

# **“WALK THE TALK”**

**ZIMBABWE MUST RESPECT AND  
PROTECT FUNDAMENTAL  
FREEDOMS DURING THE 2013  
HARMONIZED ELECTIONS**

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# 1. INTRODUCTION

On 31 July 2013, Zimbabwe will hold harmonised elections composed of local government, House of Assembly, Senate and presidential elections. These elections are being held in an environment in which fundamental freedoms of expression, association and peaceful assembly are being restricted through harassment, intimidation and criminalization of legitimate work of human rights defenders, political activists and civil society organizations in general.

The 2013 harmonized elections are the first to be held in Zimbabwe since the violent second round of presidential election held on 27 June 2008. In the run-up to the June 2008 election at least 200 people were killed, while thousands were tortured and beaten in a wave of political violence that engulfed the country from April to June 2008 with the acquiescence and in some cases with active involvement of the state security services.

While the levels of violence over the past year leading to these elections have remained low, Amnesty International has documented systematic clampdown on the rights to freedom of expression, association and peaceful assembly. Civil Society Organizations (CSOs) carrying out election related activities including voter education, domestic election observation and those perceived to be critical of government policies have had their offices raided by police and equipment including computers seized whilst human rights defenders have been unlawfully detained. Many are appearing before the courts facing charges that are widely considered to be politically motivated.

Amnesty International is concerned that partisanship by some members of the country's security services who have openly expressed their preferred outcome in the next election is directly undermining Zimbabwe's ability to realise its obligation to respect and protect internationally guaranteed civil and political rights in particular in the lead up to the coming elections. The rights to freedom of expression, association and assembly are also explicitly provided for in the country's new constitution which was signed into law on 22 May 2013.

Zimbabwe's security chiefs on several occasions have been quoted in the state-controlled media openly making partisan statements which has resulted in loss of public confidence in their ability to discharge their services impartially during the election period. In recent months prominent members of the security services have issued statements indicating their allegiance to ZANU-PF which, given the country's history of state-sponsored violence during elections, is generating fear in those communities affected by the 2008 violence. Furthermore, during the ZANU-PF party primary elections in June 2013, some serving members of the security services contested as candidates in order to represent that political party in the forthcoming elections in apparent violation of Section 208 of the new constitution of Zimbabwe which prohibits the security services from taking part in partisan activities.

Amnesty International urges all the authorities in Zimbabwe to fulfil the country's human rights obligations, as explicitly set out in the treaties it ratified. Specifically, all state security agents should respect and protect the rights to freedom of expression, association, and peaceful assembly of all candidates and their supporters in the coming elections. The government should fully enforce Section 208 of the new Constitution, which prohibits members of the security services from acting in a partisan manner; furthering the interests of any political party or cause; or violating the fundamental rights or freedoms of any person.

Furthermore, the Zimbabwean government should respect and protect the rights of human rights defenders, journalists and lawyers to freely conduct their work in an environment free of violence, harassment, intimidation, arbitrary arrests and unlawful detentions.

Amnesty International is urging the Southern African Development Community (SADC) and the African Union (AU) as guarantors of the Global Political Agreement (GPA) to take robust measures and put pressure on the government of Zimbabwe and its security forces to stop human rights violations and ensure that the next elections in Zimbabwe are held in an environment where all human rights are fully protected. Specifically, the election environment should be free from violence, harassment and intimidation.

## ABOUT THIS REPORT

This report highlights human rights concerns that need to be addressed by the Government of National Unity (GNU), political parties in Zimbabwe, the Southern African Development Community and the African Union in the run up to the 2013 harmonized elections. It is based on interviews with human rights defenders, political activists, and victims of human rights violations and government officials which were conducted in the first half of 2013. It also incorporates human rights monitoring and documentation conducted by Amnesty International since September 2008 to date. Amnesty International has conducted 15 trips to Zimbabwe since September 2008 including a visit to the country by the organization's Secretary General in June 2009 soon after the GNU was set up.

## 2. HISTORICAL CONTEXT IN WHICH HUMAN RIGHTS VIOLATIONS ARE OCCURRING

The run-off of the presidential elections in Zimbabwe in June 2008 was preceded by high levels of state-sponsored violence. Elements within the country's security sector coordinated a wave of violence to reverse an apparent loss of support for President Robert Mugabe the ZANU-PF presidential candidate. President Mugabe had come second to MDC-T's Morgan Tsvangirai during the elections on 29 March 2008. However, Morgan Tsvangirai did not pass the 50 per cent plus one vote threshold as required under the Electoral Act forcing a run-off between the two lead candidates. The results of the first round of the presidential elections were only released five weeks after the election. One week before the run-off election Tsvangirai withdrew citing high levels of violent attacks against his supporters. Despite the withdrawal the election went ahead and Robert Mugabe was declared the winner and sworn in as president on 29 June 2008.

SADC, which had been facilitating the inter-party dialogue in Zimbabwe since 2007, continued mediating through the then South Africa president Thabo Mbeki following the June election result. These mediation efforts, led to the MDC party then led by Arthur Mutambara, Tsvangirai's MDC-T and Mugabe's ZANU-PF signing the GPA on 15 September 2008, paving the way for setting up the Government of National Unity (GNU).

Recognising the human rights deficit during the 2008 elections, the GPA specifically speaks to the need for reforms to increase the enjoyment of the fundamental freedoms of expression<sup>1</sup>, assembly and association.<sup>2</sup> The GPA also recognises the need to create an environment where people can freely conduct political activities<sup>3</sup> and its provisions include concrete steps to prevent political violence.<sup>4</sup>

Mistrust and disputes over power sharing amongst the political parties delayed the setting up of the GNU by about six months. After the GNU was created in February 2009, deep seated suspicions and hostility between the political parties undermined the implementation of the reform agenda envisaged under the GPA.

Despite the political differences amongst the parties in the coalition government, the GNU stabilized the economy and reversed the downward spiral that had existed since 2000. The adoption of multiple currencies and scrapping of the local currency<sup>5</sup> contributed significantly to an improved socio-economic environment. For example, schools that had remained largely closed since 2007 opened allowing hundreds of thousands of children to resume their education.<sup>6</sup> Food also became readily available following several years of empty shelves in shops across Zimbabwe.

Agriculture, the backbone of the economy, also registered some recovery.

However, the GNU did not succeed in its goal of creating a tolerant and more accommodating political culture in Zimbabwe mainly because none of the parties was ready to concede ground on issues that were perceived to give the rival parties an advantage. ZANU-PF, as the party that had been in power since 1980, was less willing to give away real power to the MDC formations. As such, the GNU was characterised by heated and protracted debate over critical issues and consequently crucial reforms were severely delayed or watered down. For example, key reforms proposed in the GPA, including human rights education for state institutions to rein in the security sector<sup>7</sup> were strongly resisted by ZANU-PF and security chiefs. The constitution making process which was initially planned to last about 18 months took over three years to conclude. In shared government ministries, ministers and deputy ministers openly criticised and undermined each other. The state media remained largely pro-ZANU-PF amplifying the tensions in the GNU through blatantly partisan editorial policies.

