



A Culture of Impunity In Zimbabwe

**A Report on Access to Justice for Survivors
of Organized Violence and Torture (OVT)
In Zimbabwe**

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Abbreviations

AG	Attorney General
BEAM	Basic Education Assistance Module
CAT	UN Convention Against Torture and other Cruel Inhuman and Degrading Treatment
CP&E Act	Criminal Procedure and Evidence Act
CRS	Catholic Relief Services
CSOs	Civil Society Organizations
DA	District Administrator
GMB	Grain Marketing Board
MDC	Movement for Democratic Change
MPs	Members of Parliament
NGOs	Non Governmental Organizations
OVT	Organized Violence and Torture
PP	Public Prosecutor
UN	United Nations
ZANU (PF)	Zimbabwe African National Union Patriotic Front
ZIMRIGHTS	Zimbabwe Human Rights Association
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police

Executive Summary

The report is based on incidents of human rights violations recorded by the Forum during the period January-June 2012. Most of the incidents of human rights violations reported during this period related to acts of politically motivated violence arising from the 2008 election period. The clients who were interviewed during the period January-June 2012 had not hitherto had any opportunity to report incidents of human rights violations dating as far back as 2002. This underlines the endemic culture of impunity which currently subsists in Zimbabwe. The pervasive culture of impunity has seen perpetrators of human rights abuses remaining unaccountable for their misdemeanors and the survivors of organized violence and torture (OVT) having no access to justice or redress.

The report will also explore some of the legislation currently in place which aid and abet the perpetuation of the culture of impunity and the concealment of most of the past acts of OVT. The report will also depict how the past human rights violations have continued in the form of threats, intimidation, harassment and discrimination of the survivors of OVT.

In its conclusion, this report will suggest ways of combating the culture of impunity in Zimbabwe, by employing various mechanisms to ensure that, the plight of the survivors of OVT does not go unnoticed but instead redress and justice is made accessible to all.

1. ACCESS TO JUSTICE

Access to justice can be defined as the right of individuals and groups to obtain a quick, effective and fair response to protect their rights; prevent or solve disputes and control the abuse of power, through a transparent and efficient process, in which mechanisms are available, affordable and accountable¹.

There is no global mono definition for the concept of access to justice. However, there are acceptable universal elements that comprise what could be termed access to justice, namely that all persons:

- Should have access to a proper forum where their grievances are heard
- Should have physical access to the courts
- Should be able to afford the costs of litigation
- Should have effective remedies to their grievances
- Should have their matters dealt with expeditiously
- Should have access to legal representation when such is required

The access to justice framework encompasses not only the formal courts but also other informal and traditional mechanisms for accessing justice. For purposes of this report, the discussion around access to justice for survivors of OVT will focus on the role of the following:

- The formal courts, i.e. the civil and criminal court
- The police force
- The AG's office
- The Legal Aid Directorate
- The *in forma pauperis* system
- The local court i.e. the community and primary courts, as well as the village heads' informal court.

¹UNDP Justice System Program (JSP) Project Document, pg 31.

2. REDRESS AT THE LOCAL COURTS

The local courts, as will be discussed below, are a critical component in ensuring that survivors of OVT access justice. The local courts are borne out of the recognition in the constitution of Zimbabwe that there is a dual legal system in Zimbabwe, which comprises of the General Law and African Customary Law. The applicability of African Customary Law in Zimbabwe is provided for by the Constitution² while the Traditional Leaders Act [Chapter 29:17] provides for the institution of traditional leaders, such as Chiefs, Headmen and Village Heads. In terms of the Traditional Leaders Act, these leaders are the custodians of the African customs and values and also have adjudicatory roles in resolving disputes using the African Customary Law³.

The Customary Law and Local Courts Act [Chapter 7:05] establishes the Community Court and the Primary Court to be presided over by the Chiefs and Headmen respectively⁴. These courts, collectively known as the 'Local Courts' have the power in terms of the Act, to deal with civil matters which can be resolved by applying African Customary Law⁵. The Village heads do not preside over any specified court, but still the power to dispute resolution powers by applying African Customary Law⁶.

These local courts and the Village heads' informal dispute resolution courts, are conducted in a very informal manner and do not have strict rules in terms of procedure and evidence. They are not open to legal practitioners⁷. These mechanisms are vital in dispensing justice at the grassroots level, as they (should, ideally) function in a simple, efficient manner, and have broad powers in terms of the remedies which they can provide to the wronged⁸.

The traditional leaders also have a peculiar ability to not only provide for redress in the form of compensation in cash or in the form of beasts and livestock, but also to facilitate dialogue between hostile parties. This is because unlike in courts under the General Law which mainly focus on the remedies provided for in legislation, the traditional leaders can draw from the African Customary Law, which recognizes not only retributive justice, but also restorative justice mechanisms. The local courts in this regard can go beyond mere compensation of the wronged to set up a platform for reconciliation.

²Section 89, Constitution of Zimbabwe

³Sections 5;9; 12 Traditional Leaders Act [Chapter 29:17]

⁴Sections 10; 11 Customary Law and Local Courts Act [Chapter 7:05]

⁵Sections 15 and 16, Customary Law and Local Courts Act [Chapter 7:05]

⁶Section 12(e) Traditional Leaders Act [Chapter 29:17]

⁷Section 20 Customary Law and Local Courts Act [Chapter 7:05]

⁸Section 17 Customary Law and Local Courts Act [Chapter 7:05]

The traditional leaders are closer to the communities and their courts are easily accessible to the people in their area. People can easily understand the issues they deal with as proceedings are mainly conducted in the local vernacular.

The local courts and the Village Head's informal dispute resolution court can ideally be a very vital vehicle for dispensing justice for survivors of OVT, particularly because most of the cases of political violence were and continue to be concentrated in the rural areas. Even though the traditional leaders have no jurisdiction to deal with the criminal aspects of these violations they are mandated to report the commission of any crime or offence in their areas, including the following:

- the presence of the corpse of any person who has died suddenly or was found dead or is suspected of having died violently or otherwise than in a natural way⁹
- the suspicious disappearance of any person ¹⁰
- any actual or threatened public unrest likely to disturb the public peace ¹¹

In addition, the traditional leaders can also deal with the civil aspects arising from cases of OVT, such as damages arising from injuries sustained from physical assault; damages for rape and sexual assault and damages for patrimonial loss arising from theft or destruction of property. The local courts are not restricted by prescription laws and can therefore address violations at any time¹². In the same vein, the traditional leaders can also act to deal with threats of violence by warning the perpetrators to keep the peace.

