

Zimbabwe
HUMAN RIGHTS
NGO Forum

MID-YEAR POLITICAL VIOLENCE REPORT
JANUARY – JUNE 2012

A report by the Zimbabwe Human Rights NGO Forum

JULY 2012

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1.0 Introduction

The Human Rights NGO Forum (the Forum) has monitored and documented human rights violations in Zimbabwe since 1998. The Forum has produced reports on political violence such as the monthly political violence report (MPVR) through information gathering from primary sources as well as outsourcing of information from its members and partners. Prior to 2009, the Forum used the MPVR as an effective political violence surveillance tool that assisted in reporting the massive human rights abuses that took place in the country, especially during major political events such as elections. Publication of the MPVR was suspended in 2009, following an organisational strategic review of the Forum and its programmes. This was mainly due to the need to clean up the database. Further, as one member of a coalition, the suspension was another means of avoiding repetition and statistical inconsistencies in the work that was being done by members and partners of the Forum.

The database clean-up was a two-year process that resulted in a three-way data storing process; the production of a coding manual and the upgrading of the database software. This report constitutes a mid-year political violence report, the first to be produced by the Forum since the suspension of the MPVR. It was drafted in response to the suggestions raised at the strategic planning meeting of the Forum in 2009 and seeks to analyse forms and trends of political violence using reports that have been produced by the Forum's partners and members and any other information received and documented by the Forum.

2.0 Executive Summary

2012 promised to be a crucial year for most Zimbabweans as preparations for the forthcoming elections and critical constitutional reforms appeared to be coming to fruition. During the first half of the year, President Mugabe was pushing for elections with or without a new constitution; and without major reforms, particularly media and state institutional reforms. The heightened expectations for elections resulted in fighting and electioneering among the political parties, especially during the first quarter. ZANU-PF revived its 2008 terror groups, which escalated their operations in Harare, Chinhoyi and Hurungwe. The militia violated citizens' rights to free speech, assembly and association by disrupting or preventing MDC rallies and meetings.

In addition, for over a year, war veteran leader Jabulani Sibanda had been camped in Masvingo Province terrorising civil servants, traditional leaders and villagers and conducting rallies and meetings disguised as history lessons¹.

The escalation of violence during the first quarter gave sufficient evidence to suspect that ZANU-PF was putting moves in place to use the law enforcement agencies and the justice system to intimidate and pulverize the electorate into submission. This was compounded by the fact that the 2008 infrastructure of violence and repression was still intact and active.

The government also continued to use repressive legislation such as the **Public Order and Security Act (POSA)** and the **Access to Information and Protection of Privacy Act (AIPPA)**, some sections of the **Criminal Law (Codification and Reform) Act (the Criminal Code)** and the **Broadcasting Services Act (BSA)** to suppress rights such as freedom of speech, assembly, association and movement, and media and academic freedom. Human rights defenders, political activists, and ordinary citizens have been victims of harsh laws and many have been dragged to court for allegedly insulting or undermining the authority of President Mugabe² using section 33 of the Criminal Code (a provision dealing with insulting or undermining the authority of the president). The corrosive effect of these laws has been the

¹ Zimbabwe Briefing, A Crisis in Zimbabwe Coalition Regional Office Weekly Report, Issue Number 70, 19-25 April 2012

² The Zimbabwe Lawyers for Human Rights took up more than 400 court cases on behalf of accused persons charged with contravening Section 33 of the Criminal Law (Codification and Reform) Act (Criminal Law Code) from January to May 2012.

harassment and intimidation of political party activists, including restrictions on their right to freedom of assembly, association and expression. Insult laws also make it difficult for political parties to campaign freely and inhibit public discussions on important national issues.

The state media is still unbalanced with hate speech being used against political parties in opposition to ZANU-PF. Media reforms agreed to by the principals in the Inclusive Government (IG) have not been effected.