Throughout the lifetime of the GNU, ZANU-PF has dominated government business, often using its control of the security services and the civil service to impose its policies on the other parties. Ministers from the two MDC formations reported working with hostile senior civil servants, some of whom might have been fearful of consequences of being seen to be working with the MDCs.<sup>8</sup>

Before 2000, ZANU-PF had a monopoly on the political space in Zimbabwe. From 1987 when the Unity Accord was signed between Joshua Nkomo's PF-ZAPU and Mugabe's ZANU-PF, Zimbabwe became a de facto one party state, with the exception of a few seats held by Rev Ndabaningi Sithole's ZANU-Ndonga, Edgar Tekere's short-lived Zimbabwe's Unity Movement and some independent MPs. The advent of the trade union-backed united MDC in 1999 raised the political stakes and for the first time the country had two major political parties each with a huge support base. Since the emergence of a strong political opposition party Zimbabwe has experienced waves of state-sponsored violence especially in the run up to elections mainly targeted at members of the then opposition party, MDC.

Perpetrators of politically motivated human rights abuses in Zimbabwe have generally enjoyed total impunity dating back to 1965 when the then white supremacist government of Ian Smith unilaterally declared the then Rhodesia's independence from Britain, ushering a period known as Unilateral Declaration of Independence (UDI) period from 1965 to 1980. Rhodesian security services were responsible for violent suppression of fundamental freedoms of African nationalists and people opposed to white-minority rule. Regrettably, when the country gained its independence in 1980 no-one was held accountable for human rights violations that took place during the UDI period. This culture of impunity for human rights violations by state actors continued after 1987 despite thousands of people having been killed in the Matabeleland and Midlands regions between 1982 and 1986 mainly by government forces and armed groups during the disturbances generally known as Gukurahundi. Similarly, there has been no meaningful effort to deal with human rights violations that have occurred during the current political crisis which



started in 2000.

On 13 June President Mugabe unilaterally issued a proclamation fixing 31 July as the date for the 2013 harmonised elections. The election date proclamation followed a Constitutional Court ruling on 31 May that elections be held on or before 31 July. The MDC formations protested against the proclamation because they had not been consulted. According to the terms of the GPA, the President required to consult with the GNU partners in setting the date for elections.

On 15 June SADC held a summit in Maputo, Mozambique to review the political situation in Zimbabwe and the country's preparations for elections. While acknowledging the legal restrictions brought about by the Constitutional Court ruling, SADC urged the government to implement reforms in advance to ensure that a credible election is held. SADC also recommended that the elections be delayed to allow for these reforms to be completed. However, on 4 July the Constitutional Court dismissed an application by the 3 parties to the GNU to have the election delayed by at least two weeks as per the SADC recommendation.

### 3. INTERNATIONAL AND NATIONAL HUMAN RIGHTS STANDARDS

Zimbabwe has international legal obligations to ensure respect for human rights for everyone within its jurisdiction, without discrimination on the basis of gender, ethnicity, social origin, political opinion or other prohibited grounds. These human rights include the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. They also include other human rights crucial to the election process, such as the right to freedom of expression, including freedom to seek, receive and impart information and ideas, and the rights to peaceful assembly and freedom of association. Zimbabwe has explicitly accepted obligations in regard to these rights in international and regional human rights treaties which it has ratified, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights<sup>9</sup>. These rights are also recognised in Zimbabwe's new constitution.

Section 48 of the new constitution explicitly recognises the right to life with the exception of the application of the death penalty which can only be imposed for men between the ages of 21 and 70 years "convicted of murder committed in aggravating circumstances".

The constitution recognizes the right of every person to an inherent dignity in their private and public life, and the right to have that dignity respected and protected (Section 51).

The new constitution also recognises the right to personal security. Sections 52 states:

Every person has the right to bodily and psychological integrity, which includes the rights –

- (a) to freedom from all forms of violence from public and private sources

Although Zimbabwe is not a state party to the United Nations Convention against Torture, Other Cruel, Inhuman and Degrading Treatment or Punishment, the new Constitution explicitly prohibits torture. Section 53 states:

No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

The rights to freedom of assembly and association are fully recognised in the

constitution. Section 58 states:

- (1) Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others.
- (2) No person may be compelled to belong to an association or to attend a meeting or gathering.

Section 61 of the constitution provides for the rights to freedom of expression and freedom of the media and categorically states that:

(5) Freedom of expression and freedom of the media exclude-

- (a) incitement to violence;
- (b) advocacy of hatred or hate speech;
- (c) malicious injury to a person's reputation or dignity; or
- (d) malicious or unwarranted breach of a person's right to privacy.

The obligations of states under international human rights law include the following main elements:

- states must respect human rights by ensuring that laws, official bodies and state agents and officials do not violate human rights;
- states must exercise due diligence to protect individuals from human rights abuses by non-state actors by taking reasonable steps to prevent such abuses and, if abuses occur, by ensuring that perpetrators are brought to justice and that victims are able to obtain redress;
- states must fulfil human rights by taking all necessary measures to ensure that all individuals have opportunities to exercise those rights.

The concept of due diligence describes the level of action and effort which a state must take in order to fulfil its responsibility to comply with its obligations to prevent and, where appropriate, investigate and punish acts which impair any of the rights recognized under international human rights law, and to restore the right violated and ensure that those whose rights have been violated obtain redress and reparation. The UN Human Rights Committee, the body of independent experts established under the ICCPR to monitor states' compliance with their obligations under that treaty, has elaborated on these various inter-related levels of states' obligations: "the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities...States are also reminded of the interrelationship

between the positive obligations imposed under article 2 of the ICCPR and the need to provide effective remedies in the event of a breach.”<sup>10</sup>

The Human Rights Committee has also stressed that “The obligations of the Covenant... are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level – national, regional or local – are in a position to engage the responsibility of the State Party.” It has also drawn attention to Article 50 of the ICCPR which explicitly states that its provisions “extend to all parts of federal States without any limitations or exceptions.”<sup>11</sup>

## 4. PATTERNS OF HUMAN RIGHTS VIOLATIONS

Previous elections in Zimbabwe have been characterised by systematic human rights violations including state-sponsored violence, harassment and intimidation by both state and non-state actors, arbitrary enforcement of repressive laws, especially the Public Order and Security Act (POSA) by the police to deny political opponents of ZANU-PF their rights to assemble and associate peacefully as well as specific targeting of human rights activists, lawyers and journalists through arbitrary arrests, unlawful detentions and politically motivated prosecutions.