Challenges

The local courts and the informal dispute resolution courts of the Village Heads can play a paramount role in providing redress for survivors of OVT in Zimbabwe. However, for these traditional justice delivery mechanisms to be fully functional there is need for the traditional leaders to retain their independence and integrity. The institutions of the Chiefs, Headmen and Village Heads are founded on African Customary Law and are not political offices. ¹³However, mainly due to pressure from the political parties, the traditional leaders have been gravely compromised and face the following challenges in providing redress for OVT survivors:

⁹Section 9 (1) (ii) Traditional Leaders Act [Chapter 29:17]

¹⁰Section 9 (1) (ii) supra

¹¹Section 9 (1) (iv) supra

¹²Section 3 (2) Prescription Act [Chapter 8:11]

¹³Sections 3;8 & 11 Traditional Leaders Act [Chapter 29:17]

a. Co-option by political parties

Notwithstanding the apolitical nature of the institution of traditional leaders, they have been at the risk of being co-opted by political parties; mainly ZANU PF. ZANU PF has dominated and virtually maintained a monopoly over interaction with traditional leaders. The Traditional Leaders Act, even though making provision that all traditional leaders should be appointed in terms of African Customary Law, designates the President, as the official responsible for the appointment of Chiefs¹⁴. The Act also stipulates that the Minister of Local Government and National Housing is responsible for the appointment of Headmen¹⁵ and Secretary of the Ministry for the appointment of Village Heads¹⁶.

The fact that these appointments are made by the above-stated government officials who are politicians creates the first basis for patronage, which is further compounded by the various benefits, such as allowances and vehicles, among other things, which are distributed to the traditional leaders by the Minister Local Government and National Housing.

Traditional Leaders interviewed by the Zimbabwe Human Rights Forum complained of being coerced to act as ZANU PF officials in their areas, responsible for calling for ZANU PF meetings and rallying the villagers to attend. In particular, Village Heads complained of being forced to assume the role of acting as ZANU PF Branch Chairpersons, and reported that this practice had become so entrenched that they now regarded it as a de facto law that every Village Head is a ZANU PF Branch Chairperson.

As can be seen from Appendix 2 below some of the traditional leaders actually went to the extent of becoming actual perpetrators of political violence against villagers. Some availed their homesteads for use as ZANU PF bases where the villagers were assaulted, while others took an active part in compiling hit-lists of suspected MDC supporters in their area.

This co-option of traditional leaders by political parties has resulted in the erosion of their independence and the compromising of their objectivity. As such survivors of politically motivated violence perpetrated by ZANU PF have found no redress with the traditional leaders, who now act to drive and perpetuate the ZANU PF agenda.

b. Harassment and Intimidation

The few traditional leaders who refused to be co-opted into ZANU PF structures were left with two options,

¹⁴Section 4 supra

¹⁵Section 8 supra

¹⁶Section 11 supra

i.e. aligning themselves with another political party such as the MDC or remaining neutral and apolitical.

However, from the traditional leaders interviewed, it seems that both options led to the same end, i.e. victimization by ZANU PF supporters. Traditional leaders reported physical assaults and property damage and theft, perpetrated against them by ZANU PF youths because of their failure or refusal to rally the villagers to support ZANU PF.

Some traditional leaders, especially Village Heads complained that they were facing forced removal from their positions to be replaced by people who were more sympathetic to the ZANU PF cause.

These acts of harassment were all meant to intimidate the traditional leaders and to dissuade them from discharging their duties to provide redress to all villagers, including survivors of OVT. This has resulted in most traditional leaders being reluctant and even averse to the task of adjudicating over matters of political violence, even after the actual violence has since subsided. In essence, traditional leaders are actually survivors of OVT themselves and are also in need of redress. They are therefore unable to provide solace to the villagers, as they also remain vulnerable.

3. REDRESS AT THE CRIMINAL COURTS

The criminal law justice delivery system is mainly dominated by the State. It is the State through the Criminal (Codification and Reform) Act [Chapter 9:23] (Criminal Code) and other legislation, which dictates what constitutes criminal conduct. The State, through the police force is also responsible for apprehending offenders and bringing them to court. Again it is the State, through the Attorney General's office, that prosecutes the offenders, and through the judiciary, the State adjudicates over the criminal. It is these four components of the criminal law justice delivery system, comprising of the Criminal Code, Police, the Attorney General's office and the judiciary, which will be discussed below in a view to find out how accessible the criminal law justice delivery system is to survivors of OVT.

3.1. The Police

The police force in Zimbabwe is established in terms of section 93 of the Constitution of Zimbabwe and is tasked with "preserving the internal security of and maintaining law and order in Zimbabwe"¹⁷. This

¹⁷Section 93 Constitution of Zimbabwe

constitutional mandate of the police force is also codified in the Police Act [Chapter 11:10], which provides for the creation of the Zimbabwe Republic Police¹⁸.

The Criminal Procedure and Evidence Act [Chapter 9:07] provides for the powers of arrest of police officers together with other 'peace officers' as defined in the Act¹⁹. Even though the Criminal Procedure and Evidence Act grants the powers of arrest to other 'peace officers' such as magistrates or justices; the Sheriff or any deputy sheriff; prison officers; immigration officers; inspector of mines; etc,²⁰ the power to arrest is predominantly exercised by the police officers.

The Criminal Procedure and Evidence Act, also makes provision for instances when ordinary citizens can effect an arrest but the circumstances are limited²¹. This therefore means that the ZRP enjoys a virtual monopoly over the power to arrest.

The importance of the ZRP in the criminal law justice delivery system cannot be overemphasized. The police are the entry point of any matter into the criminal law justice delivery system. They receive statements from complainants, investigate the matter, apprehend the suspects, compile the dockets and present the suspects to court. This process chain is important as it has a bearing on whether or not a matter makes it to court.

Ideally the police force should discharge its duties in an impartial and non-partisan manner. The police officers are public officers and by that fact, owe the duty to observe and uphold the law to every Zimbabwean²² regardless of race, tribe, place of origin, political opinions, colour, creed, sex or gender²³. This duty is a logical correlation of the citizen's right to protection of the law²⁴.

Challenges

In order for the ZRP to function properly and discharge its duties to the optimum, there is need for members of the police force to retain their professional independence and to remain apolitical. However, in Zimbabwe much can be gain said about the police force and this has made it difficult for OVT survivors to get redress.