The Global Political Agreement (GPA) remains a troubled coalition characterized by bickering and stalemate. The political impasse has impacted negatively on the governance capacity of the country and has constrained peaceful political participation as well as economic progress.

3.0 Developments in the fulfilment of human rights

From the beginning of the year, the three principals have declared adherence to the use of peaceful measures to resolve political differences, despite the existence of continued reports of human rights violations as well as inter-party clashes between supporters of the ZANU–PF and MDC-T. On 20 March, the House of Assembly resuscitated the Human Rights Commission Bill, allowing for the completion of the second reading and debate on the Bill³. Also in March, the Government of Zimbabwe made a commitment at the 19th Session of the UN Human Rights Council in Geneva to ratify the UN Convention against Torture (UNCAT) and its Optional Protocol and to criminalise torture.

In addition to this positive decision by the government, justice was seen to be done in two criminal prosecutions of police officers for conduct amounting to torture in Bulawayo and Mutare.

In the first case, three police officers from the Central Investigation Department in Bulawayo arrested and tortured Agnes Muponda and another woman on 14 January 2012 on suspicion of theft, apparently in an effort to extract confessions⁴. The torture

³ This is the enabling Act that would provide for issues such as the structure, functions and funding of the Zimbabwe Human Rights Commission. The Human Rights Commission was sworn in on 31 March 2012.

⁴ Any act of inflicting pain for the purposes of eliciting information or other objectives is regarded as torture under the United Nations definition of torture.

involved falanga (beatings on the soles of the feet) using a *sjambok*, a bottle, wood planks and batons, and assaults on their bodies, causing soft tissue injuries. One victim suffered a broken leg and a broken arm and the other sustained permanent disability. Furthermore, the victims were detained for two days at the Bulawayo Central Police Station and denied access to food, water and basic healthcare. The perpetrators were given a non-custodial sentence for contravening section 89 of the Criminal Law Code (assault), and sentenced to a fine of USD \$200 each or, alternatively, a four months' jail term.⁵

The second case involved Joseph Chani, a former police Chief Superintendent in Mutare, who was sentenced to an effective 18 years imprisonment for fatally assaulting Tsorotsai Kusena, an illegal diamond miner in the Chiadzwa diamond fields, on 23 September 2011.

It is significant that the prosecution of these two cases was for offences other than torture, as the Criminal Law does not incorporate torture as a criminal offence. Thus there is urgent need for the ratification of UNCAT which would compel the Zimbabwe government to act against perpetrators of torture and enable redress, compensation and rehabilitation for victims. Article 2 of UNCAT states that, *"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture"*. The convention also obliges states to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction and to hold responsible any person involved.

4.0 Events of Political Violence

The half quarter of the year was characterised by violence as the country geared up for two competitive public political processes, that is, the proposed Referendum on the final draft Constitution and elections. The signs of a slide back into violence were witnessed during this period as parties revived their structures in view of the anticipated elections. On 26 May, ZANU-PF supporters brutally assaulted Cephas

⁵ Court Watch 11/2012 Two cases of alleged Torture by Police Officers 30 June 2012

Magura, an MDC-T Ward 1 chairperson, in Mudzi, Mashonaland East at a police sanctioned rally. This incident resulted in violent clashes between ZANU-PF and MDC-T supporters and at least 7 other MDC-T supporters were seriously injured and received treatment at a local hospital. Police reportedly watched idly as Magura was stoned to death. The murder occurred a day after the first ever visit by a United Nations Human Rights High Commissioner, Madam Navanethem Pillay whose report urged the principals to continue encouraging their constituencies to shun political violence and stated *“that none of the country’s political leaders condones or encourages such behaviour”*⁶.

The fact that the murder occurred soon after calls for peace not only by the Human Rights High Commissioner but also by the principals, demonstrates the need for peace *indabas* to be taken to rural communities and into the country’s violence-prone areas instead of denouncing violence in the press or from the comfort of hotels. Indeed, there is a gap between the call for peace and the reality in the polarised communities.