In the run up to the second round of the presidential election on 27 June 2008, the wave of violence that spread across the country resulted in at least 200 deaths, mostly of people perceived to have voted for the then opposition parties. Police were either unwilling or unable to act against the perpetrators who were operating from make shift bases set up across the country by ZANU-PF supporters and war veterans with the acquiescence of the security services. At least 12,000 people were tortured at these bases, while over 28,000 were internally displaced. Thousands of people fled across the borders to neighbouring countries, mainly to South Africa and Botswana to escape the violence.

### 4.1 HUMAN RIGHTS VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS

**“If they can raid the Prime Minister’s office what about my poor house?”**

Zimbabwean human rights defender, Bulawayo, 25 March 2013

At the close of 2012 amid speculation that Zimbabwe would hold elections as early as March 2013, Amnesty International documented increased targeting of human rights defenders and civil society organizations (CSOs). Human rights defenders (HRDs) and CSOs that could have played a critical role in contributing to national healing, ending impunity and conducting civic education were subjected to harassment and intimidation. Some key activists were arrested and prosecuted in an effort to silence them

The limited role played by Zimbabwe’s CSOs in the run up to the July 2013 election could be blamed on the flawed framework of the GPA which structurally limited CSOs and citizens’ voices, confining the reform agenda to the three parties in the GNU. Civil society organizations could only participate in national processes at the

invitation of political parties and not in their own right.

While the two MDCs were generally open in their interaction with CSOs and NGOs, ZANU-PF was suspicious and hostile especially to human rights groups and other critics of its policies and record in government. The party claimed CSOs were part of a Western conspiracy to effect “illegal regime change” in Zimbabwe. For example, at the party’s 13th National People’s Conference held in Gweru from 5 to 9 December 2012 delegates made a resolution instructing “the Party to ensure that Government enforces the de-registration of errant NGOs deviating from their mandate.”<sup>12</sup> This stance has made it difficult to create mutually respectful platforms on which the government and civil society can engage on shaping a viable way out of the current human rights crisis. This discourse has also fuelled impunity for human rights violations against human rights defenders, media workers, NGOs and supporters of other political parties creating a narrative in which targeting of perceived critics of ZANU-PF is legitimised. In addition, the state media has been used to demonise the dissenting voices and to justify human rights abuses against them.

Zimbabwe’s civil society has been caught in the middle of a political tug of war and their legitimacy is repeatedly undermined through disinformation about their work by the state media alleging that the CSOs are part of an “illegal regime change agenda” by western countries opposed to President Mugabe’s policies. Such allegations are often followed by police raids, arrests, prolonged detention and long trials. The prosecutions of HRDs do not necessarily result in convictions, but effectively paralyse the organizations through regular court appearances of the leaders; they draw a lot of financial resources through high legal fees; and generate fear of long term imprisonment among HRDs.

#### CASES

### **OFFICES OF THE COUNSELLING SERVICE UNIT, A CLINIC THAT PROVIDES TREATMENT TO VICTIMS OF TORTURE AND ORGANIZED VIOLENCE RAIDED BY POLICE AND THREE SENIOR STAFF CHARGED FOR "CAUSING MALICIOUS DAMAGE TO PROPERTY"**

**On 5 November 2012, police in Harare raided the premises of the Counselling Services Unit (CSU), a lawfully registered medical clinic which provides non-partisan counselling and referral to victims of trauma, and subsequently arrested three senior staff members.**

Fidelis Mudimu, Zachariah Godi and Tafadzwa Geza were arbitrarily arrested and unlawfully detained for 96 hours. Under Zimbabwean law detainees must be brought before a magistrate and formally charged within 48 hours or released. On the third day of their detention they were illegally transferred from Harare to Bulawayo more than 400km away.

On the day of their arrest, about a dozen police officers arrived at the CSU without a search warrant. Around two hours later they were joined by a truck load of anti-riot police who threatened to fire tear gas into the clinic when staff refused them entry.

The police eventually produced a search warrant stating they were there to recover “offensive and subversive material”. During the search they seized confidential medical records, a computer and documents which were not covered by the search warrant, and arrested the three men.

The men were released after four days in custody and charged with "causing malicious damage to property". The charges against Fidelis Mudimu were later dropped for lack of evidence as he was out of the country at the time the crimes were allegedly committed. In March 2013, the trial of Zachariah Godi and Tafadzwa Geza was suspended by the magistrate in Bulawayo after police claimed that they needed more time to test the paints used to paint the graffiti.

Police later brought charges against the director of the CSU for running an “illegal organization” under the Private Voluntary Organizations (Act) despite the organization’s full registration in terms of the law. Police recorded a statement from the director and referred the case to the Attorney General’s Office.

## **ZIMBABWE ELECTION SUPPORT NETWORK STAFF AND MEMBER ARRESTED FOR HOLDING MEETING**

**On 7 December 2012, a Zimbabwe Election Support Network (ZESN) staff member, Emma Chiseya - ZESN Public Outreach Manager, and taskforce member Lucy Chivasa of the Legal Resources Foundation were arrested by the police in Gweru at the Midlands Hotel at 1000hrs on allegations of conducting a meeting without notifying the relevant authorities. The workshop had been organized to review ZESN’s “Vote in Peace campaign.”**

The two ZESN representatives were part of group of 29 ZESN community educators who were participating in a workshop to review the work of the organization at the time of their arrest. The other 27 activists were later released without being charged after spending about 12 hours in police custody, while Chiseya and Chivasa spent two nights in custody at Gweru Central Police Station. They were charged with organising an “unlawful gathering and failing to notify the police of the gathering” in contravention of Section 24 of the Public Order and Security Act (POSA).

However, the Gweru prosecutor declined to prosecute the two women activists and the charges against them were dropped.

## **ZIMRIGHTS AND STAFF CHARGED WITH PUBLISHING FALSEHOODS AND ACQUITTED AFTER SPENDING LENGTHY TIME IN PRISON AND BARRED FROM MONITORING REFERENDUM**

Between December 2012 and February 2013 two human rights defenders from the Zimbabwe Human Rights Association (ZimRights) spent time in custody following politically motivated charges laid against them of committing forgery and conspiracy to commit fraud or publishing false statements prejudicial to the State. Leo Chamahwinya, a ZimRights' employee, was arrested on 13 December 2012 after the organization's offices in Harare were raided by police. He spent about two months in remand prison and was repeatedly denied bail. Okay Machisa, the organization's director, was arrested in January 2013 and spent two weeks in remand prison. Prosecutors alleged that Mr Machisa, Mr Chamahwinya and ZimRights created fake copies of voter registration certificates between May 2012 and January 2013 in a bid to defraud the Registrar General's office. The two activists and ZimRights were acquitted on 21 June 2013 at the close of the state's case.

In March 2013, The Zimbabwe Electoral Commission (ZEC) illegally denied accreditation of ZimRights's local observers during the referendum, stating that the organization was under investigation. Though the organization challenged the ZEC decision in the courts which ruled in their favour, ZEC delayed their accreditation until after the referendum.