¹⁸Section 3, Police Act [Chapter 11:10]

¹⁹Sections 2 & Part V, Criminal Procedure and Evidence Act [Chapter 9:07]

²⁰supra

²¹Sections 27 & 28 supra

²²Section 18 (1a), Constitution of Zimbabwe

²³Section 23 supra

²⁴Section 18 supra

Some of the challenges faced by OVT survivors when dealing with the police force are listed below.

a. Partisan policing

The media has been awash with numerous proclamations by senior police officers, which point to the fact that the police force seems to be partisan, mainly in favour of ZANU PF²⁵. The veracity or otherwise of these allegations is a moot point but what is apparent from **Appendix 1** is that, in discharging their duties, the police have clearly demonstrated political bias. The clients interviewed reported that they were turned down by the police when they tried to lodge complaints arising from political violence perpetrated by ZANU PF supporters. Some clients also reported that they were actually apprehended, arrested and detained by the police, when they tried to report incidents of political violence perpetrated against them by ZANU PF supporters.

The cumulative effect of the police officers' conduct was that people lost confidence in their objectivity and, as illustrated in **Appendix 1**, cases of political violence were not reported to the police. Survivors of OVT saw this as a futile exercise and, as afore-stated, in some cases this would actually result in arrest of the wronged.

b. Access to the police

In some areas such as Mudzi and parts of Mutoko, the clients interviewed complained of having to walk long distances to access the nearest police outposts. The clients also reported that these outposts were usually sparsely staffed and ill-equipped to venture into the communities to carry out investigations as they had no means of transport. This made it difficult for the police to deal with the matters expeditiously and for them to prepare comprehensive dockets for submission to the courts.

Some of the interviewed clients also reported that they were barred from making police reports by the perpetrators who waylaid them and barred them from accessing police stations. In some instances, clients reported having to withdraw complaints made to the police after being harassed by the perpetrators without any protection from the police force.

c. Police as perpetrators of OVT

In the Harare area, the police have been notorious for actively perpetrating acts of OVT, mainly against MDC supporters and in some cases non-partisan individuals²⁶. The police in some cases have acted in complicity

²⁵<http://www.thezimbabwemail.com/zimbabwe/12374-chihuri-calls-for-police-patriotism-with-zanu-pf.html>; <http://bulawayo24.com/index-id-news-sc-national-byo-16705-article-police-commanders-forcing-their-subordinates-to-support-zanu-pf-claims-tsvangirai.html>

²⁶65% of OVT reported in Harare involved the police as perpetrators

with ZANU PF supporters to detain and torture MDC supporters²⁷. It was also a common trend in most of the areas that, the survivors of OVT were assaulted at ZANU PF bases in full view of the police, who seemed to acquiesce to the acts of violence. Whether acting as actual perpetrators of OVT or by acting in common purpose and complicity with perpetrators of OVT, the police have on numerous occasions reneged from their constitutional mandate to protect all citizens²⁸.

In the discharge of their duties, the police have also been reported to be heavy-handed and in some cases particularly in relation to matters relating to police shooting, outright brutal²⁹. Some of the cases reported were not political in nature but complaints against the police for acts of torture they perpetrated while investigating alleged criminal offences.

As a result of the above, most survivors of OVT have expressed unwillingness to report their cases to the police. As such matters of OVT dating as far back as 2002 remain unreported to the police and consequently have not been brought within the criminal law justice delivery system for redress.

3.2 The Attorney General's Office

The AG's office is established in terms of section 76 of the Constitution. The AG's office is mandated to determine whether or not to prosecute and is tasked "to institute and undertake criminal proceedings before any court..."³⁰

These broad powers of the AG, give the office a virtual monopoly in terms of prosecuting criminal offences. Citizens can also prosecute, but this is subject to the AG refusing to prosecute and subsequently issuing out a certificate signifying the refusal to prosecute³¹. In practice, the AG's office through the office of the Public Prosecutor (PP), predominantly determines whether or not to prosecute an alleged criminal offence.³²

The decision whether or not to prosecute should be based on a value judgment, on whether or not the alleged facts give rise to a criminal offence and whether or not there is enough evidence to sustain the allegations. In fact, at every court, there is an officer from the public prosecutor's office responsible for vetting the dockets brought by the police officers, to determine whether there are good grounds for prosecution or not³³.

²⁷Particularly in Mbare, 3 reports where made of police acting in complicity with a ZANU PF youth outfit called 'Chipangano' to terrorize MDC supporters in the area.

²⁸See the brief area analysis of Murombedzi and Mt Darwin in Appendix 2

²⁹See the brief area analysis of Harare in Appendix 2

³⁰Section 76 (4) Constitution of Zimbabwe

³¹Section 16 Criminal Procedure and Evidence Act [Chapter 9:07]

³²Section 11 supra

³³Section 11 (3) supra

Challenges

It is apparent that the office of the PP by delegation of the AG's powers, wields formidable power and influence in the criminal law justice delivery system. The power to decide whether or not to prosecute if employed objectively, gives the AG's office the professional independence requisite for the proper discharge of its duties. However, the same power can be abused, resulting in malicious prosecutions and stifling of legitimate cases. Some of the challenges faced by survivors of OVT in relation to the PP's office are detailed below.

a. Malicious Prosecutions

The clients interviewed reported that, in some cases, after going to make reports to the police about incidents of political violence, the police actually arrested them. This resulted in them being brought before the courts for prosecution. It is apparent that in most of these cases, there were no credible facts to found any criminal charges against the clients and in cases where the police concocted the facts there was no evidence to support the facts. Nonetheless, the clients interviewed reported that they were remanded in custody on several occasions as the PP's office continuously postponed the matters. In some cases, it seems the PP's office was also as equally compromised as the police officers, as the PP proceeded to prosecute the clients just to harass them.

b. Refusal to Prosecute

In some cases as can be seen from Mutoko area³⁴, the police actually arrested the perpetrators and prepared dockets which they submitted to the PP's office but the PP refused to prosecute. While it is difficult to say with certainty that such refusal was actuated by malice, the fact that the reasons for refusal to prosecute were not communicated to either the police nor to the complainants to allow the two to cure any deficiencies in evidence, if any, is cause for concern.

3.3. The Criminal Courts

The courts in Zimbabwe are established in terms of section 79 of the Constitution of Zimbabwe, which grants such courts judicial authority. The courts comprise of the Magistrates Court;³⁵ the High Court³⁶ and the Supreme Court³⁷. The independence of the judiciary is provided for in the constitution and the courts are not made subject to the direction or control of any person or authority³⁸.

