members recruited from other government ministries and from the dreaded state spy Central Intelligence Organisation to inspect and investigate the activities of NGOs. The government hopes to unearth information that might give it a pretext to close or restrict certain NGOs it believes are opposed to its rule, according to the sources.... NGOs have become the target of government attacks after exposing in the last five

years corruption, gross human rights abuses and general misrule by President Robert Mugabe and his government. Mugabe in turn accuses NGOs of working with his Western enemies to incite Zimbabweans against his rule. A new and tougher NGO law banning civic society groups from carrying out voter education and barring those involved in governance-related work from receiving foreign funding was this month referred back to Parliament by Mugabe for further perfection before he signs it into effective law.” [94]

- 19.08 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)

- 19.09 Amnesty International noted in a report entitled, “Human Rights Defenders under Siege”, dated 10 May 2005, that “Since the Parliamentary elections Amnesty International has noted, with growing concern, the government’s continuing repression of human rights defenders, including numerous arbitrary arrests, serious assaults and intimidation”. The report went on to note that, despite Zimbabwe being a signatory to international laws, AI found that human rights defenders in Zimbabwe continued to be under siege. The government has attempted to undermine and curtail the work of NGOs by subjecting them to serious violations of their human rights.

“Additionally, because they are critical of the government, human rights defenders are viewed as political players and supporters of the political opposition, the Movement for Democratic Change (MDC). The Government of Zimbabwe has repeatedly expressed the view that the MDC and certain human rights organizations are being used by foreign governments to oust the Zimbabwe African National Union-Patriotic Front (ZANU-PF) from power and effect ‘regime change’. Human rights defenders have been branded as ‘subversive’, ‘foreign-controlled’ and ‘racist’.” [14c] (p3)

“Zimbabwe’s government-controlled media has become a powerful tool for intimidating human rights defenders. State newspapers, television and radio have been used to vilify both human rights organizations and individual human rights defenders. These attacks attempt to portray human rights defenders as involved in criminal or subversive activities, or as unpatriotic and undermining the image of the nation.” [14c] (p9)

- 19.10 Amnesty reported in a further 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.” Amnesty 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).” [14I] (p1)
- 19.11 The *Zimbabwe Independent* noted on 22 July 2005 that “Four clergymen, including Father Barnabas of the Anglican Church and Pastor Ray Motsi of the Baptist Church in Bulawayo, were arrested and held for questioning on Wednesday night when they went to investigate reports that police were forcibly evicting people from churches where they had sought temporary sanctuary. Churches have been offering refuge to victims of Operation Murambatsvina.” In response to the report of the arrest, the Solidarity Peace Trust stated that:
- ““This action against church leaders is taking place at a time when church leaders from South Africa have been calling for closer collaboration between churches in Zimbabwe and South Africa to respond to the enormous humanitarian crisis that is unfolding in Zimbabwe, the trust said. ‘As such, it points towards a deliberate retribution campaign on the part of the ruling party against church and civil society leaders for offering support and refuge to those displaced by the violent destruction of their property, and for allegedly giving negative reports to the United Nations and the South African Council of Churches,’ it said.” [11I]
- 19.12 An earlier story reported by ZimOnline on 13 June 2005 stated that during Operation Murambatsvina, the Zimbabwean government had barred NGO organisations from assisting thousands of families who had been made homeless. “Senior officials at the Social Welfare Ministry, which approves humanitarian assistance, said governors of provinces have been ordered to block donor groups from distributing food and clothes apparently because Harare fears accepting such aid would be tantamount to admitting the shortcomings of its highly unpopular campaign.” [49n]
- 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]

- 19.14 On the 10 May 2005 Amnesty International (AI) published a report entitled 'Zimbabwe: Human rights defenders under siege'. The report noted that:

"Individual human rights defenders in Zimbabwe have increasingly become the victims of human rights violations. Since 2000 hundreds of human rights defenders, including media workers, lawyers, judges and NGO staff, have been subjected to intimidation, arbitrary arrest, assault and torture, targeted because of their work to uphold and defend human rights. Many of these abuses are carried out by state agents; in the majority of cases those responsible have acted with impunity."

In an example of NGO intimidation, AI reported that the Amani Trust, a human rights organisation that assists victims of torture and organised violence, has since its inception produced reports that are highly critical of human rights violations. Amnesty noted that as a result of their work "... Amani Trust has been subject to a continuous campaign of harassment by the authorities, which Amnesty International believes is directly related to the organization's exposition of human rights violations." [14c] (p6)

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FREEDOM OF RELIGION

- 20.01 The USSD Religious Freedom Report (USSD RFR) 2006 stated that:

"The constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion." [2c] (Introduction)

- 20.02 Freedom House noted in its 2006 report on Zimbabwe that freedom of religion was generally respected. [105a] (p7) However, the USSD RFR 2006 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)

- 20.03 The USSD RFR 2006 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. Generally, the practice of a particular faith was not known to confer any advantage or disadvantage in the political arena, the civil service, the military, or the private sector.” [2c] (section 2)

20.04 The report continued:

“The generally amicable relationship among religions in society contributed to religious freedom. An interfaith council, formed in 2004, continued to work towards creating closer ties between different religious groups.” [2c] (Section 1)

20.05 The report also noted that:

“During the period covered by this report, church leaders and members who criticized the Government continued to face intimidation, arrest, and detention by government officials. President Mugabe made speeches denouncing church leaders who purportedly ‘support the opposition’ and frequently called on these leaders to avoid political activity. Church leaders who participated in demonstrations or public events criticizing the Government sometimes faced harassment and temporary detention under the Public Order and Security Act. Under this act police notification is required to hold public gatherings. ...

”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 groups organizing public prayers. In May 2006, for example, the ZCA planned a prayer procession in the city of Bulawayo to commemorate the anniversary of the Government's 2005 ‘Operation Restore Order [otherwise know as Operation Murambatsvina].’ The group applied for and received police clearance for the march; however, police revoked the clearance days before the march was to take place. The group held the march, as originally scheduled, on May 20 after successfully challenging the police in court. Police directed the marchers down a different, less populated route than the one planned but otherwise did not interfere. There were no reports that police disturbed any of the other commemoration events planned at churches. According to the ZCA, other religious and secular nongovernmental organizations cancelled or postponed their commemorations of Operation Restore Order under “official pressure.” In 2004 POSA was also used to detain nine women belonging to WOZA on charges of ‘praying in public,’ an act that allegedly violated Section 19 of the act. According to Amnesty International, some of the women were assaulted during their interrogations; all were eventually released in October of that year.” [2c] (Section 2)

20.06 Furthermore, the report stated that:

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

20.07 The USSD RFR 2006 also stated that:

“The country has a long history of Catholic, Anglican, and Methodist primary and secondary 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 were also found in the major urban areas such as Harare and Bulawayo. Additionally, several private institutions of higher education included religious studies as a core component of the curriculum. [2c] (Section 2)

20.08 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]

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Religious groups

20.09 The USSD Religious Freedom Report 2006 noted that:

“Unlike in previous years, the Government recognized all religious groups and reached out more to religious leaders, including indigenous ones which it had previously excluded. For example, President Mugabe and other government officials met with indigenous religious leaders throughout the reporting period and included these leaders in the planning for a 2006 National Day of Prayer.

“The Government also appeared to be more inclusive of indigenous religions, of which it has traditionally been suspicious, and tolerant of supposed 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 belonged to the mainstream Christian denominations such as the Roman Catholic, Anglican, and Methodist churches; however, over the years a variety of local churches and groups have emerged from these mainstream denominations. Evangelical denominations, primarily Pentecostal churches and apostolic groups, were the fastest growing during the reporting period.

“While the country is overwhelmingly Christian, the majority of persons continued to believe, to varying degrees, in traditional indigenous religions as well. For example, individuals may have worshiped in a westernized Christian church but also consulted with traditional healers...

“Islam accounted for 1 percent of the population and also continued to see growth, particularly in rural areas where Muslim-led humanitarian efforts were often organized. The remainder of the population included practitioners of Greek Orthodoxy, Judaism, and traditional indigenous religions. There were also a small number of Hindus, Buddhists, Baha'is, and atheists.” [2c] (Section 1)

20.11 The report also noted that:

“While practitioners of traditional indigenous religions experienced improved relations with the Government, there were continuing reports of tensions between these groups and mainstream Christian churches. Some indigenous churches' acceptance of polygamy and avoidance of modern medicine were common sources of these tensions. In addition, some Christian church leaders' opposition to the previously mentioned WSA amendment also strained relations between the two communities. Leaders discussed these issues productively in meetings of the interfaith council and suggested possible areas of cooperation, such as HIV/AIDS; notably; however, the head of the Apostolic church renounced polygamy a practice it previously considered to be legitimate.” [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 'Mudzimu 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

21.01 The USSD Religious Freedom Report (USSD RFR) 2006 noted that during the year the Government softened its stance towards indigenous religions which it had previously tried to restrict.

“In April 2006 President Mugabe signed an amendment to the previously criticized Witchcraft Suppression Act (WSA). The amendment, which was to take effect on July 1, 2006, identifies witchcraft practices as ‘those commonly associated with witchcraft’ and criminalizes those practices only if intended to cause harm. Under this new framework, spoken words alone would no longer be considered a witchcraft practice or evidence of illegal activity. The amendment would also criminalize witch hunts, impose criminal penalties for falsely accusing others of witchcraft, and reject killing of a witch as a defence for murder.

“Proponents of the WSA amendment applauded it for recognizing certain elements of witchcraft as a part of traditional culture and regarded it as a positive step in recognizing indigenous religions. 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. ZINATHA also stated that the amendment would facilitate the prosecution of unlicensed traditional healers.” [2c] (Section 2)

21.02 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]

21.03 The USSD RFR 2006 noted that traditional healers, often closely associated with witchcraft, were common throughout the country. “They are licensed and regulated by the Zimbabwe National African Traditional Healers' Association (ZINATHA), which has approximately 55,000 members. ZINATHA officials estimated that 80 percent of the population consulted traditional healers during the year. Religious leaders also reported an increase in adherence to traditional religion and healers as the economic situation worsened in the country.” [2c] (Section 1)

21.04 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 2006 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 period covered by this report. Police usually investigated 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 2005 (USSD 2005), published on 8 March 2006, 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 were low-level tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

“Racial tensions remained relatively low despite the government's ongoing attempts to attribute the country's economic and political problems to the white minority and western countries.” [2h] (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 2005 noted that the Shona make up 82 per cent of the population of Zimbabwe. [2h] (Section 5)

22.03 The Institute for War and Peace Reporting noted on 21 March 2005 that:

“The Shona, who began arriving from west central Africa more than a thousand years ago, share a mutually intelligible language. But ethnically they are not homogenous. Between the clans, there is a diversity of dialects, religious beliefs and customs. The five principal clans are the Karanga, Zezuru, Manyika, Ndau and Korekore. Of these, the biggest and most powerful clans are the Karanga and the Zezuru.... The Karanga are the largest clan, accounting for some 35 per cent of Zimbabwe’s 11.5 million citizens. The Zezuru are the second biggest, and comprise around a quarter of the total population.” [77i] (p.1)

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NDEBELE

22.04 *Jane’s Sentinel – Southern Africa (Zimbabwe)*, issue no. 16 – 2004, 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 number about 2.5 million or 20 per cent of the estimated total population in 2003.” [111] (p600)

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 2005 noted that “The disproportionate number of Shona-speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. During the year and notably in the aftermath of Operation Restore Order, members of the Ndebele community continued to criticize the government’s unequal distribution of national resources...” [2h] (Section 5)

22.06 On 10 June 2004, newzimbabwe.com reported that, “Paul Siwela, the leader of the fringe opposition Zimbabwe African People’s Union (ZAPU) appeared in court Wednesday facing charges of inciting the minority Ndebele tribe to arise against Robert Mugabe, SW Radio Africa reported.” [41b]

22.07 Siwela was jointly charged with George Mkwanzani. He was alleged also to have incited Ndebele in Matabeleland to drive members of the Shona tribe out of the region. He was remanded in custody. A spokesman for Imbovane Yamahlabezulu, of which George Mkwanzani was leader, claimed that the charges were intended to thwart Ndebele nationalism. [41b]