The raid of ZimRights's offices, the arrest of staff and activists as well as their prosecution must be seen as forming part of a wider strategy by elements in the government calculated at silencing dissenting voices in Zimbabwe's civil society in the run up to election processes.

## **PROMINENT HUMAN RIGHTS LAWYER BEATRICE MTETWA ARRESTED AND DETAINED FOR EIGHT DAYS FOR DEMANDING POLICE TO PRODUCE A SEARCH WARRANT**

Beatrice Mtetwa, prominent human rights lawyer, was arrested on 17 March 2013 when she responded to a client whose home was being searched by police in Harare. She had responded to a call by Thabani Mpofu, who is a staff member in Prime Minister Morgan Tsvangirai's office, during a police search of his home in Harare. When she arrived at the premises police were already conducting the search.

She reportedly asked to be shown the search warrant and when police failed to produce it she told police that what they were doing was "unlawful, unconstitutional, illegal and undemocratic". Police arbitrarily arrested her, accusing her of shouting and "obstructing the course of justice". Ms Mtetwa was handcuffed and detained in a police vehicle. Ms Mtetwa denies the challenges leveled against her.

Following her arrest, Beatrice Mtetwa's lawyers obtained a High Court order during the early hours of 18



March for her immediate release on the grounds that the arrest was unlawful. Police did not comply with the order and she remained unlawfully in police custody until 19 March. During the night, while she was in police custody at Rhodenville police station, two male police officers entered her cell and attempted to remove her blankets.

On 19 March the human rights lawyer was brought to the Magistrate's Court in Harare. She was whisked to court without being given an opportunity to instruct her lawyers who were only granted access to their client for a few minutes before she was presented to the court. Her lawyers told the court that she was denied access to her family and food during her detention. She was also denied a bath while in police custody. Ms Mtetwa was denied bail by the court and was only released on 25 March after her lawyers successfully applied for bail at the High Court. She had spent 8 days in custody. The trial continues.

The arrest of Beatrice Mtetwa and the abuses she suffered has instilled fear of arrest amongst lawyers who provide critical support to human rights defenders in Zimbabwe. As a result, HRDs who are arrested are at risk of prolonged detention as lawyers will be afraid that they themselves may also be arrested for defending the rights of their clients.

## **ZIMBABWE HUMAN RIGHTS NGO FORUM DIRECTOR SUMMONED TO COURT FOR ALLEGEDLY RUNNING AN ILLEGAL ORGANIZATION**

**On 1 July 2013, Abel Chikomo the director of the Zimbabwe Human Rights NGO Forum was summoned to appear in court on 1 August when he will face allegations of running an illegal organization under the Private Voluntary Organizations (PVO).**

The case against the Chikomo dates back to February 2011 when he was subjected to regular police interrogation during another crackdown on CSOs. Police alleged that he was managing and controlling the operations of an illegal PVO. In July 2012 Abel Chikomo was taken to court but the police told the court that they had not completed their investigation over a year since he was arrested.

Abel Chikomo denies the charges against him arguing that his organization which is a common law association was exempted under Section 89 of the then constitution from registration under the Private Voluntary Organizations Act. The Zimbabwe Human Rights NGO Forum, which is a coalition of major human rights organization in Zimbabwe, has been in existence for more than 15 years.

## **HUMAN RIGHTS DEFENDERS SENTENCED TO COMMUNITY SERVICE FOR WATCHING VIDEOS ON UPRISINGS IN EGYPT AND TUNISIA IN 2011**

**At about the same time Abel Chikomo was arrested in February 2011, 45 activists were also arrested and charged with treason for watching videos clips of events in Egypt and Tunisia.**

Thirty-nine of the activists were later acquitted. Treason charges were later dropped against the remaining six activists, University of Zimbabwe law lecturer Munyaradzi Gwisai, Eddson Chakuma, Antonater Choto, Hopewell Gumbo, and Tatenda Mombeyarara and Welcome Zimuto. However, they were charged with 'conspiracy to commit public violence' and convicted in March 2012 and were sentenced to carry out 420 hours of community service and to pay a fine of US\$500 each.

## **WOMEN OF ZIMBABWE ARISE ACTIVISTS DENIED THE RIGHT TO PEACEFUL PROTEST**

**Police have repeatedly denied activists from the social justice movement Women of Zimbabwe Arise (WOZA) their right to engage in peaceful protest. WOZA activists have endured arbitrary arrests, beatings and abuse while in police custody. For example, on 13 February Amnesty International witnessed the arrest of eight activists outside parliament building in Harare during a peaceful protest.**

The arrests coincided with the announcement by the government that 16 March had been set as a tentative date for the constitutional referendum and that elections could be held in July.

The women, who included, WOZA leaders Jenni Williams and Magodonga Mahlangu were arrested after police fired tear gas at the peaceful demonstration and beat protestors with baton sticks. A man who took a picture of the women being arrested was also arrested. They were later released without charge.

Jenni Williams has been arrested over 40 times in a period of 10 years and has never been convicted.

WOZA members in drought prone rural Matabeleland have in the past told Amnesty International that they have been denied access to food aid because of their perceived political affiliation.<sup>13</sup>

## **ZIMBABWE PEACE PROJECT RAIDED BY POLICE AND RADIOS, MOBILE PHONES AND DOCUMENTS SEIZED.**

**In February 2013, the office of the Zimbabwe Peace Project (ZPP) in Harare was raided by police who were in possession of a warrant to search for “subversive material and illegal immigrants.” They seized material including project documents, four smart phones and 80 solar powered/crank radio receivers.**

On 7 March 2013 the Zimbabwe Republic Police issued an alert on state television implying that prominent human rights activist Jestina Mukoko was on the run from the law and urged members of the public to call the police with any information about her whereabouts.<sup>14</sup>

Ms Mukoko, who was at her home when the announcements were made, voluntarily reported to Harare Central Police station the next day. Mukoko was charged with several counts including operating a private voluntary organization without registration under the Private Voluntary Organizations Act. She was then released into the custody of her lawyers. ZPP is registered under a deed of trust with the High Court like most other human rights groups in Zimbabwe.

In December 2008, Jestina Mukoko and another employee of the ZPP were victims of enforced disappearance when they were abducted by state security agents and tortured for several weeks before being taken to court and charged. In September 2009 the Supreme Court unanimously ruled that Mukoko’s rights had been violated by state agents warranting an order for permanent stay of her prosecution.

## **RADIO DIALOGUE RAIDED BY POLICE AND STAFF INTERROGATED BUT NOT CHARGED**

**On 19 February 2013 the police announced a ban on short wave radios. It is not clear under which law this ban was made. However, following the ban, police searched the offices of Radio Dialogue in Bulawayo and seized 180 radios and charged Zenzele Ndebele, the station manager, under section 182 of the Customs and Exercise Act. By end of June Zenzele had not been taken to court but police kept the radios and have indicated that he will be summoned when police have completed their investigations.**

The ban on short wave radio receivers is seen as an attempt by the authorities to curb access to alternative sources of news as the country prepared for the constitutional referendum on 16 March and a possible election on 31 July.