³⁴ See the brief area analysis of Mutoko in Appendix 2

³⁵ Created in terms of the Magistrates Court Act [Chapter 7: 10]

³⁶ Created in terms of Section 79 (1) (b) Constitution of Zimbabwe & the High Court Act [Chapter 7:06]

³⁷ Created in terms of Section 79 (1) (a) Constitution of Zimbabwe & the Supreme Court Act [Chapter 7:13]

³⁸ Section 79B Constitution of Zimbabwe

Challenges

The major challenges highlighted by the clients interviewed were not related to the integrity or objectivity of the Magistrates and Judges. This is because most of the cases of OVT never found their way into the court room to be determined by the judicial officers. However, there are impediments in relation to the physical accessibility of the courts in some areas, the evidentiary requirement of the courts and the criminal law as discussed below.

a. Physical Accessibility

The majority of the clients interviewed who were from the rural areas stated that the nearest courts to them were the Magistrates Courts, which were usually located in the growth points or townships. This means that villagers far away from the growth points or townships have to travel long distances to access the courts³⁹. This made it difficult for complainants and witnesses to attend court when required to by the courts, resulting in some matter being dismissed. The distance between the courts and the rural areas also resulted in the litigants having to sell their livestock and grain in order to raise transport fares to attend court. In most cases the clients were never reimbursed the money, upon acquittal (i.e. in cases where the clients were accused persons) or upon conviction of the perpetrators. This made going to court whether as a complainant or an accused person very expensive.

b. Evidentiary Requirements

Most of the clients that were assaulted or raped did not have access to medical attention soon after the incidents and only accessed medical attention years after the incidents. Consequently, it is difficult to prove the fact of the assault or rape, without any contemporaneous medical affidavit. This poses a serious challenge, particularly in cases where the wounds resulting from the assault have since healed and also in rape or sexual assault cases.

In some instances, the perpetrators blindfolded the clients and as a result they could not positively identify the perpetrators or, the perpetrators though visible to the clients were unknown to the clients.

There was a challenge highlighted by the clients concerning securing witnesses to support their cases in court. This is because in some cases, the potential witnesses are too afraid to come forward and testify, fearing attacks from the perpetrators. In some instances, the clients were violated by the perpetrators in secluded places where there were no witnesses. In cases involving unlawful destruction and theft of property, some of the homesteads were destroyed and property looted by perpetrators, after the clients had

³⁹e.g. villagers from Chimango in Mudzi, have to walk about 200km to get to Mutoko Magistrates Court.

fled from their homes and there was no one to positively identify the perpetrators. These challenges pose real obstacles for survivors of OVT to access justice in the criminal courts even if the matters make it to court, mainly because the burden of proof in criminal matters is proof beyond reasonable doubt⁴⁰.

3.4. Criminal Law

I. Retributive v Restorative justice

One of the major impediments to access to justice for survivors of OVT in the criminal law framework is the fact that the criminal law is mainly aimed at achieving retributive justice by holding the perpetrators accountable and not restorative justice, which is more concerned with compensating the wronged. Section 362 of the CP&E Act tries to cure this deficiency by providing for the power of the criminal trial Magistrates' to order restitution. However, in practice this has proven to be very difficult to implement as the restitution order is often an option given to the convicted individual, which he or she can take up, or decline and serve a custodial term instead. It has also raised some issues in relation to the crime of extortion in terms Section 134 of the Criminal Codification and Reform Act [Chapter 9:23]⁴¹.

II. Non-criminalization of torture

There is also a lacuna in our law in terms of torture. The prohibition of torture is explicitly stated in the constitution but there is no explanation as to what constitutes torture. There is also no criminalization of torture in our Criminal Codification and Reform Act. This has resulted in some cases which should be dealt with as torture cases by the courts being dealt with as cases of assault. This glaring gap in our law also means that mental torture⁴² is not addressed under our criminal law.

III. Prescription of crimes

The period of prescription of crimes in Zimbabwe, except for murder, which does not prescribe, is twenty years⁴³. This seems to be a long period, but what it means is that if the culture of impunity persists in Zimbabwe such that cases of OVT dating as far back as 2000 are not addressed, there is a real danger that the matters will prescribe and the perpetrators will go unpunished, safe from prosecution.

⁴¹See Forum Alert in the case of S v Goodwell Mazarura at http://www.hrforumzim.org/wp-content/uploads/2011/11/The_Right_to_Compensation_Mutoko_Alert11.pdf

⁴²Article 1 UN Convention Against Torture and other Cruel Inhuman and Degrading Treatment

⁴³Section 23, Criminal Procedure and Evidence Act [Chapter 9:07]

4. REDRESS AT THE CIVIL COURT

The civil law branch of the law can be contra-distinguished from the criminal law, by the active involvement of citizens as the litigants, unlike under criminal law, where all matters are instituted in the name of the state.⁴⁴ This in essence means that there is more room for ordinary citizens to control the pace and course of the proceedings under the civil law than under the criminal law. However, as will be discussed below, the civil law has its own challenges as a means for granting survivors of OVT access to justice.

a. Accessibility of the Courts

As already discussed above, physical access to the courts in some areas is a real challenge as the courts are usually in the townships and far away from the rural areas where most of the survivors of OVT reside.

b. The Complexity of proceedings

As discussed above under the criminal courts, the courts in Zimbabwe comprise of the Magistrates Court⁴⁵; the High Court⁴⁶ and the Supreme Court⁴⁷. These courts also deal with civil matters in a hierarchical manner depending on their respective jurisdictions, i.e. the Magistrates Court as the lower court; appeals from the Magistrates Court go to the High Court and then to the Supreme Court as the final court of appeal.

The civil courts have rules of procedure, which govern such matters as the form and content of pleadings, service of such court processes, timeframes for effecting such service and for filing other court proceedings⁴⁸. These specialized rules make civil litigation a very complex process for most of the survivors of OVT to institute and follow-up civil proceedings without the aid of a legal practitioner.

c. Costs of civil litigation

As discussed above, the civil law allows for more citizen participation in the litigation process than the criminal law which is predominantly a preserve of the state. This unfortunately, also translates to mean that the cost of the civil litigation is borne by the litigants. The survivors of OVT are therefore faced with such costs as the court fees, Deputy Sheriff or Messenger of Court fees for service of processes and the costs of procuring the services of a legal practitioner⁴⁹.