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WHITES

22.08 The USSD 2005 report stated that:

“Racial tensions remained relatively low despite the government's ongoing attempts 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 state-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights.” [2h] (Section 5)

22.09 The USSD 2005 report also noted that:

“The constitution provides 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.” [2h] (Section 5)

22.10 The report continued:

“The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. The act also revokes the citizenship of persons who fail to return to the country in any five-year period; however, there were no reported cases of persons losing their citizenship under this provision during the year. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500 thousand commercial farm workers, many of whom have origins in neighbouring countries; and the approximately 30 thousand mostly white dual nationals. Persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The 2003 Citizenship of Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern African Development Community (SADC) countries or who were born in SADC countries with parents from Zimbabwe.” [2h] (Section 3)

22.11 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 Tony Blair in trying to destabilise the economy. [55g] (p.11)

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ASIANS

- 22.12 The Canadian 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]
- 22.13 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]
- 22.14 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] Incarcerated as a result of the corruption charge, Ndlovu went on trial in May 2003 for threatening the Asian community in Mutare. [9bg]
- 22.15 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 MOZAMBIKAN ORIGIN

- 22.16 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]

22.17 The USSD 2005 report noted that:

"The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. ... Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500 thousand commercial farm workers, many of whom have origins in neighbouring countries; and the approximately 30 thousand mostly white dual nationals. Persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The 2003 Citizenship of Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern African Development Community (SADC) countries or who were born in SADC countries with parents from Zimbabwe." [2h] (Section 3)

22.18 The international NGO Refugees International was reported by IRIN on 10 October 2003 to have highlighted their 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]

22.19 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 comes days after one woman was reportedly raped by Muusha and another woman and a girl were sexually abused by Chigamba. [67b] The USSD 2005 reported that there were no further developments in Chimbarara's case by year's end. [2h] (section 1a)

22.20 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 explains "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] (p.1-3)

- 22.21 Kubatana 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." [55] (p.3)

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MIXED RACE

- 22.22 On 18 March 2001, according to a *Daily News* report on 28 September 2002, in Arcadia, a group of mixed race people, or "coloureds" as they refer to themselves, formed an organisation to campaign for the empowerment of mixed race people and to protect their interests. The result was the National Association for the Advancement of Mixed Race Coloureds (NAAC). [9x] On 8 August 2001, the Dispatch reported that it was first chaired by Danny Bismarck. Bismarck did not believe that mixed race people were benefiting from the Government, particularly when it came to the Government land reform programme. Mixed raced people did not believe that they were accepted by either the black or white community. There has not been a mixed race cabinet minister since 1985. [59]

- 22.23 In a feature which appeared in the local *Daily News* on 28 September 2002, it was noted that former High Court Judges James Devittie, Terrence Hussein and Joseph James were examples of mixed race individuals who succeeded in progressing in the legal fraternity. NAAC now has chapters in Harare, Bulawayo, Mutare, Kwekwe and Gweru. [9be]

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ALBINOS

- 22.24 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 2005 report noted that “NGOs continued to lobby to include albinos in the definition of ‘disabled’ under the law.” [2h] (Section 5)

- 22.25 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 work place being common. [10b]

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OTHER ETHNIC MINORITIES

- 22.26 Wikipedia (accessed on 20 August 2006) noted that “The Lemba or Lembaa [also know in Zimbabwe as the Remba] are a group of people in southern Africa. Although they speak Bantu languages similar to their neighbours, they 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. They have restrictions on intermarriage with non-Lemba, with it being particularly difficult for male non-Lemba to become part of the tribe.” [128] (p2) 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)
- 22.27 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)
- 22.28 The World Directory of Minorities also 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)

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

23.01 NewZimbabwe 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 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, stated that "Over a period of years, President Mugabe has publicly denounced homosexuals, blaming them for 'Africa's ills'. Although there is no statutory law proscribing the activities of homosexuals, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men." [2h] (Section 5)

23.03 *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 USSD 2005 report also noted that:

"On August 5, unidentified men approached the Gays and Lesbians Association of Zimbabwe (GALZ) exhibit at the Zimbabwe International Book Fair and stated that GALZ was not allowed to be there. They then entered the book fair offices where they threatened staff. Subsequently, they returned to the GALZ stand and seized GALZ literature. GALZ members sought

assistance from police officers and security guards patrolling the gardens, but they refused to intervene. The GALZ staff recognized that they would receive no assistance and withdrew from the fair. GALZ staff reported that they believed the government had sent the group. No subsequent action was taken against those who threatened the GALZ members.” [2h] (Section 5)

- 23.05 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]
- 23.06 *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]
- 23.07 *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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DISABILITY

- 24.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that the law specifically prohibited discrimination against persons with disabilities in employment, admission to public places, or provision of services; however, in practice the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulated that government buildings should be accessible to persons with disabilities; however, implementation of this policy had been slow. The report also noted that “The government broadcast a regular, prime-time show on state radio dedicated to promoting awareness of the rights of persons with disabilities.”

However, it also noted that “Operation Restore Order [Murambatsvina] severely affected persons with disabilities, and, according to the UN report on the operation, the government held approximately 50 persons with physical and mental disabilities at a transit camp separated from the rest of the camp population and were not provided care.” [2h] (Section 5)

- 24.02 The USSD 2005 continued: “Persons with disabilities faced harsh customary discrimination. Traditional belief considered persons with disabilities bewitched, and reports were common that children with disabilities were hidden when visitors arrived... NGOs continued to lobby to include albinos in the definition of ‘disabled’ under the law.” [2h] (Section 5)
- 24.03 In March 2004 IRIN reported the chair of the National Disability Board (NDB), Joshua Malinga, as stating “We were allocated Zim \$5 billion for disability programmes. Zim \$300 million (US\$71,000) will go to advocacy campaigns whose main thrust is to inject a disability dimension in both government thinking and planning – this is to make sure we are included in all government plans and programmes.” [10bc]
- 24.04 Kubatana 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]
- 24.05 On 11 September 2006, allAfrica 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 afrolNews noted on 7 April 2006 that a report published by the World Health Organisation (WHO) stated that women living in Zimbabwe had the lowest life expectancy of any country in the world. The report noted that AIDS and very

poor economic conditions had caused the average life expectancy in the country to drop to 34 years. [73e]

POLITICAL RIGHTS

- 25.02 Freedom House in 'Freedom in the World – Zimbabwe (2006) reported that, "Women serve as ministers in national and local governments, and hold seats in parliament; Joyce Mujuru is vice president of Zimbabwe and a possible successor to Mugabe." [105a] (p9)
- 25.03 Kubatana 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 short-lists, 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 2005 (USSD 2005), published on 8 March 2006, noted that:
- "There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young

woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

“The law recognizes women's right to own property independently of their husbands or fathers. Many women continued to be unaware of their property rights. The Administration of Estates Amendment Act makes inheritance laws more favourable to widows; however, in 1997, shortly before the amended law was passed, the supreme court ruled that, according to customary law, women's rights to inheritance, ownership of property, and custody of children were inferior to men's. The court case was prominent, and, despite the change in law, many women still believed their rights were restricted by the court decision and often relinquished property without understanding their rights. Divorce and maintenance laws were favourable to women, but women generally lacked awareness of their rights.” [2h] (Section 5)

25.06 The USSD 2005 report also stated that:

“Labor legislation prohibits sexual harassment in the workplace, and there were no reports of any prosecutions during the year. However, women commonly faced workplace sexual harassment. ... The Ministry of Youth Development, Gender, and Employment did little to advance the cause of women beyond a public information campaign. The government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions. According to the 2004 Zimbabwe Millennium Development Goals Progress Report, women represented 30 percent of the civil service in 2002. A local NGO reported that 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.

“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.” [2h] (Section 5)

25.07 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)

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CULTURAL NORMS/CONSEQUENCES

- 25.08 Freedom House in 'Freedom in the World – Zimbabwe (2006), reported that: “The prevalence of customary laws in rural areas undermines women's rights and access to education. Traditional practices such as polygamy and lobolab, 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. The Supreme Court declared that women who marry under customary law must leave their original families and therefore cannot inherit their property, and married women cannot hold property jointly with their husbands.” [105a] (p9).
- 25.09 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)
- 25.10 Womankind.org noted in 'Why Zimbabwe' (accessed on 21 August 2006) 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]
- 25.11 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]

- 25.12 On 24 August 2005, Kubatana 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]
- 25.13 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

- 25.14 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 been 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]
- 25.15 Freedom House also reported that “...security forces continued to disrupt demonstrations by the Women of Zimbabwe Arise (WOZA) group and arrest demonstrators...” [105a] (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]
- 25.16 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] 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]

- 25.17 The USSD 2005 report noted that “Musasa Project, a local NGO that sought to protect and empower victimized women, reported that treatment of victimized women varied but authorities generally did not consider domestic violence to be a private matter and would arrest an offender for assault if there was evidence of abuse. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance. Musasa Project worked with law enforcement and provided training and literature on domestic violence as well as providing shelters and counselling for women. Women were reluctant to pursue cases in court, and there were few successful prosecutions during the year. During the year there were newspaper reports of wife killings; however, there was no specific record of prosecutions or convictions for such crimes.” [2h] (Section 5)
- 25.18 The 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.” [2h] (Section 5)
- 25.19 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 (2006)’, reported that “ZANU-PF youth militias use rape as a political weapon.” [105a] (p9)
- 25.20 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]

- 25.21 Kubatana, 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 on 17 May 2005 noted that the Southern African region has recoded 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]

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LEGAL PROVISIONS AND ACCESS TO THE LAW

- 25.22 Freedom House in ‘Freedom in the World – Zimbabwe (2006), 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. [105a] (p9)
- 25.23 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.
- 25.24 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)

25.25 The USSD 2005 report also noted that:

“Prostitution is illegal, and during the year there were numerous media reports regarding concerted efforts by police to halt prostitution in the Harare city center. Police arrested both prostitutes and their clients, and the government-sponsored Herald newspaper published the names of arrestees. Prostitution reportedly increased. A local NGO reported that most prostitutes operated independently of pimps but that a growing number of minors were using pimps for protection. There were some reports that women and children were sexually exploited in towns along the border with South Africa.” [2h] (Section 5)

25.26 The USSD 2005 report continued:

“The SOA defines sexual offences as rape, sodomy, incest, indecent assault, or immoral or indecent act with a child or person with mental disabilities. The act makes non-consensual sex between married partners a crime. It provides penalties for up to 10 years in prison for sexual crimes. The SOA also makes it a crime to infect anyone knowingly with HIV/AIDS, and the government prosecuted some individuals for the crime.” [2h] (Section 5)

25.27 PeaceWomen noted in a report on 12 December 2004 that, with regard to judicial sanction in domestic violence cases “Court or peace orders to compel their husbands to give them money for the home or refrain from physical abuse were often ignored”. [33]

25.28 In March 2004 the National Gender Policy was launched, IRIN news reported. Women’s Coalition Chairperson, Janah Ncube, welcomed the government’s efforts to improve equality, but cited the complete absence of funds for implementation as an undermining factor for the policy. [10bf]

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CHILDREN

BASIC INFORMATION

- 26.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:
- “The government's commitment to children's rights and welfare remained weak. The government has a National Plan of Action for Orphans and Vulnerable Children (NPA for OVC), which was completed in 2004 but has not been fully implemented. It is designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and are protected from abuse and exploitation, but activities set out in the plan were insufficiently funded. Children, especially those in the rural areas but also an increasing number of urban dwellers, suffered greatly. Although legislation existed to protect children's rights, it was difficult to administer and enforce.” [2h] (Section 5)
- 26.02 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]
- 26.03 IRIN reported on 18 June 2004 that the government announced that it is to launch a national plan of action for orphans and vulnerable children. The plan aims to ensure that laws for the protection of children are enforced. The main areas of focus are to be education, support to child-headed households and issues around foster care. [10ab]
- 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]

Age of consent

- 26.05 The USSD 2005 report noted that: “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 SOA prohibits sexual relations with anyone younger than 16 years of age.” [2h] (Section 5)