Human rights activists told Amnesty International that the short wave radios were targeted specifically because of their capacity to provide alternative information to a wide range of people in rural areas. The targeting was believed to be part of a wider strategy to stop free flow of information in the run up to

elections. Amnesty International also received reports that people in some rural areas had their radios taken by police.

## 4.2 ROLE OF THE SECURITY SERVICES IN RESTRICTING FUNDAMENTAL FREEDOMS

**"Daydreamers who want to reverse the gains of our liberation struggle will continue daydreaming. They can go to hell . . . they will never rule this country"**

Brigadier General Douglas Nyikayaramba quoted in the state-controlled Herald newspaper of 23 June 2011

Partisan law enforcement remains a major obstacle to the country's ability to hold elections free from human rights violations. Since the beginning of the current political crisis in Zimbabwe state institutions have been increasingly politicised to maintain ZANU-PF's hold on power.

President Mugabe and his ZANU-PF party effectively control the security agencies in Zimbabwe.<sup>15</sup> Security chiefs have openly expressed their allegiance to the party and its ideology while castigating Prime Minister Tsvangirai and his party. The security chiefs' allegiance to ZANU-PF is historical dating back to the liberation struggle against white minority rule in the 1970s. The current heads of police, army, air force, prison service and intelligence service are all "war veterans" as they took part in the 1970s struggle for independence under the Zimbabwe National Liberation Army (ZANLA) and the Zimbabwe People's Revolutionary Army (ZIPRA), the military wings of ZANU-PF and PF-ZAPU respectively.<sup>16</sup>

In addition, senior personnel in the security services benefited from ZANU-PF's Fast Track Land Reform Programme that started in 2000 through which they were allocated large tracts of land. They also benefit from political patronage that has seen them acquiring vast wealth. Fear of being held accountable for past violations, or their deep political convictions, or simply the need to protect their personal wealth or a combination of all three may be factors motivating them to continue perpetrating human rights violations.

In the run up to the second round of the presidential election in 2008, elements in the army, police and intelligence services were key drivers of the violence that targeted people who were perceived to have voted for the MDC parties.<sup>17</sup> They were implicated in the setting up of make shift bases across the country where beatings and torture of people suspected to have voted for the MDC formations occurred.

Despite the formation of the GNU and the creation of the National Security Council,<sup>18</sup> the security services continued to operate in a partisan manner targeting supporters of the MDCs, human rights activists, lawyers, journalists and other government critics. The current human rights violations by some members of the security services appear to also be driven by fear of retribution for the role they played in the 2008 election violence though the notion of protecting the country's sovereignty is often used as a guise to deflect criticism. For example:

**The state-controlled Sunday Mail newspaper on 5 May 2013 quoted General Constantine Chiwenga, the Commander of the Defence Forces, describing Prime Minister Tsvangirai as a "psychiatric patient who seems to be suffering from hallucinations."<sup>19</sup>**

**On 25 April 2013, Security Minister Dr Sydney Sekeramayi was quoted in the state-controlled Herald newspaper saying Zimbabwe's NGOs are driven by "illegal regime change agenda"<sup>20</sup>**

**On 30 January 2013, the state-controlled Herald newspaper reported Commissioner-General of police, Augustine Chihuri, urging wives of senior police officers to vote for ZANU-PF in the coming elections. Commissioner-General Chihuri was addressing members of the Kuyedza Women's Club attending a leadership workshop on 29 January.<sup>21</sup>**

**On 23 June 2011, the state-controlled Herald newspaper quoted Brigadier General Douglas Nyikayaramba defending the participation of the security services in politics saying the security services and ZANU-PF were inseparable. The Herald quoted Nyikayaramba as follows:**

**"Tsvangirai doesn't pose a political threat in any way in Zimbabwe, but is a major security threat. He takes instructions from foreigners who seek to effect illegal regime change in Zimbabwe.**

**"This is what has invited the security forces to be involved because we want to ensure we protect our national security interests. When he said Mugabe must go peacefully or else forcefully, was that democratic or constitutional?**

**"Daydreamers who want to reverse the gains of our liberation struggle will continue daydreaming. They can go to hell . . . they will never rule this country.**

**"We cannot keep quiet. We will continue speaking and as the security forces, we will not sit back and watch things going wrong,"<sup>22</sup>**

### 4.3 HUMAN RIGHTS VIOLATIONS BY THE ZIMBABWE REPUBLIC POLICE

The Law and Order section of the Zimbabwe Republic Police is the main unit that handles most of the cases involving human rights defenders (HRDs) including sanctioning of public meetings, investigations and surveillance of their activities. Particularly since August 2012 there has been an upsurge in raids at offices of critical civil society organizations as well as arbitrary arrests and unlawful detentions of HRDs. The Law and Order section selectively applied provisions of the Public Order and Security Act (POSA) and Section 40 of the Electoral Act with

the intention of narrowing the space for HRDs to freely associate and assemble and limiting freedom of expression around election issues. Meetings and activities of HRDs have been banned or unjustifiably restricted. There is no evidence that similar restrictions have been applied on ZANU-PF activities.

#### 4.4 RESTRICTING FREEDOM OF EXPRESSION, ASSOCIATIONS AND ASSEMBLY

One of the effects of Zimbabwe's political crisis is that it has displaced the citizen's voice as most forms of expressing dissent have been criminalised or narrowly interpreted. The POSA has been strictly applied by the police with the intention of denying space to initiatives that are considered too critical of the government. The experiences of the social justice movement, Women of Zimbabwe Arise (WOZA), clearly illustrate the lengths to which the state is prepared to go to silence dissenting voices. Since 2003, WOZA members have been systematically denied the rights to freedom of assembly across the country. They have been subjected to severe beatings, in the majority of cases after having taken to the streets to peacefully protest against poor service delivery or to express their disapproval of government policies. Hundreds of WOZA members have been detained. The leaders and some key organisers have spent weeks in custody awaiting trial only to be acquitted by the courts or to have the state abandon the case.

State attacks on CSOs and other NGOs and those perceived to be political opponents of ZANU-PF has resulted in population displacements including the physical displacement hundreds of thousands of mainly young adults to Botswana, South Africa, the United Kingdom and Australia, some as refugees fleeing violence and others seeking ways to support their families as a result of the downward spiral of Zimbabwe's economy since 2000.

The government has also used laws such as the POSA, Access to Information and Protection of Privacy Act (AIPPA): and Criminal Law (Reform and Codification) Act to criminalise exercise of the rights to freedom of expression, association and assembly. State prosecutors have also abused Section 121 of the Criminal Procedure and Evidence Act by invoking it to delay the release of HRDs and other government critics facing politically motivated charges after they have been granted bail by the courts. Section 121 gives the state seven days to challenge the release of a detainee who has been granted bail.