The Mudzi incident also demonstrated the urgent need for the reform of state institutions, in particular security sector reform. Reports state that the police details present at the Mudzi rally stood by as the ZANU-PF activists stoned Magura to death, only reacting after the murder was reported. Although seven ZANU-PF supporters were arrested and charged with the murder, the case against them is yet to proceed. The police failed in their mandate to protect citizens without fear or favour and to conduct their duties in a transparent and non-partisan manner. Article XIII of the GPA states that, *“State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties”*⁷.

It is also important to note that two ZANU-PF Members of Parliament who were implicated in the violence, namely, Aquilina Katsande (Mudzi West) and Newton Kachepa (Mudzi North), have not yet been brought to book. The failure by the police to hold high-ranking officials, especially those from ZANU-PF, the police, army and the Central Intelligence Organisation (CIO), only strengthens the culture of impunity

⁶Opening remarks by UN High Commissioner for Human Rights Navanethem Pillay at an end-of-mission press conference following her mission to Zimbabwe Harare, 25 May 2012

<http://www.thezimbabwean.co.uk/human-rights/58464/zimbabwe-end-of-mission-statement.html>

⁷ Article 13.1 of the Zimbabwe Global Political Agreement

that prevails in Zimbabwe. The continued lack of accountability for politically motivated violence and the government's failure to prosecute offenders will undoubtedly result in further politically motivated violence in the anticipated Constitutional Referendum and subsequent elections.

The level of impunity in dealing with matters involving the police, ZANU-PF officials, the CIO and the army has resulted in them perpetrating rights abuses without fear of prosecution⁸. On 20 April 2012, for instance, former Officer-in-Charge of Shamva Police Station, Inspector Aspias Shumba, was granted USD100 bail in a case in which he is accused, together with six other police officers who are also remanded out of custody, of causing the death of Mr. Luxmore Chivambo. Chivambo died in custody following assaults by the police for allegedly stealing a purse belonging to Shumba's wife. The Zimbabwe Republic Police (ZRP) has committed itself to "*zero tolerance to politically motivated violence*" and must therefore be seen to protect its citizens and apply the law uniformly.

Recurrent use of judicial harassment and repression of freedoms continued against human rights defenders and pro-democracy activists. On 19 February, the Governor of Masvingo Province, Mr. Titus Maluleke, banned the operations of 29 non-governmental organisations (NGOs) in Masvingo after their alleged failure to register their operations with his office⁹. The Ministry of Social Welfare, which registers NGOs under the Private Voluntary Organisations Act, distanced itself from this move that appeared to be unwarranted harassment of NGOs aimed at disrupting their operations.

Table 1 overleaf shows that violence was high during the first four months of the year. This was aggravated by heightened calls for elections and violence manifested itself in the form of inter and intra party clashes. Statistics show that there is a direct link between major political events and violence and almost all election years in Zimbabwe have been characterised by increased cases of violence. The Forum has documented and produced reports on elections and violence since 2001 and the trend has been that violence peaks during and soon after election periods.

⁸ Impunity The Root of Increased Police Brutality. A Crisis in Zimbabwe Coalition Report April 23 2012

⁹ Under Common Law, organisations can exist by virtue of having a constitution as a common law *universitas*, and there is no need for any other form of registration.

Table 1: Summary of political violence cases January to June 2012

Violation types							
	Jan	Feb	March	April	May	June	Total
Abduction	0	1	0	0	0	0	1
Assault	72	45	96	83	65	60	421
Denial of access to health care	0	0	2	0	0	0	2
Displacement	4	141	3	14	18	100	280
Intimidation/harassment	216	324	386	383	283	290	1882
Malicious damage to property	1	4	2	3	3	7	20
Media rights violations	2	2	4	2	0	0	10
Murder	0	1	1	1	1	0	4
Theft/Looting	11	15	14	11	13	8	72
Torture	51	1	7	3	0	1	63
Unlawful arrest/detention	46	8	9	2	4	109	178
Sexual assault (including rape)	0	0	5	1	0	0	6
Violation of freedom of association, expression and assembly	15	29	20	1	5	3	73
Total	418	571	549	504	392	578	3012