Customary marriages

- 26.06 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 has 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]

- 26.07 On the subject of child marriage and the age of consent, the USSD 2005 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...Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among HIV/AIDS orphans but lacked meaningful statistics on its prevalence. Musasa Project reported an increase in instances where families pledged girls in marriage and even unborn babies in exchange for economic protection. Such girls often ‘married’ well before the age of 12.” [2h] (Section 5)

- 26.08 Womankind.org noted in ‘Why Zimbabwe’ (accessed on 6 August 2006) that “Child marriage is common in Zimbabwe and 21% of children (mostly girls) are married before the age of eighteen.” [125]

- 26.09 The US State Department Religious Freedom Report (USSD RFR) 2006, 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. [15]

Child abuse

- 26.10 The USSD 2005 report stated that:

“Child abuse, including incest, infanticide, child abandonment, and rape continued to be problems during the year. The local NGO GCN reported that, in some rural communities, young girls were pressured to submit to virginity tests, after which they were given a virginity certificate if the test was successful. Girls known as 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. This belief and its practice contributed to the spread of HIV and AIDS among children.” [2h] (Section 5)

- 26.11 A UNOCHA statement reported on 24 April 2003 by IRIN confirmed that as the economic situation deteriorated, there had been a rise in the number of reported cases of child abuse. In an attempt to counter this, UNICEF supported a national campaign on “Zero Tolerance Against Child Abuse”. Participants in this campaign included the police, teachers, NGOs and government officials. Victim-friendly courts in which victims could give evidence via a video link were operational in each province. However, lack of funds meant that equipment had broken down in the past, leading to cases being held up, sometimes for years. [10ai]
- 26.12 The USSD 2005 report did not report any incidents of FGM (Female Genital Mutilation). [2h] However, 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]

26.13 The USSD 2005 report stated that:

“There was a large volume of rape cases in the Harare victim-friendly courts, special courts created to accommodate children and sexual offense victims, with specially trained magistrates and prosecutors and equipment that allows the victims to testify without being seen. These courts were understaffed, in part because many magistrates left the country seeking to improve their circumstances.” [2h] (Section 1e)

26.14 *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)

26.15 The USSD 2005 report also noted that:

“Incidents of witchcraft-related child deaths and mutilations continued during the year. Newspapers reported several instances of missing children found murdered with body parts missing, which led police to suspect the murders were related to witchcraft... Unlike in previous years, there were no reports of rape at the government’s national youth service training camps.” [2h] (Section 5)

Child labour

26.16 The USSD 2005 report stated that:

“Under the LRAA [Labour Relations Amendment Act], child labor is punishable by a maximum fine of \$0.35 (Z\$30 thousand), 2 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 has not released the 2004 Labor Report. According to the most recent information, the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. 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, and as car-watchers. As a result of the land redistribution program, there were fewer instances of child labor on commercial farms. Many children sold simple wares on the streets; others worked in the growing illegal gold panning industry. 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.

“The Child Protection Society reported that new farmers used children as cheap labor because they could not complain about working conditions. UNICEF reported children working as independent contractors so employers could evade the appearance of employing children. Zimbabwe Domestic and Allied Workers Union observed employers bringing children from their rural homes to work as domestics with parental consent. Save the Children Norway-Zimbabwe reported that sugar businesses along the Mozambique border at Catiyo used children to sell sugar across the border, often with the complicity of their parents. Children in the sugar business were paid less than adults and did not attend school. Save the Children Norway-Zimbabwe also reported children working on tea estates, which sent children to school in the morning and to work in the afternoon and evening.” [2h] (Section 6d)

HIV/AIDS

- 26.17 On 17 November 2005 the International Federation of Social Workers (IFSW) noted that the number of child-headed households had increased dramatically from 50,000 in 2002 to 318,000 in 2005; “...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...” HIV/AIDS. Over 240,000 children are believed to be infected with the virus. [146]
- 26.18 The USSD 2005 report noted that:
- “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. Many such children were unable to obtain birth certificates, which then prevented them from obtaining social services.” [2h] (Section 5)
- 26.19 Kubatana, 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

- 26.20 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

“There was no compulsory education, and schooling was not free. School fees increased dramatically during the year, and enrolment declined. According to one company’s inflation analysis, school costs for low-income families increased nearly 900 percent from December 2004 through November [2005]. Many families could not afford to send all of their children to school. According to the 2002 census data and age-specific population distributions, roughly 72 percent of school age children attended school. In September [2005] President Mugabe claimed that 97 percent of primary school-age children attended school in 2004. The highest level achieved by most students was primary level education.” [2h] (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]

- 26.21 The Economist Intelligence Unit Country Profile 2005 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. Up-to-date data on school enrolment rates are much harder to obtain, but the UN Educational, Scientific and Cultural Organisation (UNESCO) estimates that the 1999 enrolment rate was 67% for males and 63% for females. However, with the rapid deterioration of the economy in the last three years, drop-out rates have soared.” [24e] (p.18)

26.22 The USSD 2005 report recorded that “In most regions of the country, fewer girls than boys attended secondary schools. According to the 2004 Zimbabwe Millennium Development Goals Progress Report, 42 percent of secondary school-age boys and 40 percent of girls attended school. Of these 82 percent of the boys and 73 percent of the girls completed secondary school. If a family was unable to pay tuition costs, it most often was female children who left school.” [2h] (Section 5)

26.23 On 12 August 2004, IRIN reported that “President Robert Mugabe on Monday said the government wanted Zimbabwe’s universities and tertiary colleges to produce ‘graduates that are patriotic and loyal’ rather than enemies of the state”. The report later quoted Mugabe as saying: “We have noticed in the past that our institutions have produced graduates – should I say graduates? – who have become enemies of the state. We have to reshape and re-orientate these ‘graduates’ to cherish the African personality which Kwame Nkrumah talked about.” The MDC said Mugabe’s intention to create loyal graduates would fail. [10q]

26.24 Kubatana.net reported on 12 August 2005 that there was growing opposition to the government’s proposed Education Amendment Bill. It noted that, “Stakeholders and trade unions in Zimbabwe’s education sector say proposals in the new Education Amendment Bill will cause a decline in standards, and signal the end of private schools.” Representatives from various teaching unions presented their submissions to parliament’s portfolio committee for education, which held a public hearing on the proposed amendments in mid-August.

“The changes would give the minister the power to prescribe fees and school uniforms, and determine which affiliations teachers could join. Unions said this was an infringement of freedoms guaranteed in Zimbabwe’s constitution as well as by international statutes.... The official *Herald* newspaper quoted ZIMTA spokesman Peter Mabhande as saying that requiring all teachers to have professional qualifications was short-sighted, because such qualifications were not necessary for teaching sports and other extra-curricula activities. Raymond Majongwe, chairman of the PTUZ, told IRIN his organisation rejected the Bill, adding that they were particularly angered by the minister’s desire to interfere with teachers’ union affiliations.” [55k]

26.25 allAfrica.com reported on 24 August 2005 that “The United Nations Children’s Fund (Unicef) is mobilising the international community to assist Zimbabweans to keep their children in school in the face of economic challenges. Fees for the forthcoming third term rose significantly, leaving most parents unable to meet their payment deadlines.” [50e] Kubatana noted on 12 August 2005 that tuition fees at all government schools were increased by 1,000 per cent and were backdated to January 2005. [55k] allAfrica continued:

“Against great odds, Zimbabwean parents and caregivers are keeping their children in school and in some cases increasing the national enrolment. ‘At the same time, the UN Children’s Fund called on international support for Zimbabweans to ensure this positive culture does not disappear in the face of harsh economic challenges,’ said Unicef communications officer Mr James Elder. He said Zimbabweans were faced with a number of challenges but the educational statistics reveal that parents have remained committed to

providing their children with education. Unicef will launch a back-to-school campaign next month, which seeks to re-enrol all children who dropped out of school during Operation Murambatsvina, as part of their efforts to ensure quality education.” [50e]

26.26 Freedom House noted in ‘Freedom in the World – Zimbabwe (2006)’ that:

“...academic freedom is limited. Security forces and ruling party thugs harass dissident university students, who have been arrested or expelled from school for protesting against government policy. In 2004, the president of the Zimbabwe National Students Union, Philani Zamchiya, claimed to have been kidnapped and assaulted by police. The Constitutional Amendment Bill passed in September 2005 brings all schools under state control. [105] (p7)

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CHILD CARE

26.27 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

“The government has a National Plan of Action for Orphans and Vulnerable Children (NPA for OVC), which was completed in 2004 but has not been fully implemented. It is designed to ensure that orphans and vulnerable children are able to access education, food, health services, and birth registration and are protected from abuse and exploitation, but activities set out in the plan were insufficiently funded.” [2h] (Section 5)

26.28 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. [85] (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]

26.29 The US State Department Report on Human Rights Practices 2004, published on 28 February 2005, noted that:

“Government funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes continued to rise dramatically and visibly during the year [2004] and was expected to put a tremendous strain on both formal and traditional social systems.” [2a] (Section 5) The USSD 2005 noted that “NGOs operated training centers and homes for street children and orphans, and government officials sometimes referred children to these centers.” [2h] (Section 5) 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 to orphaned children. [55o]

26.30 A report published in June 2004 by a working party of Zimbabwean officials, chaired by the Ministry of Public Service, Labour and Social Welfare and the Ministry of Health and Child Welfare, noted that by 2005, there would be 1.1

million children under the age of 15 orphaned by AIDS. The report noted that “Although efforts by government and civil society are underway to address the growing orphan crisis, responses have not been easy due to Zimbabwe’s difficult socio-economic environment. Parents, who are usually the breadwinners, continue to lose their regular income as they fall ill with HIV/AIDS and eventually die. In addition, the extended family, once the safety net for vulnerable children, is fast disintegrating because of poverty, high rates of unemployment, hyperinflation, urbanisation, and the HIV/AIDS epidemic.” [91] (p.5-7) The report went on to note that national policies and laws were often inadequate and were not fully implemented because of a lack of financial, material, and human resources. Coupled to this was a problem with children accessing basic services because of a lack of birth certificates. [91] (p.10)

- 26.31 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]
- 26.32 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.” [10b]j

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TRAFFICKING

- 27.01 The US State Department Trafficking in Persons Report, dated 5 June 2006, placed Zimbabwe in tier 3. In effect, there are four tiers, 1, 2, 2 “watch list” and 3. Tier 3 was a decline on last year’s report that placed Zimbabwe in “Tier 2

watch list". The US State Department defined tier 3 as: "Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so." [2e]

27.02 The USSD Trafficking report noted that:

"Zimbabwe is a source, transit, and destination country for women and children trafficked for forced labor and sexual exploitation. Large, well-organized rings may be involved. Zimbabwean children may be trafficked internally for forced agricultural labor, domestic servitude, and sexual exploitation. Trafficked women and girls are lured out of the country to South Africa, China, Egypt, and Zambia with false job or scholarship promises that result in domestic servitude or commercial sexual exploitation. There are reports of South African employers demanding sex from undocumented Zimbabwean workers under threat of deportation. Women and children from Malawi, Zambia, and the Democratic Republic of the Congo transit Zimbabwe en route to South Africa. Small numbers of South African girls are trafficked to Zimbabwe for domestic labor.

The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government showed little political will to address Zimbabwe's trafficking problem during the last year. Although Zimbabwe demonstrated modest progress in the area of law enforcement, the government harassed an anti-trafficking NGO and placed a significant number of its citizens at risk for trafficking as a result of the mid-2005 'Operation Restore Order' urban destruction campaign. To further its anti-trafficking efforts, the government should advance comprehensive anti-trafficking legislation that allows for the thorough investigation and prosecution of foreign traffickers, launch a broad public awareness campaign, and take immediate steps to ensure that those made vulnerable to trafficking by 'Operation Restore Order' do not become victims of exploitation." [2e]

27.03 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

"No laws specifically address trafficking in persons, and there continued to be anecdotal reports that the country was both a point of origin and a transit path for trafficking. Common law prohibits abduction and forced labor, and it is a crime under the SOA to transport persons across the border for sex. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws. The SOA provides for a maximum fine of \$0.41 (Z\$35 thousand) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of \$0.58 (Z\$50 thousand) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside" the country. The primary government authority to combat trafficking is the ZRP [Zimbabwe Republic Police], which relied on NGOs to alert them to any cases.