⁴⁴Section 5, Criminal Procedure and Evidence Act [Chapter 9:07]

⁴⁵Created in terms of the Magistrates Court Act [Chapter 7: 10]

⁴⁶Created in terms of Section 79 (1) (b) Constitution of Zimbabwe & the High Court Act [Chapter 7:06]

⁴⁷Created in terms of Section 79 (1) (a) Constitution of Zimbabwe & the Supreme Court Act [Chapter 7:13]

⁴⁸See The Magistrates Court Civil Rules; The High Court Rules and the Rules of the Supreme Court

⁴⁹See the Law Society of Zimbabwe General Tariff of Fees for Legal Practitioners

It is apparent that most of the survivors of OVT are already impoverished either by loss and destruction of their property or by the costs of seeking medical attention after the physical assaults. This means that civil litigation is beyond the reach of most of the survivors of OVT.

d. Access to Legal Aid

The state makes provision for the Legal Aid Directorate which is tasked with providing legal aid in criminal and civil litigation, to people who have insufficient means to obtain the services of a legal practitioner on their own⁵⁰. However, the clients interviewed reported that, the Legal Aid Directorate was unknown to them, which raises the first challenge, i.e. if there is no citizens' awareness of the existence and functions of the Legal Aid Directorate, then the citizens will have no access to it.

There were some clients who were aware of the existence of the Legal Aid Directorate, but they too complained that, the offices were mainly in the urban areas and were not physically accessible to them in their home areas. This is because, notwithstanding the fact that the Minister of Justice, Legal and Parliamentary Affairs is mandated to set up branches of the Legal Aid Directorate in as many areas as possible⁵¹, this has not been done. There is need for resources to bolster the expansion scheme.

There is also a challenge with the staffing of the Legal Aid Directorate. This is because even though the branches of the Legal Aid Directorate are supposed to be manned by law officers and other persons capable of providing services normally provided by a legal practitioner to his client⁵² some of the clients especially from Harare reported that there were no qualified personnel to assist them at the offices of the Legal Aid Directorate.

This under-staffing of the offices and the fact that there are very few branches of the Legal Aid Directorate in the country, essentially means that the Legal Aid Directorate is unable to handle the plethora of OVT cases from all over the country.

In any case because the Legal Aid Directorate is a government department under the Ministry of Justice, it is unconceivable that the department can provide legal aid for survivors of OVT to pursue civil litigation against state departments, such the Ministry of Home Affairs for violations perpetrated by the police.

⁵⁰Sections 3 & 8 Legal Aid Act [Chapter 7:16]

⁵¹Section 3 (3) supra

⁵²Section 4 (1) (b) supra

e. In Forma Pauperis

The Magistrates Court Civil Rules, the High Court Rules⁵³ and the Rules of the Supreme Court⁵⁴ make provision for in forma pauperis, which is a procedure allowing for an indigent litigant to apply to the court for assistance in getting legal representation and a waiver of the costs which would be ordinarily paid in the course of litigation. The in forma pauperis, could also assist survivors of OVT to institute civil proceeding against the perpetrators.

However, because the facility is in the rules of the courts there is very little citizens' awareness of the existence and application process to access the aid provided for under the in forma pauperis. This means that it is not accessible to the ordinary citizens and more particularly, survivors of OVT who in most cases are not even aware of the existence of the rules of the different courts.

It is yet to be seen if, the in forma pauperis provisions under the different court rules can adequately cater for the overwhelming number of OVT cases.

f. The Civil Law

There are some pieces of legislation under the civil law which have the effect of restricting the access to justice of survivors of OVT and these are as follows:

I. Prescription Act [Chapter 8:11]

The Act defines a debt to include "anything which may be sued for or claimed by reason of an obligation arising from statute, contract, delict or otherwise."⁵⁵ This means that the delictual civil suits which survivors of OVT can potentially bring to court for damages arising from assault, rape, sexual assault, theft or destruction of property, unlawful detention and arrest, disfigurement, loss of support or loss of amenities of life, fall with the Act's definition of a 'debt'.

The Act provides that, the delictual debts prescribe after three years from the date on which the cause of action arose⁵⁶. The effect of this provision is that if a civil suit for delictual damages is not commenced, i.e. issuance of summons, within three years from the date of the incident, the debt will be extinguished by prescription. The devastating effects of these provisions are apparent in relation to incidents of OVT arising from the 2008 election period. This is because, the matters in which civil proceedings were not commenced, have by now all prescribed. The proceedings have not been instituted because of the reasons already highlighted above.

⁵³Order 44, High Court Rules

⁵⁴Rule 38, Rules of the Supreme Court

⁵⁵Section 2 Prescription Act [Chapter 8:11]

⁵⁶Section 15 (d) supra

It is very little consolation that the courts cannot raise the issue of prescription on its own (*mero motu*),⁵⁷ because as soon as the Defendant raises it as a point *in limine*, the matter can be dismissed by the court on this technicality without dealing with the merits of the case.

II. State Liabilities Act [Chapter 8:14]

The Act governs issues to deal with civil proceedings against the state. It bars litigants from executing or attaching the property belonging to the state⁵⁸. This therefore means that even if survivors of OVT successfully sue the state and have awards for damages granted by the courts, the litigants are completely at the mercy of the state when it comes to recovery of the judgment debt. In most cases, the state has insolently refused to pay the damages awarded by the court⁵⁹, well aware that under this Act, there is virtually nothing more a litigant can do to recover the damages.

The Act also stipulates that, before any civil proceedings can be brought against the state, the litigant is supposed to give notice of intention to sue, sixty days prior to instituting proceedings⁶⁰. This creates an additional technical obstacle for litigants and the full adverse effects of this provision can be seen if one reads it together with the provisions of the Police Act [Chapter 11:10] discussed below.

III. Police Act [Chapter 11:10]

The Act, stipulates that, “any civil proceedings instituted against the State or member...shall be commenced within eight months...”⁶¹ This means that, in essence the Act introduces a new prescription period, peculiar to the police force, particularly in light of the fact that the Prescription Act renders itself subject to the Police Act in relation to the specific issue of prescription⁶².

This provision means that survivors of OVT who wish to sue the police, have to commence legal proceedings not only within eight months from date of the cause of action, but also after giving at least sixty days notice of the intention to institute such proceedings, thereby reducing the period between the date of the cause of action and the date of prescription to effectively six months.

⁵⁷Section 20 (1) *supra*

⁵⁸Section 5, State Liabilities Act [Chapter 8:14]

⁵⁹See the case of *Gondo & Ors v The Government of Zimbabwe SADC (T) 5/2008*

⁶⁰Section 6, State Liabilities Act [Chapter 8:14]

⁶¹Section 70, Police Act [Chapter 11:10]

⁶²Section 13 (1) Prescription Act [Chapter 8:11]

The effects of this provision as discussed above are particularly harsh if one takes into account that, most of the survivors of OVT, have no knowledge of these provisions and spend so much time before they either amass enough courage to commence proceedings against the police or to find an organization able and willing to assist them in the litigation process.