SOURCE: *Consolidated statistics from The Forum, ZPP, CSU, Heal Zimbabwe Trust and Restoration of Hope- Zimbabwe.*

The 2002 presidential elections were preceded and followed by a government-sponsored campaign of violence targeted against known or perceived opposition sympathisers and officials. The Forum recorded a total of 3 155 cases of violence in 2002 as compared to 2 285 in 2001¹⁰. It was in the run-up to the 2002 elections that the National Youth Service was introduced with the stated intention to inculcate national values into young volunteers. However, the reality was the creation of a trained militia that perpetrated violence and operated against known or suspected members in opposition to the governing party ZANU-PF in 2002 and subsequent elections.

¹⁰ Zimbabwe Human Rights Monthly Political Violence Report December 2002

The same violence marked the 2005 general elections when 4 200 cases of politically motivated violence were recorded as compared to 2 656 in 2004. In March 2008, Zimbabwe conducted the first harmonized elections (presidential, parliamentary and municipal) which were followed by a presidential run-off election in June 2008. At least 10 456 violations were recorded during 2008 as compared to 9 298 in 2007¹¹. The total monthly political violence cases that were recorded from January to June 2012 are presented in Figure 1 below:

Figure 1: Total Monthly Violations January to June 2012

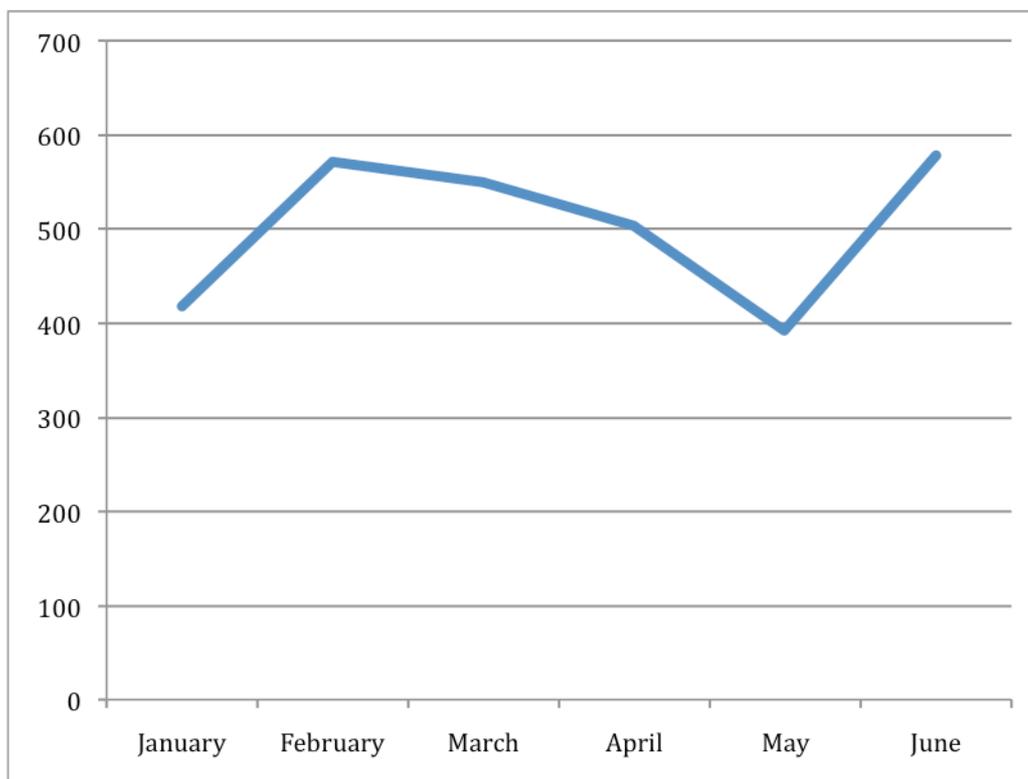
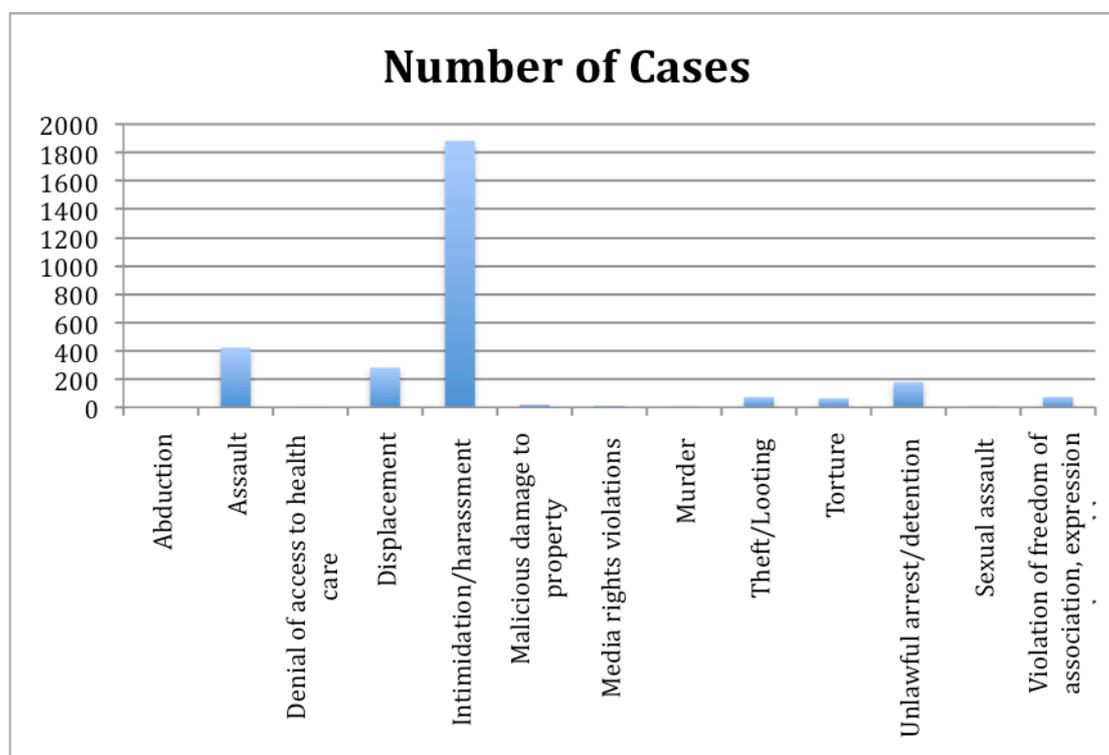


Figure 1 shows that violence was high in January, February, March and April due to electioneering by the different parties. It subsided in May and June partly due to the SADC recommendations that elections be held only after the full implementation of the GPA and the election roadmap. The recommendations by SADC were important given the growing insecurity evidenced by increasing cases of violence directly linked to electioneering.

¹¹ Zimbabwe Human Rights Monthly Political Violence Report December 2008

Figure 2: Cases of political violence January to June 2012



There was a high prevalence of intimidation, which peaked between February and April. This could have been precipitated by the need for political parties to campaign in anticipation of elections. It was also during this period that terror groups such as Chipangano¹², operating mainly in Harare, increased its operations, disrupting MDC rallies and meetings, harassing MDC-T supporters and banning MDC-T legislators from visiting their constituencies. There was also an increase in cases of assault and displacement as parties clashed in a bid to promote the values and principles of their respective parties. On 5 June 2012, for example, ZANU-PF youths in Epworth forcibly displaced more than 100 residents suspected of being MDC supporters. The youths were reportedly taking over residential stands and properties belonging to the suspected MDC supporters. ZANU-PF denied that they were associated with the activities of the Chipangano group.