In rural areas, traditional leaders have been used to restrict the rights to freedom of association and assembly, making it virtually impossible for people to freely organise to express themselves. In April 2012, Amnesty International was told by some traditional leaders in Mashonaland West province that they had been threatened with dismissal if they were found to be supporting political parties other than ZANU-PF. Those who refused to act as gatekeepers in their communities told Amnesty International that their areas were being denied development projects.

Amnesty International is concerned that freedom of expression is being further

restricted by the government's insistence CSOs register to conduct voter education. Section 40C(1)(h) read with Section 40F of the Electoral Act outlaws conduct of voter education without accreditation. Human rights defenders told Amnesty International that this provision is calculated to limit their operations for political reasons. Also, they expressed concern that the registration process for CSOs to conduct voter education in the run up to the referendum was discriminatory. The requirement to register CSOs to conduct voter education over and above their normal registration as organizations under the law was also exposing HRDs to arbitrary arrests and unlawful detention for exercising their rights to freedom of expression, association and peaceful assembly.

#### CASES

### **FOUR HUMAN RIGHTS DEFENDERS WERE ARRESTED ON ALLEGATIONS OF CONDUCTING ILLEGAL VOTER EDUCATION AND SPENT TWO NIGHTS IN POLICE CUSTODY IN MUTARE**

Human rights defenders, Sydney Chisi, Masimba Nyamanhindi, Tichafa Musana and Taziva Machiwana were arrested on 6 July 2013 in the town of Mutare and were charged with contravening Section 40 (c) of the Electoral Act for allegedly conducting voter education at a concert without clearance from the Zimbabwe Electoral Commission. The four activists were released by the Magistrate Court on 8 July after spending two nights in police custody. They were ordered to deposit US\$ 50 each as bail.

### **ELECTION RESOURCE CENTRE VOLUNTEERS DETAINED FOR ENCOURAGING FIRST TIME VOTERS TO REGISTER**

On 11 May 2013, three activists from the Election Resource Centre (ERC), Mr Moses Chikora, Mr Farai Saungweme and Ms Wadzanai Nyakudya, were arrested by police in Borrowdale, Harare on allegations of conducting voter education without approval from the Zimbabwe Electoral Commission.

The activists were taking part in a campaign urging young people to register as voters and take part in the next election. The state held that the trio acted against the law by distributing campaign branded t-shirts and compact discs. They were taken to Borrowdale Police station and subsequently transferred to Harare Central Police station's Law and Order Section where they were detained for two nights until 13 May.

On 13 May, the ERC director Mr Tawanda Chiminhi, at the request of the police, handed himself to the Law and Order Section accompanied by his lawyers. The police proceeded to charge the Election Resource Centre on allegations of conducting voter education without approval from Zimbabwe Electoral Commission citing Section 40C, sub section 1g and section 2 of the Electoral Act. After two nights in police custody the police

conceded to releasing the other three activists, on condition that they act as state witnesses in the case against the ERC, which was represented by its director, Mr Tawanda Chimhini.

On 10 June the three activists and ERC had their case suspended by a Harare Magistrate after the complainant in the case, the Zimbabwe Electoral Commission, failed to turn up at the court. The state could still summon the activists if it decides to proceed with the charges.

In a separate, but related, incident showing on-going harassment of CSOs, the state-controlled Herald newspaper published a supposedly leaked document scandalizing the work of ERC.<sup>23</sup> Other organizations whose documents have been published alongside allegations of conspiracies include the Zimbabwe Lawyers for Human Rights and the Zimbabwe Peace Project. Such publications confirm the long held suspicion that there is active surveillance of the work of CSOs for partisan political reasons.

## **ACTIVISTS ARRESTED FOR CONDUCTING VOTER EDUCATION**

**Trevor Murai, the Information and Advocacy officer of Student Solidarity Trust, was arrested by police in Harare on 23 April 2013 on allegations of 'embarking on voter education.'<sup>24</sup> Murai was arrested by plain clothes police after he had made a presentation on elections at a workshop organised by the Christian Alliance.**

### **4.5 CONCERN ABOUT THE USE OF FOOD AS A POLITICAL TOOL**

Some parts of Zimbabwe including Masvingo and Matabeleland regions have received erratic rains in recent years. In the past Amnesty International has documented the use of food as a political tool whereby those perceived to be supporting the opponents of ZANU-PF are denied access to food distributed by Zimbabwe's Grain Marketing Board. Historically, food distribution has either been disrupted or hijacked by politicians during election campaigns. Organizations insisting on non-partisan food distribution have had their operations severely restricted by traditional leaders and ZANU-PF supporters.



## 5. THE GHOST OF 2008 - RISK OF A REPEAT OF VIOLENCE THAT MARRED THE SECOND ROUND OF THE PRESIDENTIAL ELECTIONS

“JOMIC is made up of politicians. The three parties act like war lords. The parties that act as perpetrators [also] act as adjudicators over their own cases. Some of the JOMIC party representatives are themselves candidates in the election.”<sup>25</sup>

Although President Mugabe and Prime Minister Tsvangirai have made public statements urging their supporters to be tolerant and desist from violent conduct such statements have not been followed by concrete steps to specifically take action against perpetrators of human rights violations. As a result, people on the ground perceive the statements to be nothing more than just public relations rhetoric. Throughout the lifespan of the GNU Amnesty International received numerous accounts from activists in rural areas of persistent threats and ‘reminders’ of the violence in the run up to the 27 June 2008 run-off of the presidential election.

While in 2008 the majority of politically related human rights violations were attributed to security services working in collaboration with local ZANU-PF supporters, the situation could be different in the 2013 election if police fail or are unwilling to protect supporters of other parties from ZANU-PF attacks. MDC-T leaders have in some instances publicly urged their supporters to defend themselves if attacked.<sup>26</sup> Similarly ZANU-PF leaders have also urged their members to fight back if provoked. Although such statements are veiled in pro-peace messages, at the local level they can be seen as a green light for members to attack each other as self-defence that is condoned by the senior leadership.

Most of the victims of 2008 political violence live in constant fear because the

perpetrators have remained largely free to intimidate and harass victims with little being done since the GNU to build victims confidence in the ability and/or willingness of police to protect them from violence in the future. Partisan statements by security chiefs have helped to perpetuate this fear.

The various layers of ZANU-PF and the MDC-T structures are not always on the same page in either words or action. At the national level their leaders openly and consistently speak against violence, but some individuals in the lower structures continue to cause disturbances.<sup>27</sup> Amnesty International is concerned that no action is taken against those individuals who incite the violence and that the ensuing impunity fuels the ability of perpetrators to continue to commit human rights violations.