5. CURRENT VIOLATIONS

Most of the perpetrators of OVT have not been held accountable for their actions and there has been very little redress for survivors of OVT. This has translated to mean that the survivors of OVT still live in fear and have no assurance that what occurred to them will not be repeated in the future. On the other hand, the perpetrators remain undeterred and instead their resolve has been galvanized by the fact that they have managed to evade the law. It is in this context that the following complaints were made by the clients interviewed concerning their current living conditions.

a. Threats and Intimidation

The clients interviewed reported that while there were no actual acts of political violence in their areas at the moment, the perpetrators were still roaming free threatening to further attack them again as soon as the next elections are announced. Rape survivors from Rusape reported that, the perpetrators are threatening to impregnate them, when next they rape them. Survivors of brutal assaults also complain of threats of future attacks by the same perpetrators.

These threats and acts of intimidation to the survivors of OVT, pose serious and real apprehension of harm, as the survivors of OVT still have a vivid recollection of the acts of violence perpetrated against them. Consequently, this has crippled some of the survivors of OVT from pursuing any legal proceeding against the perpetrators long after the actual incidents of violence.

b. Denial of Access to Humanitarian Aid

Destruction and theft of property left most of the survivors of OVT impoverished. The clients interviewed complained of destruction of homesteads, granaries, crops in the fields and theft of grain and livestock. This, coupled with the fact that most of the survivors of OVT were forced to flee from their home by the perpetrators and were unable to tend their fields, left most of them in abject poverty. The bad rains and ensuing droughts which affected most of the areas in Zimbabwe over the past agricultural seasons also worsened the situation.

In this context, humanitarian aid has been introduced in the communities by various NGOs such as World Vision, Care and CRS and to some extent by the government through the GMB. This aid is aimed at assisting the vulnerable individuals in the communities and should not be distributed on partisan lines.

However, the clients interviewed complained that notwithstanding the fact that they were in dire need of aid, they were being denied access to both aid provided by the government and by NGOs. The clients reported that the distribution of not only food, but agricultural inputs and other forms of aid was dominated by ZANU PF officials, including MPs, Councilors and traditional leaders aligned to ZANU PF. As a result, the aid was distributed to card-holding ZANU PF supporters exclusively and the clients who have been labeled as MDC supporters are denied access to the aid.

The interviewed clients also reported that humanitarian aid, especially food aid from the GMB was being used as a campaign tool. The villagers are being urged to declare support for ZANU PF and to actively participate in ZANU PF activities in exchange for the “privilege” to access humanitarian aid.

The clients interviewed also expressed concern that the denial of access to humanitarian aid has also been extended to cases where the children of the clients are being barred from accessing assistance in the payment of school fees and tuition under the BEAM.

6. CONCLUSION

It seems self evident from the discussion above that the avenues for survivors of OVT in Zimbabwe to access to justice are very limited. This, is because of inter alia, the fact that the police force is compromised, civil litigation is too costly and the traditional leaders are at the risk of being completely absorbed by political parties. At the same time restrictive legislation as discussed above continue to hamper and limit access to justice of survivors of OVT. As a result, a culture of impunity prevails in Zimbabwe.

In order for this culture of impunity to be broken and for a culture of accountability to be fostered in Zimbabwe there is need for the following steps to be taken:

- **Credible institutional reform**

There is need for reform of such state institutions as the police force, the army, the PP’s office and the judiciary, to ensure that integrity; transparency; professional independence and objectivity are restored to these institutions. This process may also entail review of the conduct of the personnel currently manning the offices, and should be a comprehensive vetting and lustration exercise. The overall objective is to restore the people’s confidence in these institutions.

- **Legislative Reforms**

Legislation, which unnecessarily hampers the survivors of OVT's access to justice as discussed above, should be repealed and/or amended to ensure that no one is placed above the law. The legislative reform should also ensure that the law relating to prescription is not used by perpetrators of OVT as refuge from criminal prosecution and civil suits.

- **Criminalization of Torture**

There is need for the Government of Zimbabwe to ratify CAT and subsequently ensure that, torture is criminalized in Zimbabwe. This should result in a clear definition of torture which also incorporates mental torture and provides for stern measures to be taken against perpetrators of torture.

- **Decentralization of the courts**

There is need for the state to ensure that the courts are established within the proximity of the rural areas to ensure that they are physically accessible to everyone.

- **Comprehensive Legal Aid Programme**

There is need for the state to set up a comprehensive legal aid programme physically accessible to all citizens, even in the rural areas. This can be done by empowering more paralegals to assist at the Legal Aid offices. The legal aid programmes should be publicized, including the criteria for eligibility and the application procedure for accessing such aid.

- **Strengthening of the institution of traditional leaders**

The traditional leaders as discussed above play a very critical role in ensuring that survivors of OVT have access to justice. This is not only because the Chiefs, Headmen and Village Heads have adjudicatory powers in terms of the law, but also because the African Customary Law which they administer give them broad dispute resolution powers. It is recommended that their operations be administered under customary law as should be the case, particularly in respect of appointments to office which should be done under the customary law of succession to minimize political interference in the process.

- **CSOs' initiatives**

CSOs can assist to facilitate access to justice for survivors of OVT by intensifying their presence in communities through community outreach programmes. CSOs can also set up and run public

interest litigation exercises to provide legal aid to survivors of OVT. Proactive action can also be taken through applications for peace orders meant to warn the perpetrators to keep the peace and desist from threatening and intimidating people.

- **Establishment of a specialized judicial or quasi-judicial body**

A more specialized judicial or quasi-judicial body would be better placed to deal efficiently and comprehensively with the cases of OVT arising from 2008 and before. The specialized judicial or quasi-judicial body should be borne out of an acknowledgment that, there is a huge backlog of OVT cases arising especially from the 2008 election period. It should also be based on a realization of the above-stated plethora of challenges in trying to apply the stringent evidentiary rules of the criminal and civil law to the cases of OVT. As such the specialized judicial or quasi-judicial body, should have more flexible evidentiary rules, wider ambit in terms of scope which is not restricted by stringent rules of prescription and broader powers to not only enforce punitive justice through punishment of the offender but simultaneously allow for compensatory remedies for the wronged.