¹² Chipangano is a shadow militant ZANU-PF group based in Mbare, Harare. It is well known for violence, murder, robbery, looting, intimidation, coercion and disrupting business among other violations.

Table 2: Political violence by Province January to June 2012

Violation types	Distribution by provinces									
	Mat North	Mat South	B'wayo	Midlands	Masvingo	Harare	Mash West	Mash East	Mash Central	Manica
Abduction										
Assault										
Denial of access to health care										
Displacement										
Intimidation/harassment										
Malicious damage to property										
Media rights violations										
Murder										
Theft/Looting										
Torture										
Unlawful arrest/detention										
Sexual assault										
Violation of freedoms of association, expression and assembly										

Table 2 above shows that Matebeleland South recorded the lowest incidences of political violence with one case of politically motivated theft. Bulawayo was also mildly affected by violence in the period with only some incidences related to intimidation and violation of association, expression and assembly rights.

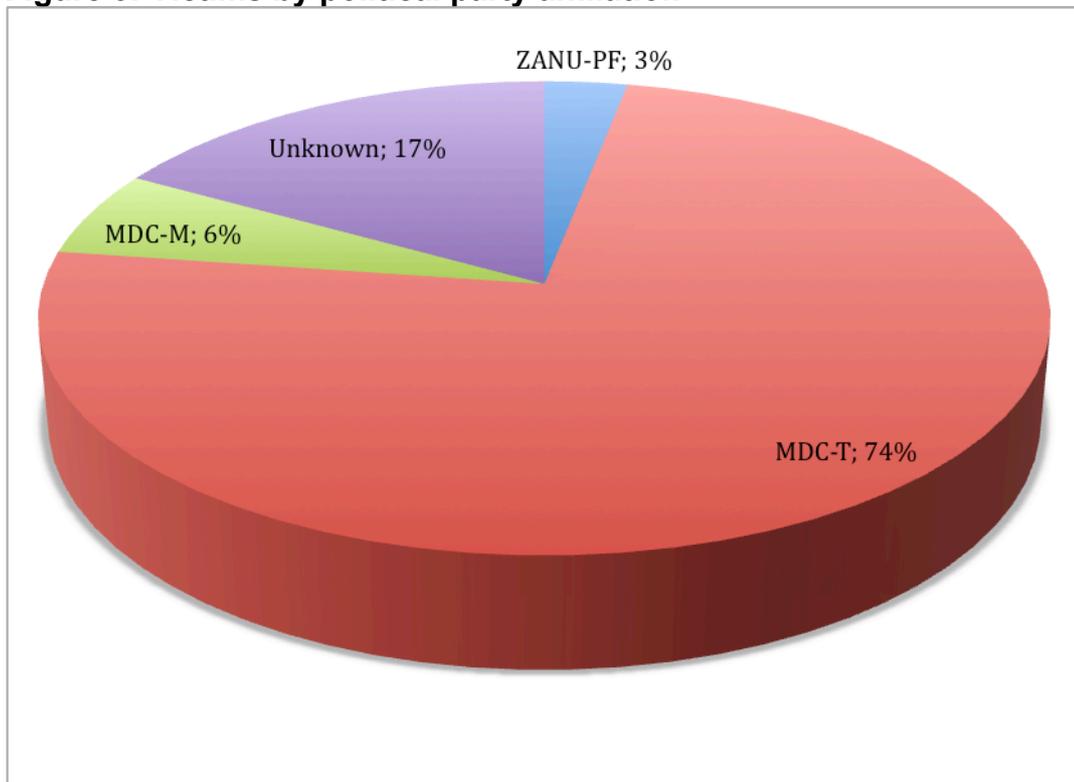
Table 3 below shows the number of victims by political party affiliation. Victims were predominantly supporters of the MDC-T or had unknown political affiliation.