## 6. CONCLUSION AND RECOMMENDATIONS

Amnesty International is urging the government of Zimbabwe and all its agencies to respect and protect all human rights enshrined in the new constitution and in all the international human rights treaties to which it is a state party. In particular, given the history of serious human rights violations during past elections, the government must ensure that all human rights enshrined in the new constitution are respected and protected by the police, army and intelligence services. The government must strive to bring all perpetrators of human rights violations to account as a sign of its commitment to fulfilling its obligations under international human rights treaties.

The government of Zimbabwe and its agencies have the primary duty to ensure that the country's obligations under international human rights law are fulfilled. The GNU on its part should therefore strengthen mechanisms to respond to incidents of political violence, torture and other human rights violations during the elections, including through the Joint Monitoring and Implementation Committee created under the GPA. The ability of the Zimbabwe Human Rights Commission to monitor and document human rights violations and abuses should also be augmented, more so during elections with a view to ensuring that violations are properly documented, that lessons are learnt for the future, as well as holding the perpetrators to account.

Amnesty International remains concerned that lack of trust amongst the parties in the GNU, particularly towards the end of its tenure, as well as increased tensions between ZANU-PF and the MDC formations especially over the proclamation of the election date and failure to fully implement the GPA reform agenda before the elections, have weakened internal mechanisms to combat election related human rights violations. This lack of good faith among the GNU parties has increased the need for closer involvement of the SADC Organ on Politics, Defence and Security Cooperation and the African Union in the run-up to the elections.<sup>28</sup>

Amnesty International believes that in order to avert human rights abuses in another violent election, SADC, with the support of the international community, must invest its resources in creating an election environment free of state-sponsored violence as a matter of urgency given the short time left before the election.

SADC and the AU should also recognize the importance of taking concrete measures to ensure that Zimbabwe does not negate its obligations under international human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to which it is a state party. These treaties recognize the rights to freedom of expression, association and assembly which have come under attack in recent months and in 2008.

Amnesty International is concerned about the partisan statements made by Zimbabwe's security chiefs in recent months which are reminiscent of the role played by the security services in organizing political violence in 2008. SADC's oversight of the elections will be crucial to ensuring that the security services do not feel that they have free rein to commit human rights violations in order to secure their desired outcome of the election.

The spate of attacks on human rights defenders which has been gathering pace in the past 12 months is an equally worrying indicator that government agencies remain actively hostile towards civil society and that violation of the rights to freedom of association, expression and assembly remain the modus operandi for silencing dissenting voices. The Government of Zimbabwe must acknowledge the critical role civil society plays in promoting and defending human rights even in an election context. CSOs must be allowed to carry out their work without impediment.

### RECOMMENDATIONS TO THE ZIMBABWEAN AUTHORITIES

Amnesty International urges the Zimbabwean government to take all measures necessary to combat election related human rights, including by the police, army and intelligence services. These measures should include:

- No violation of Zimbabwe's international human rights obligations, as explicitly set out in the treaties it has ratified. Specifically, all state security agents should respect and protect the rights to freedom of expression, association, and peaceful assembly of all political candidates and their supporters across the country.
- Protect all people from politically-motivated human rights abuses equally, in accordance with Section 208 of the new Constitution, which prohibits members of the security services from acting in a partisan manner; furthering the interests of any political party or cause; or violating the fundamental rights or freedoms of any person.
- Respect and protect the rights of human rights defenders, journalists and lawyers to freely conduct their work in an environment free of violence, harassment, intimidation, arbitrary arrests and unlawful detentions.
- No impunity for those who commit human rights abuses before, during and after the elections. The relevant authorities should investigate reports of killings, intimidation and threats of violence, regardless of the political affiliation of the victims or suspected perpetrators, and ensure that those who commit such abuses are brought to justice.
- Public statements urging all government agencies to respect and protect all human rights by President Mugabe in his capacity as commander-in-chief of the defence forces and as the principal in the Government of National Unity whose party effectively controls the security organizations.

- Adequately fund the Zimbabwe Human Rights Commission to be able to monitor and document human rights violations by state security agencies with the view to bringing perpetrators to justice.
- Rapidly respond to reports of election related human rights abuses through the Joint Monitoring and Implementation Committee created under the GPA.
- Investigate all allegations of torture and other ill-treatment, including of makeshift torture bases with the view of dismantling them and bringing the perpetrators to justice.

## RECOMMENDATIONS TO THE AFRICAN UNION AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

Amnesty International recommends to the AU and SADC in their role as the co-guarantors of the Global Political Agreement to take all necessary measures to ensure non-repetition of political violence in Zimbabwe during the coming elections. These measures include:

- Through their election observers, meticulously document all election-related human rights violations and abuses before, during and after the elections. The AU and SADC observers should pay particular attention to human rights violations by government agencies; harassment and intimidation of candidates and their supporters during all phases of the election; and violations of the rights to freedom of expression, association and peaceful assembly.
- No toleration of human rights violations and abuses, before, during or after the elections. The AU and SADC should make a clear public statement that human rights abuses will not be tolerated and speak out unequivocally when such incidents occur.
- Pressure all government agencies to respect and protect all human rights before, during and after the elections.

## RECOMMENDATIONS TO INTERNATIONAL ELECTION OBSERVER DELEGATIONS MONITORING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS AND ABUSES DURING ELECTIONS

Amnesty International recommends monitors and observers:

- Record any human rights violations and abuses which they observe or which are reported to them that occur before, during or after the actual dates of polling and report them promptly to the relevant authorities as noted below. This should include monitoring human rights conditions beyond polling stations and their immediate vicinity, since very often serious human rights abuses happen outside of these locations.

- Assess whether voters may have been intimidated or pressured to vote or not to vote for any particular candidate or party. In this regard, they should note any discrimination in the exercise of human rights, or other disadvantages, faced by anyone on account of their actual or perceived political opinions.
- Record the actions of relevant authorities, or any failure to take prompt action, in response to incidents of human rights abuses or allegations of such incidents reported to them.
- Monitor the actions of the security services, in particular the Zimbabwe Republic Police's Law and Order Section, the armed forces and Central Intelligence Organization, in the policing of political rallies, campaign meetings and at polling stations, including methods of crowd control during any disturbances or at other times. In particular note whether any action taken by the security services in response to political violence is prompt, and whether responses or other action in the context of political rallies, campaign meetings or crowd control is appropriate, necessary and proportionate according to international law and standards on the use of force in law enforcement.

## REPORTING HUMAN RIGHTS VIOLATIONS AND ABUSES IN THE CONTEXT OF THE ELECTIONS

- Monitors and observers must report to the relevant authorities, including the Zimbabwe Republic Police, the Zimbabwe Electoral Commission and the Zimbabwe Human Rights Commission, transparently through proper channels, any human rights abuses or violations they witness, or allegations of human rights abuses or violations they receive, accurately and impartially, and in a gender sensitive manner where appropriate.
- Monitors and observers must ensure that all their reporting, whether to the authorities or in their overall public report of the election process, complies with ethical requirements, including ensuring that they do not report incidents in a way which will enable victims to be identified unless the victims have given their informed consent.
- Subject to the above, the reports of monitors and observers to the authorities should be sufficiently detailed to enable the authorities to take prompt action to prevent continuation or repetition of the abuse and to apprehend and hold accountable the perpetrators and/or identify the authorities responsible.
- Monitors and observers should also include information about such abuses in their overall public report of the election process, together with information about whether the authorities took prompt and effective action in response to abuses reported to them in accordance with international human rights law and standards.