APPENDIX 1: Statistics Table

Area	Female Clients	Male Clients	Nature of Violations	Current challenges	Cases Reported to police	Actioned Matters
BIKITA- NYIKA	7	1	Assault, Property Loss	Injuries, Poverty	–	–
BINDURA	1	–	Abduction, Rape, Property Loss			–
BUHERA	3	2	Assault, Property Loss	Denial of access Humanitarian Aid		
CHITUNGWIZA	–	1	Assault, property loss	Injuries	1	–
CHIVHU	2	5	Assault, Property Loss	–	1	–
GOKWE	12	23	Assault; Property Loss, Unlawful detention	Injuries, Denial of access to Humanitarian Aid	7	–
GURUVE	1	2	Assault, Unlawful arrest	Injuries	1	–
GUTU	4	1	Assault, Property Loss		–	–
HARARE	3	5	Police shooting, unlawful arrest and detention, Property Loss	Injuries,	1.	–
HEADLANDS	–	2	Assault, Property Loss		–	–
HWEDZA	–	1	Assault	–	1	1.
KADOMA	–	2	Assault; Unlawful detention.	Denial of access to communal resources.	1	–
KAROI-MAGUNJE	8	13	Assault , Abduction, Property Loss	Injuries, forced eviction, threats	2	–
MT DARWIN	12	36	Assault, Unlawful detention, Property Loss	Injuries, Denial of Access to humanitarian aid, HIV infection	12	2
MTAWATAWA	3	6	Assault, damage and destruction of property, abduction, eviction.	Denial of access to Humanitarian Aid; Threats	–	–
MUDZI		1	Assault	Injuries.	1	1
MURAMBINDA	6	6	.Assault, Unlawful arrest, forced eviction, property loss	Denial of access to humanitarian aid.		
MUREHWA	1	2	Assault; Property loss; Rape	Threats	1	–
MUROMBEDZI	–	1	Assault; Abduction, Property loss.	Malicious prosecution	1	–
MUTOKO	–	1	Assault, Property Loss	–	–	–
RUSAPE	5	18	Assault, Rape, Sodomy, Unlawful arrest and detention, Property Loss	Social strife, Poverty, Threats	4	–

APPENDIX 2: Brief Area Analysis

BIKITA-NYIKA

The clients who were interviewed reported that, the perpetrators of political violence were mostly ZANU PF supporters during the 2008 election period. They reported that they were assaulted by the perpetrators who accused them of being MDC supporters. They also reported that the perpetrators also looted their grain and livestock which they consumed at their base. Most of the interviewed clients were female. This was because most of the men fled from the area when the violence started, leaving the women with the children at the homesteads. The matters were not reported to the police.

BINDURA

The clients interviewed from the area reported violations such as rape and abduction. The violations were mainly perpetrated by ZANU PF supporters who through night ambushes, attacked, abducted and gang raped MDC supporters. The interviewed survivors of OVT also reported that soon after the aforesaid violations, their homes were set ablaze leading to the destruction of their property. Most of the matters were not reported to the police because the clients feared further attacks from the perpetrators.

BUHERA

Political violence was mainly perpetrated by ZANU PF youths working in cohorts with ZNA officers. The interviewed survivors of OVT reported that they were severely assaulted resulting in them sustaining serious injuries. As a result of the assault, some of the clients can no longer work to fend for their families. The matters were not reported to the police, as such the clients are still vulnerable to politically motivated attacks since the assailants have not been held accountable for their wrongs.

CHITUNGWIZA

The clients interviewed from Chitungwiza, complained of assault and destruction of property by ZANU PF youths during the 2008 election period. They also reported that, even though they made reports of these incidents to the police, no dockets were opened and the perpetrators were never apprehended.

CHIVHU

The violations reported by interviewed clients from the area included assault and abduction. One client reported that he was deliberately run over by a car which was driven by a ZANU PF supporter. While some of the cases were reported to Chatsworth Police Station and Chivhu Police Station, the police took no further action. It was also reported that most cases were not reported because of threats and intimidation from the perpetrators.

GOKWE

The perpetrators of the political violence were ZANU PF supporters and self-proclaimed war vets in the area. They utilized the village meetings to gather villagers, before proceeding to pick out suspected MDC supporters whom they assaulted at the village meeting places. This has blurred the distinction between village meetings called for by the traditional leadership, i.e. Chief, Headman or Village Head, and ZANU PF meetings called for by the party's officials. In essence this has not only compromised the integrity of the traditional leadership but has also polarized the community life, such that, even issues of interest to the entire community, are tainted with political connotations. The perpetrators have also actively barred the survivors of OVT from making reports to the police and from accessing medical attention. The clients interviewed, advised polarization still remains, as the community is divided between ZANU PF and MDC supporters.

GURUVE

Violations reported by the clients included assault and destruction of property. The interviewed survivors of OVT, who are MDC supporters, reported that they were brutally assaulted by ZANU PF youths ahead of the 27 June Presidential run-off elections in 2008. The interviewed clients reported that the perpetrators usually abducted the survivors of OVT and forcibly dragged them to a ZANU PF base at Mushoshoma Secondary School whereat the survivors of OVT were assaulted. The interviewed clients also indicated that they sustained serious injuries as a result of the assault. Despite the severity of the violations none of the matters was reported to the police as the police were also actively involved in the violations. As such the perpetrators have not been prosecuted for their misdeeds, neither have the survivors of OVT been compensated for the wrongs they suffered at the instance of these perpetrators.

GUTU

Political violence was mostly perpetrated by ZANU PF youths and members of the ZNA. The violations included severe assault, intimidation, harassment and abduction of known and suspected MDC supporters. In some cases, the survivors of OVT were threatened with further victimization if they took the matters to the police. However, even in the few matters reported to the police, no action was taken by the police. Since the perpetrators have not yet been held accountable for their actions, it is reasonably foreseeable that the survivors of OVT are still vulnerable to political violence and further victimization by the same perpetrators.

HARARE

The reports of OVT received from clients in Harare involved an incident of police shooting in Avonlea which resulted in the client having his leg amputated in 2010. Reports of unlawful arrest and detention of MDC supporters were also received from clients from Mbare which occurred in 2011. As well as assaults by ZANU PF youths perpetrated against MDC supporters in Mbare.

HEADLANDS

The perpetrators were mainly ZANU PF supporters and the interviewed clients reported that most violations were perpetrated during the 2008 election period. One client reported that he was summoned to appear at a ZANU PF base camp at Charenzva township whereat he was brutally assaulted for being an MDC supporter. Another client reported that he was assaulted on the allegation that he had rigged elections in favour of MDC when he was a polling agent. The survivors of OVT also reflected that they sustained serious injuries as result of the assaults. It should also be noted that none of the cases was reported to the police, which is a clear indication that political violence in the area still need to be legally remedied.