"There was little information on the extent of trafficking beyond anecdotal reports of girls exchanging sex for passage across the South African border, women lured to other countries with false job promises, immigration officials of neighbouring countries sexually abusing children during deportation, children

working as domestic or agricultural workers, and employers requiring sex from undocumented Zimbabwean workers in South Africa under threat of deportation. There also were anecdotal reports that victims were trafficked to border areas and into Botswana and South Africa. Likewise, there were anecdotal reports that victims were transited through the country to South Africa from Botswana, Ghana, and East Africa.

“Anecdotal information suggested that citizens who emigrated to seek a better life were exploited while employed illegally in a neighbouring country, when being deported, or after being lured to another country by false employment schemes. The groups at highest risk were HIV/AIDS orphans and displaced persons.

“There were reports of child prostitution, trafficking in children, and child labor. NGOs reported an increase in child prostitution since Operation Restore Order. As with adults, reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. One local NGO reported that traffickers took girls from rural areas to city brothels in cities [sic] under the false pretences of job or marriage promises. The NGO reported that rural girls were sometimes trafficked to farms as agricultural labor or to urban areas as domestic labor, where they were sometimes sexually abused.

“Victims suffering from child or domestic abuse are treated with special procedures in victim friendly courts. A trafficked person had the option to take a case before the victim friendly court; however, there is no statistical tracking of trafficking-related prosecutions and no record of any cases filed during the year. The state-run media prominently featured articles about trafficking in persons, and the government has prevention programs, such as BEAM to provide alternatives for children at risk. However, there are no NGOs with programs specifically designed to work with trafficking victims.” [2h] (Section 5)

27.04 The USSD Trafficking report also noted that, with regards to protection:

“Over the last year, the Zimbabwean Government collaborated with some NGOs to provide victim assistance; however, the government-controlled press verbally attacked one anti-trafficking NGO and police raided the NGO's offices and one of its shelters, harassing already traumatized victims. VFU (Victim Friendly Unit) and IOM officers jointly interviewed and referred victims to multiple NGOs for shelter, health care, counselling, and reintegration services. At least nine of the victims identified by police received these services and foreign victims were offered temporary residency while they received services and their cases were investigated. The Ministry of Public Service, Social Welfare, and Labor worked with an NGO to run a center to assist deported children to return to their homes, including counselling for victims of sexual exploitation. The Ministry assumed operation of three of eight related pilot projects that provide assistance to vulnerable minors. One district council hired a child protection officer, convened a protection committee, and conducted a small survey of the trafficking problem.

“These positive steps on protection were, however, undermined when the government placed many of its citizens at increased risk for exploitation with its mid-2005 urban destruction campaign code-named ‘Operation Restore Order.’ Tens of thousands of people remain homeless in the wake of the

operation, which demolished ostensibly illegal homes and businesses. An estimated 223,000 children were affected and left vulnerable to trafficking.” [2e]

27.05 And with regard to prevention, the USSD Trafficking report noted that:

“Human trafficking received increasing attention during the year, though efforts remain modest. For example, during a trip to the border, government ministers concluded that irregular migration was a national crisis after observing the volume of returnees from South Africa, many of whom related stories of being exploited during migration. Government-sponsored media outlets ran IOM’s trafficking awareness messages. In addition, the government-sponsored media continued to print or air messages warning the public about prostitution and false employment scams that can lead to trafficking.” [2e]

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TEACHERS

- 28.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that “Police and CIO harassed teachers perceived to be opposition supporters. On September 20, two CIO personnel kidnapped Henry Taruva, a high school teacher in Gweru, interrogated and tortured him for teaching opposition views to his students. Unlike previous years, there were no reports of schoolteachers whose contracts of employment were cancelled because they supported the MDC.” [2h] (Section 2a) “In early May several ZANU-PF youths surrounded two schools in Marondera, a rural town near Harare. The youths accused several teachers of supporting the MDC and ordered them to leave their posts. The teachers did not report the incident to the police but requested reassignment by the Education Ministry because they feared for their safety.” [2h] (Section 1c) “The disproportionate number of Shona-speaking teachers and headmasters in Matabeleland schools remained a sensitive issue.” [2h] (Section 5)
- 28.02 News24 reported on 27 April 2006 that the government awarded large pay rises to teachers. “Teachers will earn a minimum of 33 million Zimbabwean dollars... a month before tax.” [38a]
- 28.03 On 25 April 2002 it was reported in the *Zimbabwe Daily News* that at least 50 school teachers in the Makoni North and Chimanimani districts, suspected by local ZANU-PF and War Veteran officials of being MDC members, had been advised “not to report for duty”. ZANU-PF officials had written to school headmasters instructing them to expel certain teachers. [9i] It was also reported in April 2002 by the same newspaper, that more than 500 teachers and MDC polling agents had been forced to flee the Zaka and Gutu districts of Masvingo province as ZANU-PF youth activists had embarked on a witch-hunt against suspected MDC supporters. Some teachers in schools in Zaka had been told “not to return to their schools next term”. [9w] A *Daily News* report of 10 May 2002 claimed that approximately 30 teachers were assaulted and forced from their workplace in Buhera. [9ai]
- 28.04 On this same date, 10 May 2002, AfricaOnline reported the Progressive Teachers Union of Zimbabwe (PTUZ) as saying that it had recorded over “107,000 cases of extortion, 20 incidents of murder and 190 cases of rape

between February 2001 and April 2002. The number of cases of extortion was high as the same teachers were targeted several times". This, they claimed, was because teachers were perceived to be supporters of the MDC. [47]

- 28.05 The comments of the Commonwealth Observer Group that observed the March 2002 presidential election and which were reported in the *Zimbabwe Daily News*, noted incidents in which teachers had been attacked, including one in Mashonaland East in which a school principal was dragged from his school and clubbed to death because of his association with the MDC. [9n]
- 28.06 The Zimbabwean Human Rights Forum noted that by October 2002 violence against teachers occurred in eight out of ten provinces, the exceptions being Bulawayo and Harare. The Forum also documented 238 individual cases of abuses against teachers by ZANU-PF militias and since January 2001 such violence, combined with other forms of abuses such as "abduction, unlawful arrest and detention" resulted in "the closure of 30 schools" according to a report in Zimbabwe's *Independent* newspaper. [11e]
- 28.07 The local *Daily News* reported on 28 February 2003 that student teachers in rural areas were forced to register with ZANU-PF wards and partake in their activities in order to access food. The teachers claimed that they feared Green Bombers (members of the National Youth Service) and so-called War Vets if they did not comply. The PTUZ had reports of similar incidents in Hedza, Mtoko, Buhera, Rushinga, Mudzi, Murehwa and Mberengwa. [9bd]
- 28.08 On 22 September 2004, the Zimbabwe Human Rights NGO Forum (ZHR NGO Forum) reported that ZANU-PF supporters led by the ZANU-PF District Chairman reportedly assaulted a teacher at Nyambiri School, Seke Constituency. The teacher was allegedly threatened with death and accused of supporting the MDC. The ZANU-PF District Chairman reportedly assaulted the teacher and told him that he was no longer welcome in the area. "The beatings allegedly lasted for approximately 30 minutes during which time the victim lost consciousness." The ZHR NGO Forum concluded that:
- "The Human Rights Forum condemns violence perpetrated against teachers in rural communities, particularly ahead of the March 2005 Parliamentary Election. Such incidents have been documented in isolation and with increasing frequency in association with election campaigns. Teachers have subsequently fled from their schools seeking refuge in urban centres." [35h] (p.3)
- 28.09 The ZHR NGO Forum noted in its monthly political violence reports (May 2005) that on 2 May at Marondera West "ZANU-PF youths from Mahusekwa reportedly besieged 2 schools in Chihota, Marondera District, and chased away 9 teachers, accusing them of backing the MDC. Eight of the 9 teachers who fled said they would not return to the schools alleging that their lives were in danger. Mashonaland East Provincial Education Director in the Ministry of Education, Sport and Culture is said to have confirmed that 7 of the teachers have since been redeployed to schools in Murehwa, Seke and Marondera." [35a] (p.10)
- 28.10 Noting the government's earlier campaign of terror against perceived opposition supporting teachers, ZimOnline reported on 22 October 2005 that on World Teachers Day (7 October 2005) the government issued a strong

warning that it would sack any teachers thinking of joining industrial action. The industrial action had been called in response to a real value drop in salaries (caused by hyper-inflation) and poor working conditions. The Government threatened to replace striking teachers with soldiers and retired educationalists. [49a] On 30 March 2005, IRINNEWS.org reported that Zanu-PF continued to view teachers as being active supporters of the MDC. [10s]

- 28.11 The Institute for War and Peace Reporting (IWPR) noted on 21 October 2005 that: "One-third of Zimbabwe's teachers are infected with HIV, but there is little medical help available for them... According to a new survey by the Progressive Teachers' Union of Zimbabwe, PTUZ, nearly 600 teachers are known to have died of AIDS-related illnesses in 2004, while 362 teachers have died in the first six months of this year [2005]. 'Many more are infected [with HIV] and are suffering in silence,' said the report. 'The majority of schools in Zimbabwe have lost at least one teacher to the disease and at least two or three teachers [per school] are on AIDS-related sick leave.' The government estimates that some 27,000 of the country's 80,000 teachers are HIV-positive." [77i] (p1)

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MEDICAL ISSUES

GENERAL

- 29.01 The World Health Organisation (WHO) in 'Health Action in Crises – updated December 2005' 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... 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)

- 29.02 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 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)
- 29.04 USAID noted in its Strategy for Zimbabwe (updated 22 June 2005) that “Zimbabwe’s once robust social services are collapsing in the face of the economic crisis, the AIDS epidemic, and an alarmingly large exodus of the country’s educated professionals. Zimbabwe has one of the highest HIV/AIDS prevalence rates in the world (24.6 percent of all adults). Life expectancy dropped from 61 years in 1990 to 34 years in 2002.” [80] WHO reported in December 2005 that HIV/AIDS was causing around 3,000 deaths per week. [97b]
- 29.05 Noting the exodus of healthcare professionals, BBC Monitoring noted on 10 January 2005 that corpses were piling up in the country’s hospitals “...after Zimbabwe’s last forensic pathologist quits.” The report noted that the government had confirmed that the country had not had a qualified forensic pathologist in Zimbabwe since Alex Mapunda resigned in May 2004. [71a] Shortages of petroleum due to the ravaged economy were also 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)
- 29.06 *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)
- 29.07 On 2 October 2004, News24.com noted that “Doctors in Zimbabwe have doubled their consultation fees, the second such hike in recent months, putting medical care well out of the reach of most of the population, a newspaper reported on Sunday.” The report noted that a visit to a specialist doctor could cost up to four times the average monthly salary of a domestic worker, with a visit to a general practitioner costing around the equivalent of two months’ salary. [38f]
- 29.08 *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’. [4h] 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]

- 29.09 The Zimbabwe Situation reporting the *Herald* on 12 December 2005 noted that “The World Health Organisation (WHO) has pledged US\$1.6 million (about \$120 billion) to Government for the fight against malaria, which threatens over five million people countrywide.” The article went on to note that “Pregnant women get malaria drugs when they visit antenatal clinics as part of efforts to protect them from the disease.” [89p]

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HEALTH CARE FACILITIES

- 29.10 Research Africa (updated on 16 January 2006) 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]

- 29.11 The US State Department Consular Information Sheet – Zimbabwe, updated on 6 March 2006, noted that:

“Medical facilities, particularly outside of Harare and Bulawayo, are 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. The fuel shortage further diminishes emergency response capabilities.” [2g] (p4)

- 29.12 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]

- 29.13 Commenting upon the reasons behind the exodus of health professionals from Zimbabwe, Kubatana 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]
- 29.14 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