# ENDNOTES

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1 Article 19 of the Global Political Agreement

2 Article 12 of the Global Political Agreement

3 Article 10 of the Global Political Agreement

4 Article 18 of the Global Political Agreement

5 The local currency had contributed to unprecedented hyperinflation.

6 At the pick of the economic meltdown in 2007 public schools were only open for 27 days as teachers abandoned posts because of meagre salaries that were eroded by hyper inflation. Thousands of teachers crossed the borders to South Africa and Botswana where they did menial jobs in order to support their families. Most of the remaining teachers also fled the political violence in rural areas in 2008 with some settling in relatively safer urban areas while other sought political asylum in neighbouring countries.

7 Article 13.2(a) of the Global Political Agreement specifically states that the parties were to take steps for the “inclusion in the training curriculum of members of the uniformed forces of the subjects of human rights, international humanitarian law and statute law so that there is greater understanding and full appreciation of their roles and duties in a multi-party democracy system.” While Article 13.2(b) commits the parties to ensure “that all state organs and institutions strictly observe the principles of the Rule of Law and remain non-partisan and impartial.”

8 The public service in Zimbabwe is controlled by the Public Service Commission which is run by someone who is perceived to be a ZANU-PF loyalist. Civil servants who are seen to be aligned to the MDCs are at risk of losing their jobs.

9 The African Charter on Human and Peoples' Rights (the African Charter) was adopted on 27 June 1981 and entered into force on 21 October 1986. Zimbabwe ratified the African Charter on 30 May 1986, and deposited the instrument of ratification on 12 June 1986.

10 Human Rights Committee, General Comment 31: The nature of the general legal obligation imposed on states parties to the Covenant, para 8, [www.ohchr.org](http://www.ohchr.org)

11 General Comment 31, para 4.

12 Resolution 1(k) of the 13th National People's Conference, Gweru, Midlands Province, December 5 – 9, 2012; [http://www.zanupf.org.zw/index.php?option=com\\_content&view=article&id=214%3Aresolutions-of-the-13th-national-peoples-conference-gweru-midlands-province-december-5-9-2012&showall=1](http://www.zanupf.org.zw/index.php?option=com_content&view=article&id=214%3Aresolutions-of-the-13th-national-peoples-conference-gweru-midlands-province-december-5-9-2012&showall=1) Accessed on 2 May 2013

13 See Amnesty International 2007 Report *Zimbabwe: Between a rock and a hard place – women human rights defenders at risk*, AI Index: AFR/46/017/2007

14 Article in the state-controlled Herald newspaper entitled *Mukoko on the run*, [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=69815:mukoko-on-the-run-](http://www.herald.co.zw/index.php?option=com_content&view=article&id=69815:mukoko-on-the-run-)

[&catid=46:crime-a-courts&Itemid=138](#) Accessed on 12 March 2013

15 As part of the power sharing agreement following the GPA ZANU-PF controls the Ministry of Defence, the Office of the President which controls the Central Intelligence Organization and shares the Ministry of Home Affairs with the MDC-T.

16 In 1987 Robert Mugabe's ZANU-PF and Joshua Nkomo's PF-ZAPU merged to form the united ZANU-PF as part of the Unity Accord signed on 22 December 1987 to end the inter-party tensions that led to the crisis in Matabeleland where thousands of people were killed mainly by the security forces, also known as Gukurahundi.

17 May 2008, Amnesty International, *A trail of violence after the ballot*, AI Index: AFR 46/014/2008

18 The National Security Council Act was enacted in February 2009 as part of the reforms to strengthen civilian oversight and address problems attributed to security sector's role in the 2008 political violence.

19 The Sunday Mail, Article entitled *I have no time for sellouts: Chiwenga*, [http://www.sundaymail.co.zw/index.php?option=com\\_content&view=article&id=35307:i-have-no-time-for-sellouts-chiwenga&catid=37:top-stories&Itemid=130#.UYfOpUqiHkM](http://www.sundaymail.co.zw/index.php?option=com_content&view=article&id=35307:i-have-no-time-for-sellouts-chiwenga&catid=37:top-stories&Itemid=130#.UYfOpUqiHkM) Accessed on 6 May 2013.

20 The Herald, article entitled *Sekeramayi speaks on security chief*, [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=75829:sekeramayi-speaks-on-security-chiefs&catid=37:top-stories&Itemid=130](http://www.herald.co.zw/index.php?option=com_content&view=article&id=75829:sekeramayi-speaks-on-security-chiefs&catid=37:top-stories&Itemid=130) , Accessed on 25 April 2013

21 The Herald, Article entitled *Chihuri urges women to vote*, [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=65215:chihuri-urges-women-to-vote&catid=38:local-news&Itemid=131](http://www.herald.co.zw/index.php?option=com_content&view=article&id=65215:chihuri-urges-women-to-vote&catid=38:local-news&Itemid=131) Accessed on 30 January 2013

22 Article in the state-controlled Herald newspaper entitled *Brigadier Nyikayaramba responds to Tsvangirai*, [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=13369:generals-respond-to-tsvangirai&catid=37:top-stories&Itemid=130](http://www.herald.co.zw/index.php?option=com_content&view=article&id=13369:generals-respond-to-tsvangirai&catid=37:top-stories&Itemid=130), Accessed on 4 July 2013

23 The Herald article entitled *MDC-T election resource centre mobilisation*, [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=75315:mdc-t-election-resource-centre-mobilisation&catid=37:top-stories&Itemid=130](http://www.herald.co.zw/index.php?option=com_content&view=article&id=75315:mdc-t-election-resource-centre-mobilisation&catid=37:top-stories&Itemid=130) Accessed on: 22 April 2013

24 <http://www.thezimbabwean.co.uk/news/zimbabwe/65225/sst-official-arrested.html>

25 Interview with Zimbabwean human rights defender, 25 March 2013

26 News Day report, Article entitled: *We will fight back – MDC-T*, <http://www.newsday.co.zw/2013/04/22/we-will-fight-back-mdc-t/>, Accessed: 22 April 2013

27 Dailynews Live, article entitled *Double-booking blamed for 'clash'* <http://www.dailynews.co.zw/article/News/76605cfd-5c67-4b7f-a75f-6348b24f405e> Accessed: 25 April 2013

28 On 15 June the African Union deployed 10 Long Term Observers (LTO) to Zimbabwe. The LTOs are expected to be joined by short term observers a week before the election to remain the country until 14 August.





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