Table 3: Victims by political party affiliation

Violation type	Victims by party affiliation			
	ZANU PF	MDC-T	MDC-M	Unknown
Abduction	0	1	0	0
Assault	10	398	3	10
Denial of access to health care	0	1	0	1
Displacement	0	1	0	279
Intimidation/harassment	86	1 607	174	15
Malicious damage to property	0	16	0	4
Media rights violations	0	0	0	10
Murder	0	3	0	1
Theft/Looting	0	54	0	18
Torture	0	52	0	11
Unlawful arrest/detention	0	56	0	122
Sexual assault (including rape)	0	1	0	5
Violation of freedom of association, expression and assembly	1	43	0	29
Total	92	2 242	177	510

Figure 3 below show the number of victims by political party affiliation.

Figure 3: Victims by political party affiliation



As shown in the table and pie chart above, victims of political violence were mainly members of the MDC-T. During the period, 74% of the victims were from MDC-T and 6% from MDC-M; 17% from unknown political parties and 3% of the victims were ZANU-PF. Since the formation of the MDC in 1999, its supporters and sympathisers have constituted the majority victims of political violence.

Table 4: Violations by perpetrator types January to June 2012

Violation	Perpetrators						
	Police	ZPS	CIO	Army	Political parties		
					ZANU PF	MDC-T	MDC-M
Abduction							
Assault							
Denial of access to health care							
Displacement							
Intimidation/harassment							
Malicious damage to property							
Media rights violations							
Murder							
Theft/Looting							
Torture							
Unlawful arrest/detention							
Sexual assault							
Violation of freedom of association, expression and assembly							

As Table 4 shows, ZANU PF political party activists and the police were the main perpetrators of political violence. In many cases the police were complicit in the acts of violence and thus encouraged impunity. Reports received indicated that the two MDC formations were not a major party to the political violence that rocked the country during the reporting period. Ironically, the only ZANU-PF member who was abducted was taken by political activists from his own party. In Manicaland, following factional fighting in the District Coordinating Committee (DCC), DCC elections in May 2012 were marred by allegations of intimidation, vote buying, ballot rigging and infighting in Masvingo, Manicaland, Mashonaland East, Bulawayo, Matebeleland North and South provinces as factions led by Vice President Joice Mujuru and the Minister of Defence Emerson

Mnangagwa fought for control of the provinces¹³.

The DCC was thus a victim of the ZANU-PF succession melee. Major perpetrators of recorded cases of violence during the period were police officers and ZANU-PF supporters, who appeared to act without fear of prosecution. The failure to prosecute those responsible exacerbates a lack of respect for the rule of law and also underpins the belief that the use of violence is an acceptable and legitimate means of securing and sustaining power.

5.0 Conclusion

It is incumbent upon the Inclusive Government to deal with the issue of violence and take corrective action to address the problem. Convening conferences where political leaders pay lip service to eliminating violence on the one hand while perpetuating it on the other will not address the problem.

As Madam Pillay warned during her fact-finding mission, unless the parties agree on some key major reforms, the next election could turn into a repeat of the 2008 elections which resulted in rampant politically-motivated human rights abuses, including killings, torture, rapes, beatings, arbitrary detention, displacements and other violations¹⁴. Perpetrators of violence must be brought to book, as inaction against them will give impetus to more violence. The Zimbabwe Human Rights Commission that is intended to deal with human rights issues facing the country today and in the future is not yet functional as the Bill, although it was passed by Parliament, is yet to be signed by the President. The government must operationalise the Human Rights Commission, develop mechanisms to address past human rights violations and ensure a future free from violence that will foster true national healing and reconciliation.

¹³ *The Independent*, 29 June 2012

¹⁴ ¹⁴Opening remarks by UN High Commissioner for Human Rights Navanethem Pillay at an end-of-mission press conference following her mission to Zimbabwe Harare, 25 May 2012

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 objectives 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
- 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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