- 29.15 News24.com reported on 24 January 2005, that Zimbabwe was suffering the effects of a “medical brain drain”. The report noted that the situation had reached critical levels with bodies piling up in morgues because of a lack of qualified staff. [38e] News24.com followed this up on 24 September 2006, noting that the country was the hardest hit in Africa by the brain drain of qualified medical staff. To illustrate this, the report noted that the country only has 50 per cent of the key medical professionals that it needs. In some areas the situation is even worse with only 36 senior doctors out of 145 needed. The report noted that in December 2005 “...there was up to 89% vacancies for laboratory technicians, 44% for senior nurses and 88.4% for primary care nurses...” The severe economic conditions have had a huge impact on healthcare provision with spiralling inflation of 1,200 per cent eating into health budgets. [38m]
- 29.16 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, WHO noted that the Zimbabwean Government had allocated 12 percent 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]

- 29.17 The *Zimbabwe Observer* reported (2 August 2005) that Zimbabwe’s doctors had gone on strike. The article noted that “Scores of patients in Zimbabwe were yesterday turned away at major hospitals, with a few senior doctors attending to critical cases only, as the strike by junior doctors, who are demanding at least 800 percent salary increment, entered its fifth day.” [106] Zimdaily.com reported on 3 August 2005 that the strike by junior and mid level doctors has resulted from what they claim are inadequate pay and working conditions. “They are asking for a pay rise of as much as 5,000 percent to compensate for high inflation and the low value of the Zimbabwe currency.” However, Zimdaily reported that the “Labor Court” had ordered that all doctors must return to work no later than the next day. According to a spokesperson for the striking doctors, around 90 per cent of the 800 Zimbabwean doctors employed by the government had been on strike since 23rd June, after several attempts to get their salaries increased had failed. The article closed by reporting that “Zimbabwe’s health care system, once considered one of the best in sub-saharan Africa, is collapsing because of a severe shortage of money for salaries, medical equipment, and essential drugs. Many of Zimbabwe’s doctors, nurses, and other health care professionals are leaving the country for places offering better pay.” [107]

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ACCESS TO DRUGS

- 29.18 The Economist Intelligence Unit Country Profile 2006 noted that: “Although the government still provides free healthcare to low-income earners, patients are required to pay for medication, the costs of which have risen quickly in recent years. 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] (p18) Freedom House (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)

- 29.19 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)
- 29.20 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]

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

OVERVIEW

- 29.21 The Human Rights Watch (HRW) report ‘No Bright Future’ published in July 2006, noted that: “Zimbabwe has one of the highest HIV prevalence rates in the world, with 20% of these aged 15-49 living with HIV or AIDS. An estimated 1.6 million Zimbabweans out of a total population of 12.9 million are living with HIV and AIDS. 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 the 1,600,000 infected with HIV/AIDS some 350,000 were in immediate need of life saving anti-retroviral (ARVs) drugs. [69a](p3) However, of the government’s stated aim of providing ARVs to 300,000 people by 2010, only 23,000 are currently in receipt of these drugs. [69a](p21)
- 29.22 Both allAfrica.com reporting on 2 November 2005 and Human Rights Watch (HRW) reporting in July 2006 noted that a major UNAIDS report published in November 2005 had reported a significant decline in prevalence rates of HIV/AIDS in Zimbabwe. However, while allAfrica and HRW were encouraged by the findings of the UN report, both expressed caution over the interpretation of these findings with allAfrica noting that some AIDS analysts believed that other reasons may lie behind the reduction in the prevalence of HIV/AIDS, citing increased mortality as one possible reason. [50w] [69a] (p19) An article published by Sokwanele (report dated 2 December 2005) expressed further caution regarding the drop in prevalence figures, stating that:

“Prevalence, which measures the ongoing level of HIV infection, is not particularly informative without knowing the incidence, or the rate at which new infections are occurring. A falling prevalence rate may reflect that the number of people dying because of the virus is outnumbering those newly infected with it. Given the economic and food security difficulties in Zimbabwe, high numbers of deaths could be behind the apparent decline in HIV infections.” [115] (p1-2) afrolNews reported on 7 April 2006 that as a result of HIV/AIDS related mortalities Zimbabwean women now had the lowest average lifespan in the world at 34 years. [73e]

- 29.23 The Institute for War and Peace Reporting (IWPR) noted on 21 October 2005 that “The average amount of international funding each year in southern Africa is 74 US dollars per person infected with HIV, according to the United Nations Children’s Fund. But in Zimbabwe that figure is just four dollars a head. Critics say the Zimbabwean government has not been doing enough to make sure anti-retroviral drugs reach the infected, and that distribution is skewed by political preferences. [77I] (p2) The Human Rights Watch report ‘No Bright Future’, published in July 2006, noted that most international donors have either significantly reduced or suspended direct aid to the Zimbabwean government to fight HIV/AIDS. The country is considered to be significantly worse off compared to other southern African countries: international donors are not happy to give money to a government that they consider is corrupt. [69a] (p60-63)

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Availability of treatment – State provision

- 29.24 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)
- 29.25 However, while 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. [77I] (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 this year cost 400,000 Zimbabwean dollars now costs 1.5 million, nearly the entire monthly salary of a junior teacher. [77I] (p2)

- 29.26 IRINnews.org reported on 16 December 2005 that the Zimbabwean Government had failed to provide specific funds for scaling up treatment of HIV/AIDS. The report noted that “Of the 500,000 people in immediate need of antiretroviral drugs (ARVs), only 24,000 are on treatment.” [10bh]
- 29.27 News24.com reported on 1 December 2005 that “Earlier, the government said that about seven percent of around 280,000 people in need of anti-retroviral drugs were receiving the treatment, a figure it hoped would rise next year.” [38i]
- 29.28 The Zimbabwe Situation, reporting an article published by the *Daily Mirror* on 24 November 2005, noted that “According to the health ministry, at least 300,000 people living with HIV and Aids are in urgent need of ARVs, but cannot access the drugs from public health institutions due to limited supplies.” [89o]

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Availability of treatment – NGOs

- 29.29 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]
- 29.30 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)
- 29.31 On 6 December 2004, Médecins Sans Frontières (MSF) noted in an article that since 2000 it had been working in Zimbabwe to improve treatment for those suffering from HIV/AIDS. The article continued:
- “In March 2004, MSF opened a clinic to treat people with opportunistic infections in Murambinda Hospital. This is the first stage of an HIV/AIDS project in Buhera district of Manicaland province, located 200 kilometers south of the capital city, Harare. In addition to improving treatment for opportunistic infections, MSF teams are providing training for local medical staff to support ongoing HIV/AIDS activities in the hospital, such as voluntary counselling and testing and prevention of mother to child transmission. As of June 2004, 900 patients were using the clinic. MSF staff plan to introduce treatment with life extending antiretroviral (ARV) medicines in the next few months and hope to have 50 patients using ARV treatment by the end of 2004.” [45b]

- 29.32 MSF further noted a number of other projects ranging from therapeutic feeding activities through to providing emergency-preparedness planning for municipal districts and cholera workshops. During 2004, MSF began treating patients with ARVs in Bulawayo; MSF plans to have 700 patients receiving ARVs by the end of 2004. However, MSF reported that in Masvingo, where a clinic had been set up, they were asked to leave the province by local health officials. At the time of going to press, MSF had still not received an explanation for this request. [45b]
- 29.33 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 has 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. [77g]
- 29.34 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]

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Cost and availability of ARVs

- 29.35 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 June 2006 the inflation rate stood at 1,200%]. 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]

- 29.36 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." [381]
- 29.37 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)
- 29.38 Reuters noted on the 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]
- 29.39 The Zimbabwe Situation, reporting an article published by the *Daily Mirror* on 24 November 2005, noted that:
- "The cost of locally manufactured (generic) life-prolonging anti-retroviral drugs (ARVs) has shot up by more than 100 percent from \$1.2million in September [2005] to about \$2.5million with manufacturers saying the increase was necessitated by the shortage of foreign currency to import raw materials. Retail Pharmacists Association (RPA) president, Douglas Shonhiwa confirmed the recent price increases of the first line drug therapy currently used in Zimbabwe.
- "The World Health Organisation recommends first line drugs as the initial therapy for HIV and Aids positive people. Urban pharmacies are charging for generic drugs between \$2.1 and \$2.5 million, with Shonhiwa saying the cost adjustments were necessitated by the increments made by major ARV supplier, Varichem.
- "The last drug supplies were distributed last week and were exhausted fast due to high demand, he added. 'ARVs are there in and out, depending on the supplier. When we get these drugs from the supplier (Varichem), pharmacists put a mark up of 50 percent,' said Shonhiwa.
- "Contacted for comment yesterday, Varichem marketing manager, Christopher Chitemere attributed the increases to current shortages of foreign currency to

import raw materials needed in manufacturing ARVs. He said: 'As you know, we are facing a big challenge of foreign currency to procure raw materials needed for manufacturing the drugs.' Chitemere said the shortage had forced them to operate below normal capacity...

"Due to the drug shortages, most people on Anti-retroviral therapy have switched from their traditional drugs to other alternatives. Prominent Aids activist, Tendayi Westerhof said: 'There is a huge shortage of first line drugs such that we have been forced to switch to alternatives which are very expensive.' Zimbabwe is using Stalanev as the first line drug combination, but most people living with HIV and Aids have since resorted to using an alternative drug, Trimune. Other imported drugs cost an average \$6 million for a month-long course." [89o]

- 29.40 Noting the consequences resulting from the shortages in the availability of ARVs, Sokwanele reported that "The shortages of anti-retrovirals is so severe that the Network for HIV-positive Women in Zimbabwe is advising people 'not to start taking ARVs because there is a risk of drug resistance if they take the drugs and later stop because the drugs are no longer available.' The spokesperson for the organisation, Angeline Chiwatani, said that 'ARV treatment is supposed to be uninterrupted for life'." [115] (p3) allAfrica.com reported on 25 September 2005 that "Health experts warn that aborting anti retroviral therapy (ART) [once started] is tantamount to signing one's death sentence [sic] as this could trigger resistance to further therapy and increase the progression of the HIV virus in one's body." [50v]

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Health care professionals

- 29.41 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]
- 29.42 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]
- 29.43 Kubatana 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." [55]

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Women and children

- 29.44 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]
- 29.45 Nearly 80 per cent of all HIV infections in the 15-24 age group were among young women according to an IRIN report dated 6 August 2004. The report stated that too much attention was being paid to helping women cope with caring for others at the expense of strategies to prevent they themselves becoming HIV positive. [10k]
- 29.46 Sokwanele 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)
- 29.47 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 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." [10b]j
- 29.48 On 17 June 2004, IRIN reported that Zimbabwe's efforts to prevent the transmission of HIV from mothers to their children is being undermined by a limited response to the initiative "The government rolled out the first phase of its prevention of mother-to-child transmission (PMTCT) programme in 2002. Currently, out of the 53 district hospitals in the country, 43 have started administering free single doses of the drug Neveripane – which can reduce transmission of the virus by more than half – to HIV-positive expectant mothers." However, IRIN noted that the take up for such treatment was disappointing with only 35 per cent doing so in 2002, increasing to 56 per cent in 2003, but the number of children coming forward for follow-up treatment was only 29 per cent. "The limited response by HIV-positive expectant mothers appears to be rooted in the fear of stigma and discrimination." [10h]

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Impact of Operation Murambatsvina