HWEDZA

The client who was interviewed reported that, he was assaulted by ZANU PF youths during the 2008 election period. He also complained that the perpetrators barred him from accessing medical attention after the assault. As a result he had to nurse himself at home and was unable to procure a medical affidavit detailing the nature and extent of the injuries.

KADOMA

The perpetrators of the violence were mostly ZANU PF youths and self-proclaimed war veterans. The perpetrators had their base at Gavhunga Clinic, which meant that it was difficult for people who had been assaulted to access medical attention.

KAROI-MAGUNJE

The main perpetrators of the violence were ZANU PF youths. The attacks were aimed at known and suspected MDC supporters in the area and these consisted of organized ambushes at the clients' homes, abductions to the ZANU PF base and in some cases sporadic acts of violence triggered by the sight of MDC regalia. Also of note is the fact that in some cases villagers were attacked for wearing t-shirts received from human rights organizations like ZIMRIGHTS. The clients interviewed reported that they were barred from making police reports and accessing medical attention by the perpetrators. It seems from the reports that the area is still under the grip of the perpetrators who continue to threaten and harass villagers. The democratic space for the operation of NGOs dealing with human rights and governance issues seems to be very little as seen from the backlash against the villagers who attended a meeting held by ZIMRIGHTS in the area.

MUDZI

Political violence was mostly perpetrated by ZANU PF supporters. The interviewed clients reported that they were indiscriminately assaulted for the sole reason that they were deemed to be MDC supporters. Some of the clients also reported that the perpetrators have been made to account for their actions as they have been summoned to attend criminal trials.

MOUNT DARWIN

ZANU PF youths and supporters mostly perpetrated violations. The violations were mainly directed at members of the MDC. The violations which took the form of assault, destruction of property and denial of access to assistance from well-wishers, were mostly carried out during the campaign of terror ahead of the 2008 Presidential run-off elections. In some cases the suspected MDC supporters were forcibly dragged to ZANU PF base camps which included Gomwe and Mundendera among others. Thereat, the clients were assaulted for supporting MDC. In most cases attempts to report the cases to the police were fruitless as the police turned to be hostile towards the survivors of OVT and could at times threaten the survivors of OVT to drop the matters. Moreover, the aforesaid perpetrators even actively barred the survivors of OVT from either seeking medical assistance or making police reports. The survivors of OVT might still be prone to politically motivated violence as the perpetrators have not been held accountable for their actions.

MTAWATAWA

The interviewed clients complained of intimidation and victimization by ZANU PF supporters in the area. Such violations have continuously been inflicted upon the survivors of OVT since the formation of the MDC in 1999. The clients also complained of being denied access to food aid and agricultural inputs simply because they are deemed to be MDC supporters. Moreover, the ZANU PF supporters have also barred the survivors of OVT from purchasing any of these products at local outlets like GMB. Attempts by the clients to take the matter to the District Administrator yielded no result as the DA simply ordered them to join ZANU PF in order to access these resources. Local traditional leaders have also aligned themselves with these ZANU PF supporters and have since ordered other villagers not to associate with the survivors of OVT in any way. In the same respect, the client also reported that the villagers were recently barred from attending a funeral service at one of the clients' homestead because the client was deemed to be an MDC supporter.

MURAMBINDA

The perpetrators of the violence were mostly ZANU PF supporters working in concert with traditional leaders in the area. The interviewed clients complained that, they were abducted from their homes and were taken to ZANU PF bases where they were assaulted. The clients also reported that, their property was destroyed and looted by the same perpetrators. The clients also complained that the traditional leadership was also working in cohorts with the perpetrators, as they were threatening to evict all MDC supporters from the area. The traditional leadership was also actively involved in barring the clients from accessing humanitarian aid.

MUROMBEDZI

The client interviewed reported that he was assaulted by ZANU PF supporters who accused him of being an MDC supporter. He also reported that, the police in the area were hostile towards anyone who made reports about political violence perpetrated by ZANU PF youths. As a result, when he tried to lodge a complaint with the police, he was arrested and detained by the police and was charged as a perpetrator of political violence, even though he was never brought to court.

MUREHWA

The clients interviewed from the area, reported violations such, as assault, rape and destruction of property. They also reported that, the perpetrators were mostly ZANU PF supporters who attacked suspected MDC supporters in the area. This was part of the ZANU PF supporters' campaign of terror in 2008 meant to weaken the MDC support ahead of the Run-off election held in June 2008. The clients also reported that the perpetrators barred them from accessing medical assistance and from making reports to the local police. In some instances, the perpetrators actually harassed the survivors of political violence until they had withdrawn any cases lodged with the police against them. It seems the villagers are still vulnerable from future attacks from the same perpetrators as they have not been held accountable for their actions.

MUTOKO

The perpetrators of political violence were mainly ZANU PF youths. The violations included organized attacks and looting of property belonging to known and suspected MDC supporters. The clients also reported that the violations usually took the form of organized ambushes at clients' homes during the night. Though police reports were made at Mutoko Police Station, no investigations were done by the police in relation to these cases. The clients also reported some of the cases which were brought before the court, were abandoned after the PP's office refused to prosecute the matters. It should also be noted that these perpetrators have not been held accountable for their actions, hence the survivors of OVT are still vulnerable to politically motivated attacks by the same perpetrators.

RUSAPE

The nature of violations reported included destruction of property, abduction, assault, sodomy, rape and looting of property. The violations were mostly perpetrated by ZANU PF supporters whose main targets were known and suspected MDC supporters. The interviewed clients reported that most of these violations were carried out at a local ZANU PF base. The female clients who were interviewed, complained that, they were abducted to ZANU PF bases, where they were forced to do chores for the ZANU PF supporters and were raped repeatedly by several different men whilst they were detained at the base for about two weeks. Despite the severity of the violations, survivors of OVT were barred from getting medical assistance as well as reporting the matters to the police.

ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 19 human rights organisations. The Forum has been in existence since January 1998 when Non-Governmental Organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the food riots of January 1998. The Forum has now expanded its objective to assist victims of organized violence and torture (OVT).

The Forum has three operational units: the Public Interest Unit, the Research and Documentation Unit and the Transitional Justice Unit.

The Forum works in close collaboration with its member organisations to provide legal and psychosocial services to victims of OVT and to document all human rights violations, particularly politically motivated violence.

Member organisations of the Zimbabwe Human Rights NGO Forum

- Amnesty International Zimbabwe
- Catholic Commission for Justice and Peace in Zimbabwe
- Gays and Lesbians of Zimbabwe
- Justice for Children Trust
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project of Zimbabwe of Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
- Zimbabwe Civic Education Trust
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

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