- 29.49 On 3 August 2005, IRIN reported that people suffering from HIV/AIDS caught up in Operation Murambatsvina have been forced to abandon antiretroviral (ARV) treatment. The article reported the case of Mtshumayeli Ndebele and his wife who were told by Zimbabwean authorities to vacate the Hellensvale transit camp and return to their rural home area. However, the article noted “We would get drugs every month from Mpilo hospital, and everything just looked better for us, but we are no longer able to do that because we have moved; we are now several kilometres away and have no money for transport to go and get our consignment,” Mtshumayeli told IRIN. ‘Now, it’s like we are just waiting to die.’.... Scores of HIV/AIDS patients whose treatment programmes have been disrupted find themselves in a similar plight after being forcibly relocated to parts of rural Zimbabwe. Health experts warn that most of them will certainly die prematurely because of the lack of AIDS drugs and inadequate food in the countryside.” [10bn]
- 29.50 Sokwanele also noted on 2 December 2005 that people whose HIV/AIDS treatment had been disrupted by Operation Murambatsvina in June 2005 were still unable to access ARVs or treatments for TB and other opportunistic infections by October 2005. The report stated that “Local NGOs working with those living with HIV/AIDS have been unable to trace or reach many of their clients and informed Human Rights Watch that the government had made no attempts to locate their displaced clients and facilitate access to treatment, food and shelter for those living with HIV/AIDS.” [115] (P6)
- 29.51 *Human Rights Monthly* (number 37), dated July 2005, noted that with regard to Operation Murambatsvina “... an estimated 79,500 persons over 15 years of age living with HIV/AIDS were displaced. Consequences include an increase in vulnerability to HIV/AIDS and a disruption in HIV/AIDS services particularly Anti Retro – Viral (ARV) treatment, home based care and prevention. In cases where ARV treatment has been disrupted, this could result in drug resistance, declining health and ultimately death.” [123]

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CANCER TREATMENT

- 29.52 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.” [20i] A further report in the *Mail and Guardian* on 11 May 2006 stated that “...the only two state-owned radiotherapy machines [based in Harare and Bulawayo] are out of action and await repairs, leaving cancer patients without vital treatment...” [6a]

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KIDNEY DIALYSIS

- 29.53 *Zimbabwe Standard* also 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]
- 29.54 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]
- 29.55 A news report from the *Zimbabwe Herald* (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

- 29.56 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 percent of the country's population has diabetes; however, the article noted that the prevalence of the disease may be even higher. [107b]
- 29.57 Most recently, 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

- 29.58 The WHO Mental Health Atlas – 2005 (accessed on 24 August 2006) 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]

- 29.59 In December 2004 IRIN reported:

“Activists have welcomed the launch of the Zimbabwe’s first national mental health policy, but warned that delays in implementation could make it irrelevant. Elizabeth Matare, director of the Zimbabwe National Association for Mental Health (ZIMNAMH), told IRIN that her organisation welcomed the new policy, as well as the increased budgetary allocations for the mental health sector. ‘The inclusion of mental health issues in the national HIV/AIDS programme is highly commendable – we have always complained that mental health patients have been sidelined. But the policy is only a statement of intention on the part of the ministry of health. We would like to see the policy put into action – Zimbabwe has a long history of coming up with acts and working documents that are never implemented,’ she remarked.

“Under the new policy guidelines, mental health issues form part of the national HIV/AIDS mitigation and information strategy, thereby giving the mentally ill greater access to information, treatment and counselling.”

The government announced that it would be setting aside a total of Z\$5 billion (US \$877,346), up from \$ Zim 120 million (about \$22,000) in 2004, for programmes and improvements in the country’s three psychiatric hospitals during 2005. [10bp]

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HUMANITARIAN ISSUES

LAND REFORM

- 30.01 The BBC World Service (accessed on 4 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.” [129] However, the Economist Intelligence Unit – Zimbabwe Country Profile 2005 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. [24b] (p31)
- 30.02 Noting the history of the land issue, the British Embassy, Harare in ‘Zimbabwe Land: Questions and Answers on UK Views (updated 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]
- 30.03 *Jane's Sentinel – Southern Africa (Zimbabwe)*, issue no. 16, 2004, noted that “Since early 2000 the Zimbabwean government has, for reasons of political expediency, embarked on a haphazard programme to seize land from white landowners for redistribution to landless blacks. [111] (p598) *Europa Africa South of the Sahara 2004* noted that since 2000 war veterans have attacked many black farm workers with the police doing little to apprehend the perpetrators of the violence. [1c] (p.1227)
- 30.04 The Global IDP Database (published 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 of 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 allAfrica.com noted on 11 February 2005, that a farmer from Banket, northern Zimbabwe, was strangled to death by suspected war veterans and ruling party militia as the effect of land redistribution crises lingers on. "Commercial Farmers Union officials said Ole Sunde, a white commercial farmer, was abducted from his occupied Musonzowa farm near Banket, 95 kilometres north west of Harare, and driven into the bush where he was severely assaulted before he was strangled to death with a wire.... The murder of Sunde, of Norwegian descent, has forced more than 20 white farming families in the area to seek safety in Harare, a representative of the farmers' union said." [50d]
- 30.07 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:
- "Some of the approximately 300 remaining white commercial farmers lost their farms as the government continued to list farms for compulsory acquisition. The new constitutional amendment transferred title to the state of all land previously acquired, prohibited court challenges to the acquisitions, and allowed the government to acquire any agricultural land (undefined in the text of the amendment) for any purpose simply by publishing a notice of acquisition." [2h] (Section 1f) The New Zealand Herald noted on 31 August 2005 that the amendments effectively abolished freehold property titles had been passed by parliament during its second reading. [110]
- 30.08 The Australian reported on 1 October 2005 that "White farmers in eastern Zimbabwe are being hit by a new wave of land grabs, a lawyer said overnight, even though the country's influential central bank chief is calling for a halt to the seizures. The news report noted that a new wave of farm seizures followed "A controversial constitutional amendment approved by President Robert Mugabe earlier this month [which] allows the state to assume ownership of farms immediately after a property has been listed for expropriation, making it impossible for white farmers to seek legal redress." [130]
- 30.09 BBC News reported on 1 November 2005 that a government spokesperson echoing President Mugabe's views admitted that the government's previous farm seizures had been badly handled – leading to a drop in the production of food. [3az] Calling for moderation in the continuing process of farm seizures, IRINnews reported on 26 October 2005 that Gideon Gono, Zimbabwe's Reserve Bank Governor, had "...called for an immediate end to a recent wave of farm invasions, warning that any further steps towards forced expropriation would seriously undermine efforts towards economic recovery." [10bn] However, the Economist Intelligence Unit in its Zimbabwe Country Report December 2005, noted that rather than stop, the rate of farm seizures increased during the year with the new amendment to the constitution also allowing the seizure of farm equipment. [24c] (p30)

- 30.10 The Zimbabwe Situation, reporting a 'Jag Trust Press Release' dated 27 November 2005, noted the murder of one of Zimbabwe's few remaining commercial farmers. "Mr Donald (Don) Stuart (68), a dairy farmer and horticultural vegetable producer in the Norton/Harare West farming area, was viciously and brutally assaulted by a gang of intruders prior to his murder by strangulation in the early hours... After the viciously brutal assault and subsequent murder the gang had time to destroy evidence by covering the body with mattresses, dousing them with petrol siphoned from farm vehicles and then torching the homestead." [89u] IRIN noted on 26 October 2005 that recent invasions and attacks on the remaining white farmers was triggered by inflammatory language from "State Security and Land Reform Minister Didymus Mutasa, who referred to them as 'filth and 'dirt'." [10bn]
- 30.11 In what was seen as a test case, News24 reported on 30 November 2005 that:
- "A high court in Zimbabwe had allowed three black farmers back onto a farm from which they had been evicted by white owners, overturning its earlier decision. The original judgement had been used by the white farm owners to evict the three black occupiers, but now Justice Tendai Uchena had overturned this judgment handed down by a fellow judge, Bharat Patel. The reports said: 'Uchena clearly stated that resettled people can no longer be evicted as appeared to have been sanctioned by justice Patel.' Uchena said: 'In the event of any inconsistencies between this order and any other previous orders in this case, this order shall prevail over any such orders.'"
- The report noted that the court's ruling means that the 4,000 cases being brought by white farmers would now be struck off the court rolls. [38j]
- 30.12 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] Of the estimated 4,000 commercial white farmers who were farming before the start of land seizures in 2000 only about 600 remain. [49an] The Zimbabwe Situation reported on 28 September 2006 that days before the new wave of evictions, "...the Reserve Bank governor Gideon Gono appeared on South African television declaring that farm invasions in Zimbabwe were over." [89ab]

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FOOD SHORTAGES

- 30.13 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)

- 30.14 The United Nations World Food Programme (WFP), accessed on 31 August 2006, noted that better rainfall in the region produced an improved Zimbabwean cereal crop for 2006. As a result, the Food and Agriculture Organisation predicted a far reduced maize import requirement for 2006/07. “At the end of April 2006, WFP ended its vulnerable group feeding programme as planned, due to the harvest.” However, because of the poor state of the economy the WFP reported that it would continue to assist nearly one million people in vulnerable groups, such as children through school feeding projects, orphans, pregnant mothers and the chronically ill. [54b] (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)
- 30.15 However, ZimOnline noted on 20 July 2006 that a report by the Consortium for Southern Africa Food Security Emergency (C-SAFE) “...described the food situation in Zimbabwe’s countryside as ‘grave’. With extremely high unemployment levels in rural areas many households there were resorting to brewing illicit beer which they sell to raise money to buy food.” [49x] An earlier report published by allAfrica.com on 16 May 2006 noted that: “maizemeal is affordable, as it’s price controlled by government...” However, it went on to note that other foodstuffs were beyond the reach of most Zimbabweans with a kilo of meat costing up to (see section on economy: inflation) US\$9. [50f]
- 30.16 The Telegraph reported on 4 December 2005 that people evicted from their homes following Operation Murambatsvina were struggling to obtain sufficient amounts of food. The report noted that one woman without food had resorted to eating ‘mandere/chafer’ beetles to stay alive. [5b] A report from allAfrica.com on 26 February 2006 stated: “As hunger continues to stalk Masvingo province, villagers in Zimuto communal lands are scavenging for food leftovers at Zimuto Mission High School. Teachers at the school fear the villagers could be exposing themselves to diseases since they battle with hungry dogs, which also forage for food from the school’s dumpsite and bins.” [50x] The WFP report also noted that it was working with the International Organization for Migration (IOM) and NGO partners to reach over 90,000 people affected by Operation Murambatsvina. The report added “WFP is continuing to identify new opportunities to support urban programmes that address food insecurity and include those affected by the ‘clean-up’ operation.” [54b] (p4)

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POLITICISATION OF FOOD

- 30.17 Following on from the Reuters report, the Financial Gazette reported on the 28 April 2005 that “Zimbabwe, grappling with a serious grain deficit threatening an estimated two million people, has put the State Security Ministry firmly in charge of the importation and distribution of maize — a pointer to the gravity of the situation. 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]
- 30.18 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.” [10b]
- 30.19 ZimOnline noted on 15 November 2005 that:
- “President Robert Mugabe's government has begun distributing maize in a hunger-stricken constituency where it is facing a by-election, in what the opposition Movement for Democratic Change (MDC) party has said is an attempt to bribe voters with food.
- “A ZimOnline news crew touring Gutu constituency at the weekend witnessed thousands of villagers receiving 50kg bags of maize from the government's Grain Marketing Board (GMB) at various rural business centres in the area such as Zvavahera, Chinyika, Nyamandi and Utsinda.
- “Maize, Zimbabwe's main staple food is in critical short supply in the country and there is no other area besides Gutu where the GMB is distributing free maize.”
- The article went on to note that “...an official of Gutu rural district council, who declined to be named because he is not authorised to speak to the Press, insisted that the distribution of maize had nothing to do with the by-election saying it was planned well before anyone knew there would be an election in the area. However, well-known MDC supporters in the area said they were being denied the maize as punishment for backing the opposition party.

“For example, chairman of the MDC in Gutu's ward 19, Makoni Goronga, told ZimOnline that he and his family had been scrapped from the list of recipients of maize from the GMB maize because of his links with the opposition party.

“Another villager from ward 11, Kassian Jaravaza, said he and all his relatives were barred from getting the maize because they support the MDC. He said: ‘I am not getting anything and my name and those of my relatives have not been included on the list of those who must get the maize because I support the opposition.’

“The distribution of maize is being handled by traditional village heads and councillors, in the past accused by the MDC of being used by the government to intimidate their communities to back Mugabe and ZANU PF.” [49w]

30.20 The Voice of America (VOA) reported on 18 October 2005 that a legal challenge following allegations of corruption in the March parliamentary election found that food was used a political weapon during the election. The report noted that “...Judge Rita Makarau has ruled that President Robert Mugabe’s Zanu PF Party used food and fear of starvation to buy votes earlier this year. The judgement is the first case in which a member of Mr. Mugabe’s administration has confirmed that food aid has been abused for political reasons.” [83d]

30.21 SW Radio Africa reported on 7 December 2005 that:

“Villagers in Tsholotsho district in northern Matabeleland have told SW Radio Africa that during the senate election campaign they were asked by ruling ZANU-PF councillors and officials to choose between life and death.

“They were told that choosing life meant voting for the ruling party. Voting for the opposition MDC was like choosing starvation and death. The villagers said they were left with no choice but to choose life by voting for the ruling party candidate, Josephine Moyo despite the fact that the area is an opposition stronghold.

“‘We had run out of food and we were threatened that if we continued voting for the MDC, aid organisations would be stopped from distributing relief food,’ said one villager, Mluleki Nyathi of Siphepha village.” [89s]

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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 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 crack-down 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 states 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 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 on 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]

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CONTINUED EVICTIONS

- 31.14 Nearly a year on since 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 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)
- 31.15 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 15 June 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]

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Alternative accommodation and shelter

- 31.16 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]

- 31.17 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]
- 31.18 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)
- 31.19 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 Archbishop Pius Ncube, who 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]
- 31.20 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. [3ay]

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Aid/NGO assistance

- 31.21 HRW noted that “Thousands of people remain homeless and displaced by the evictions with no shelter and little or no access to food, water and medical assistance.” To date none has received any housing under Operation Garikai. The report also noted the Zimbabwean government’s initial “...refusal to co-operate with a United Nations emergency appeal for the hundreds of thousands affected by the evictions...” On 31 October [2005], United Nations Secretary-General Kofi Annan appealed to the Zimbabwean government to allow UN agencies and NGOs into the country to supply and distribute aid. [69g] The BBC reported on 2 December 2005 that “Zimbabwe has agreed with the UN food agency to feed at least three million people in the country until next June. The deal marks a major turnaround in Zimbabwe’s attitude towards the agency...” [3ax]
- 31.22 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

- 31.23 Reuters Foundation (Alertnet) 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] (p11)

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FREEDOM OF MOVEMENT

32.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, 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:

“During the year police continued routinely to erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. Police claimed that they were looking for criminals, smuggled goods and food, or illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition organizing. Roadblocks established by the Zimbabwe Revenue Authority along the main highways from South Africa and Botswana to search for foreign currency remained in place. Police also searched for and confiscated smuggled maize at roadblocks on major roads.

“The Constitutional Amendment (17) Law, signed by President Mugabe in September, allows the government to restrict foreign travel for reasons of national security and public order. In public statements on multiple occasions, government officials indicated their intention to revoke passports of human rights defenders and key opposition leaders. On December 7, immigration officials confiscated the passport of Trevor Ncube, the owner of the Independent and Standard newspapers, after he landed in Bulawayo. On December 12, Ncube filed a court case to get his passport back, arguing the confiscation violated his basic rights. On December 8, immigration officials confiscated the passport of MDC official Paul Themba Nyathi. On December 14, immigration returned both passports after the attorney general determined that officials could not confiscate passports without specific enabling legislation.

“On December 14, immigration officials seized the passport of Raymond Majongwe, secretary general of the Progressive Teacher's Union, upon his return to the country after attending an International Labor Organization (ILO) conference in Nigeria. The independent press reported that 64 civil society and opposition members were on a list of those whose passports were revoked.

“During the year travel bans on a variety of persons remained in effect, including British government officials, members of the British parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.” [2h] (Section 2d)

32.02 IRINnews reported on the 15 August 2005 that:

“Human rights activists and lawyers have slammed the controversial Constitution of Zimbabwe Amendment No.17 Bill of 2005, labelling it the latest in a long line of alterations to the constitution.... Under the draft Bill the government seeks the power to restrict freedom of movement in the name of national interest and security. If passed, the proposed legislation will give the state the right to suspend or withdraw the travel documents of citizens.... In

representations to the Parliamentary portfolio Committee for Justice, Legal and Parliamentary Affairs last week, Zimbabwe Human Rights Lawyers (ZHRL), a civic group, complained that travel restrictions were likely to be used against opposition party members and civil rights activists, who have been critical of Harare's policies. Since March 2001, Zanu-PF legislators have argued for the confinement of opposition leaders who enjoy political links and travel rights to countries considered active in maintaining targeted sanctions against some top ruling party officials." [10ar]

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INTERNALLY DISPLACED PEOPLE (IDPs)

33.01 See section entitled 'Operation Murambatsvina'.

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CITIZENSHIP AND NATIONALITY

34.01 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

"The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country by January 2002 to retain their citizenship and the right to vote. The act also revokes the citizenship of persons who fail to return to the country in any five-year period; however, there were no reported cases of persons losing their citizenship under this provision during the year. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens of perceived opposition leanings; the more than 500 thousand commercial farm workers, many of whom have origins in neighbouring countries; and the approximately 30 thousand mostly white dual nationals. Persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. The 2003 Citizenship of Zimbabwe Amendment Act removes the renunciation requirement for persons born in the country with parents from the Southern African Development Community (SADC) countries or who were born in SADC countries with parents from Zimbabwe." [2h] (Section 3)

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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 is that they were economic refugees,’ Mr Chinamasa said.” [3bq]
- 35.05 However, *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 its appeal against the right to deport failed asylum seekers back to Zimbabwe. 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 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]

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EMPLOYMENT RIGHTS

- 36.01 Freedom House in ‘Freedom in the World – Zimbabwe (2006), noted that:

“The right to collective 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 are common targets of government harassment. In 2003, security forces arrested more than 400 people in response to a two-day general strike; many were beaten or tortured while in police custody. In November 2005, the leadership of the Zimbabwe Congress of Trade Unions (ZCTU) among at least 80 union activists was detained by security forces in Harare and Bulawayo for violating the POSA. The government has created a rival trade union umbrella organization, the Zimbabwe Federation of Trade Unions, to try to undermine the ZCTU.” [105a] (p8)

- 36.02 The US State Department Report on Human Rights Practices 2005 (USSD 2005), published on 8 March 2006, noted that:

“While the Labor Relations Amendment Act (LRAA) provides private sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, some pro-ZANU-PF employers declared their shops off-limits to the ZCTU, the national umbrella labor confederation. The

Labor Amendment Bill, passed by parliament on December 2 and effective December 30, eliminated some previous public sector employee rights and excluded them from protection under labor laws, placing them instead under the Public Service Act, which does not provide for the right to form and belong to trade unions, collective bargaining, strike, or alternative dispute resolution mechanisms. Employees in positions designated as managerial were excluded from general union membership. During the year approximately 25 percent of the formal sector work force belonged to the 31 unions that form the ZCTU; approximately 65 percent of industries were unionized.”

“The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, had few activities throughout the year, the most visible of which was a poorly attended May Day celebration. While the ZFTU continued to support splinter unions in each economic sector, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education.

“During the year the government openly targeted the ZCTU, declaring it aligned with the opposition MDC and arresting ZCTU leaders at various labor rallies. According to the ZCTU and other civil society organizations, the government attempted to change ZCTU leadership using four disgruntled ZCTU associates to intimidate and disrupt ZCTU general council meetings as well as meetings of ZCTU affiliates. However, the majority of ZCTU's 30-plus associates remained loyal to the leadership.” [2h] (Section 6a)

“Although the LRAA explicitly recognizes the right to strike, it has been circumscribed with procedural limits including 14-day advance notice requirements, mandated 30-day reconciliation periods, and possible mandatory referral to binding arbitration. The act prohibits ‘essential services’ employees from striking on the grounds that it ‘endangers immediately the life, personal safety, or health of the whole or any part of the public.’ The law defines essential services broadly and includes: fire personnel; employees engaged in the supply and distribution of water; employees providing veterinary services; revenue agents at ports; persons in the health care field; transport and communications employees; railway engineers; licensed electricians; and broadcast personnel during a state of emergency. The law also allows that ‘any nonessential service may be declared an essential service by the minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety, or health of the whole or part of the population is endangered.’ Managers also were prohibited from striking, and, in some industries, the government defined most employees as managers. In practice the government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes.” [2h] (Section 6b)

- 36.03 The USSD 2005 report noted that “Many persons, who were perceived as opposition supporters by the Government, were removed from the civil service and the military.” [2h] (Section 3) An abstract of an article written by Dr JoAnn McGregor (published 2002) entitled ‘The Politics of Disruption: War Veterans and the Local State In Zimbabwe’, noted that “Officials were suspended from their jobs and subjected to a procedure of ‘vetting’ by war veterans in which

they were accused of a wide range of offences from dancing on the photograph of the President, to campaigning for the opposition party, to maladministration and corruption.” [86]

- 36.04 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]

- 36.05 ZimOnline reported on 22 October 2005 that on World Teacher’s Day (7 October 2005) the Government issued a strong warning that it would sack any teachers thinking of joining industrial action. The industrial action had been called in response to a real value drop in salaries (caused by hyperinflation) and poor working conditions. The Government threatened to replace striking teachers with soldiers and retired educationalists. [49a]

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RESTRICTIVE LEGISLATION

NON-GOVERNMENT ORGANISATIONS BILL

- 37.01 Kubatana.net noted on 7 March 2006 that:

“... the NGO Bill among other things proposed to ban all civic bodies from carrying out voter education while those focusing on governance or human rights-related work were to be prohibited from receiving foreign funding. The Bill also provided for the appointment by the government of an NGO council that would register NGOs and monitor their activities. The council would have powers to deregister and ban NGOs it deemed were not toeing the line.” [55p]

- 37.02 The USSD 2004 noted that following President Mugabe’s announcement of the NGO bill, some NGOs reported difficulties in carrying out their programs in rural areas. “Rural district councils began implementing ‘the NGO policy’, although the NGO bill was still in draft. The councils were requiring that NGOs working in their districts register with the council, seek a council resolution authorizing their operations, seek clearance from the provincial governor, and establish a memorandum of understanding with the relevant ministry.” [2a] (Section 4)

- 37.03 Commenting on the proposed NGO bill, Human Rights Watch (HRW) noted on 3 December 2004, that the bill was inconsistent with the Principles and Guidelines Governing Democratic Elections, as agreed by the Southern African Development Community (SADC), of which Zimbabwe is a member state. HRW noted that:

“Agreed at the SADC summit in August, the Principles and Guidelines commit member states to protect “the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression...during electoral processes.”

“Compared with similar laws in five of the 14 SADC member states, the Zimbabwean bill provides for substantially greater government surveillance and control of non-governmental organizations. The law would give the Minister of Public Service, Labor and Social Welfare and the Non-Governmental Organization Council new intrusive powers.” [69f]

37.04 Human Rights Watch 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)

- 37.05 However, following the approval of the Bill in parliament the International Center for Non-For-Profit Law (ICNL) reported on 15 April 2005 that:

“President Robert Mugabe has refused to sign the controversial Non-Governmental Organisation (NGO) Bill in its present state and has referred it back for further consultations, the *Standard* can reveal. Sources said Mugabe felt the NGO Bill, which was crafted largely by vindictive former Minister of State for Information and Publicity in the President's Office Jonathan Moyo and Justice Minister, Patrick Chinamasa was ‘too obnoxious’ and could portray government in bad light in the eyes of the international community.... The sources said Mugabe had tasked the Minister of Labour, Public Service and Social Welfare, Paul Mangwana, and Zanu PF spokesperson, Nathan Shamuyarira, to hold further consultations with civic organisations.... Constitutionally, a Bill lapses after 21 days of being presented to the President. The NGO Bill was passed by Parliament on 9 December 2004 and Mugabe has not signed it.” [110]

- 37.06 Reporting on developments with the lapsed NGO Bill, ZimOnline noted on 26 July 2005 that:

“The Zimbabwe government will enact new and tougher legislation to govern the operations of non-governmental organisations (NGOs) once it has finished passing into law a proposed constitutional amendment Bill that it considers more urgent, Justice Minister Patrick Chinamasa told ZimOnline.... Chinamasa said the dreaded NGO Bill, that also seeks to establish a state-appointed commission to monitor activities of civic bodies, would become law once the government was done with other more ‘urgent Bills’ before it. ‘We have not even started looking at the Bill which the President refused to sign,’ said Chinamasa. ‘t the moment we have a number of Bills to pass urgently before we start looking at the NGO Bill,’ he added.... National Association of NGOs executive director Jonah Mudewe said civic society groups had not been specifically approached for their views on whatever additions or subtractions Mugabe wants on the NGO Bill. But he said the NGOs were anxiously hoping the revised draft legislation will be ‘a more tolerable Bill.’ Critics of the NGO Bill have said it will be used to silence civic groups perceived to be anti-government in the same way Mugabe and his government have used harsh Press laws to close down four independent newspapers.” [49I]

- 37.07 On 3 August 2005, ZimOnline noted that:

“Zimbabwean non-governmental organisations (NGOs) will next month meet top government officials for talks to save the civic society, facing decimation because of a hostile operating environment. National Association of NGO executive director Jonah Mudehwe said some NGO groups were already leaving Zimbabwe because of an ‘unfavourable political environment’ and also because of the country’s fixed exchange rate that had made it difficult for foreign funded groups to operate in the country.... Mudehwe said a seminar was scheduled for next month to lobby influential government officials to appreciate the problems the civic groups were facing. He said: ‘One of our initiatives would be a workshop next month that will involve senior government officials so that there is an appreciation of how the NGO community works.’” [49m]

- 37.08 On 3 August 2005, ZimOnline noted that ZANU-PF has long accused NGOs of having another agenda; of wanting to use aid to incite Zimbabweans to revolt against the government. [49m] 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) Reuters reported an IRIN report on 2 March 2005 noted that in the immediate lead up to the parliamentary election “The Zimbabwean government may soon de-register at least 30 NGOs for failing to provide details of donor funds channelled into the country through them last year, a senior official told IRIN”. [75]
- 37.09 ZimOnline reported on 7 March 2006 that Justice Minister Patrick Chinamasa announced that the government was looking again at the NGO Bill with a view to its re-introduction. Mr Chimasa told ZimOnline that that the Bill would be brought back to Parliament for enactment sometime during 2006. ZimOnline noted that the government is convinced that many NGO organisations are purely ‘fronts’ for foreign funding with the aim of supporting the opposition in toppling the Zimbabwean government. However, while the government claims that it needs the new legislation, the article noted that Mugabe “...refused to sign the NGO Bill which parliament had passed in December 2004 after marathon debate and fierce opposition from the MDC. Mugabe, whose signature is necessary for the Bills passed by parliament to become effective law, did not say why he refused to assent to the draft law, with speculation strong that he wanted the law tightened further.” [49c]

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CRIMINAL LAW (CODIFICATION AND REFORM) BILL

- 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]
- 37.11 On 5 December 2004, Kubatana (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)

- 37.12 However, while Kubatana 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)

- 37.13 On 10 December 2004, Kubatana 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**)

- 37.14 Kubatana 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)

- 37.15 Kubatana 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, 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]

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PUBLIC ORDER AND SECURITY ACT

- 37.16 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. [35i] Despite this, according to a report in Africa News on 22 November 2001, POSA takes much of its content from the discredited LOMA. [55] According to the Human Rights NGO Forum and Africa News, POSA was seen as an attempt to prevent the MDC holding political gatherings ahead of the March 2002 Presidential election. [55] Human Rights NGO Forum also reported that it hindered the training and deployment of MDC election monitors. [35i]
- 37.17 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)

- 37.18 The USSD 2005 report noted that “The Official Secrets Act and the Public Order and Security Act (POSA) grant the government a wide range of legal powers and give extensive powers to the police, the minister of home affairs, and the president to prosecute persons for political and security crimes that are not clearly defined.” [2h] (Section 2d)
- 37.19 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)
- 37.20 The USSD 2005 reported incidents where the government used its powers under POSA to thwart attempts by the opposition to hold meetings with its supporters. The report noted that:
- “On January 26, riot police arrested MDC MP Thokozani Khupe and 80 supporters during a campaign rally. Khupe was charged under POSA, released, and appeared at hearings in August, October, and December, but the trial was postponed each time in a tactic deliberately designed to inconvenience the defendant.
- “On January 23, police arrested MDC candidate Goodrich Chimbaira for allegedly violating POSA by holding a meeting with constituents in his home. He was detained overnight and released without charge.” [2h] (Section 2b)
- 37.21 The USSD 2005 went on to note that POSA continued to be used to limit the activities of trades unions that supported the opposition. The report noted that “... unions were prevented from holding meetings with their members, sometimes with heavy police presence and under threat of arrest. Despite court rulings against them, the police continued to monitor ZCTU [Zimbabwe Congress of Trades Unions] meetings.” [2h] (6b)

- 37.22 On 6 August 2004, the BBC reported a Morgan Tsvangirai spokesman as saying “In the past 10 days, the Zimbabwe Republic Police have barred Morgan Tsvangirai from addressing 11 meetings convened for grassroots officials”. The MDC claim that the police were interpreting new security laws to mean that their permission was needed if more than three people meet, even in the house of a party official. [3f]
- 37.23 The USSD 2005 also noted that as in previous years the Government continued to use POSA to arrest and harass individuals who publicly criticized President Mugabe. People were usually only arrested and fined. [2h] (Section 2a)
- 37.24 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)
- 35.25 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 article 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.” [89f]

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Annex A: Chronology of major events

- 1890** British Colony of Southern Rhodesia established; subsequent influx of white settlers, mainly from United Kingdom and South Africa.
- 1953** Southern Rhodesia united with Northern Rhodesia and Nyasaland, also British territories, to form the Central African Federation (CAF).
- 1962** White voters in Southern Rhodesia vote into power the Rhodesia Front party, committed to maintaining white rule and achieving independence from UK.
- 1963** UK dissolves CAF; Northern Rhodesia and Nyasaland granted independence by UK under majority rule administrations, as Zambia and Malawi respectively.
- Black nationalist opposition splits and Zimbabwe African National Union (ZANU) led by Reverend Ndabaningi Sithole breaks away from Joshua Nkomo's Zimbabwe African People's Union (ZAPU).
- 1965** Rhodesia Front Prime Minister Ian Smith makes illegal unilateral declaration of independence (UDI) for Southern Rhodesia from UK, renaming the territory Rhodesia.
- 1976** ZAPU and ZANU combine their military efforts in the Patriotic Front (PF) alliance
- 1979** Ian Smith's administration concludes an 'internal settlement' with some black nationalists; Bishop Abel Muzorewa becomes first black Prime Minister of 'Zimbabwe-Rhodesia'.
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% 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%.

May: Year-on-year inflation exceeds 1,000%.

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%, a report from the International Monetary Fund states that it expects inflation to exceed 4,200% 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.

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Annex B: Political organisations

ZANU-PF

The Economist Intelligence Unit Country Profile 2005 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, with the fall of communism in eastern Europe and the break-up of the Soviet Union, the president did allow a move towards market-oriented economic policies although he has always been an extremely reluctant convert to market economics and multiparty democracy. 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) [chimurenga is a Shona word which means to fight or struggle] 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 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. There have also been a series of rumours about his health. However, by all accounts he remains remarkably fit for an 80-year-old and has continued to play off party factions against each other to bolster his own position. These 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. Several high-ranking party officials were jailed, and the former finance minister, Chris Kuruneri, continues to face charges. 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 Joyce Mujuru, the water resources minister, 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. Neither vice-president is expected to challenge Mr Mugabe. Ms Mujuru will not be taken seriously as a candidate for the president because she is a woman, and, at 81, Mr Msika is in poor health.” [24b] (p9-10)

Movement for Democratic Change (MDC)

The Economist Intelligence Unit Country Profile 2005 noted that:

“The MDC is 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 are facing harassment and have been periodically arrested on spurious charges, and three senior leaders are being tried for treason. The MDC now holds only 51 seats in parliament, having lost a number of bitterly contested by-elections in the last few years. Unable to organise mass demonstrations against the government, as these will be put down ruthlessly by the police and security forces, it has increasingly accepted that its main option is to enter direct negotiations to end the political crisis. As a result it has worked on building its international profile. However, the leadership is aware that the ongoing pressure from ZANU-PF and the security forces, coupled with its general inability to organise effective protest, could cause the party to fracture.” [24b]

(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 onetime 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.

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.

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.

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.

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 6/2000

Border Gezi

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

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

Is the 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. Has received a Human Rights Award from Human Rights First on 23 October 2003, for speaking out against torture and confronting the Mugabe government.

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.

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Annex D: MDC Leadership and Shadow Cabinet

LEADERSHIP OF THE MDC (ANTI-SENATE)

The MDC effectively split into two parties in November 2005 over the issue of participation in the Senate elections. [124] At the cut-off date of this report (10 March 2006) Morgan Tsvangirai continued to lead the faction opposed to participation in the Senate elections; however, a number of Shadow Cabinet positions remained unfilled pending the MDC's (anti-Senate) congress due to be held in March 2006. Please follow the link below for up-to-date information on the current position within the MDC.

<http://www.mdczimbabwe.org>

Leadership & Management Committee

President:	Morgan Tsvangirai
Vice President:	Thokozani Khupe
National Chairman:	Isaac Matongo
Deputy 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
Deputy Organising Secretary:	Morgan Komichi
Information Secretary:	Nelson Chamisa

Committee Secretaries

Secretary General:	Tendai Biti
Secretary for Information and Publicity:	Nelson Chamisa
Secretary Economics:	Dr Mfandaedza Hove
Secretary for Labour & Social Security:	Getrude Mthombeni
Secretary Defence & Home Affairs:	Dr Tichaona Mudzingwa
Secretary for International Relations:	Prof. Elphas Mukonoweshuro
Secretary for Policy & Research:	Sekai Holland
Secretary of Finance:	Vacant
Secretary for Lands & Agriculture & Natural Resources:	Vacant
Secretary for Organising:	Vacant
Director of Elections:	Vacant
Secretary Education:	Vacant
Secretary for Legal Affairs:	Vacant
Secretary of Health:	Vacant
Secretary of National Integration and Reconciliation:	Vacant
Secretary Transport, Logistics and Welfare:	Vacant
National Chairperson of the Women's Assembly:	Vacant
National Chairperson of the Youth Assembly:	Vacant

Shadow Ministers

Budget, Finance & Economic Planning:	Vacant
Education & Sport:	Vacant
Health and Child Welfare:	Vacant
Foreign Affairs:	Vacant
Public Service, Labour & Social Security:	Vacant
Lands, Agriculture & Natural Affairs:	Vacant
Legal & Constitutional Affairs:	Vacant
Energy, Transport & Communications:	Vacant
Security & Defence:	Vacant
Local Government & National Affairs:	Vacant
Gender, Youth & Culture:	Vacant
Industry & Commerce:	Vacant
Mines:	Vacant
Environment & Tourism:	Vacant
Home Affairs:	Vacant

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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 – September 2006

President

Robert Gabriel Mugabe

Vice-President

Joseph Msika

Vice-President

Joyce Mujuru

MINISTERS AND MINISTERS OF STATE

Finance

Herbert Murerwa

Home Affairs

Kembo Mohadi

Foreign Affairs

Simbarashe Mumbengegwi

Defence

Sydney Sekeramayi

Justice, Legal and Parliamentary Affairs

Patrick Chinamasa

Agriculture and Rural Resettlement

Joseph Made

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

Rugare Gumbo

Youth Development and Employment

Ambrose Mutinhiri

Industry and Trade

Obert Mpofo

State Enterprises, Anti-Monopolies and Anti-Corruption

Paul Mangwana

Rural Housing and Social Amenities

Emmerson Mhangagwa

Science and Technology

Olivia Muchena

Land and Resettlement Programs

Flora Bhuka

Information and Publicity

Tichaona Jokonya

(n.b. - Tichaona Jokonya died on 24 June 2006 – position vacant. [143])

Policy Implementation

Webster Shamu

National Security

Didymus Mutasa

Indigenisation and Empowerment

Josiah Tungamirai

Women's Affairs, Gender and Community Development

Oppah Muchinguri

Governor, Reserve Bank of Zimbabwe

Gideon Gono

Minister without Portfolio

Elliot Manyika

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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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