



QUARTERLY POLITICAL VIOLENCE REPORT
JANUARY - MARCH 2013

A report by the Zimbabwe Human Rights NGO Forum

April 2013

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Introduction

The Quarterly Political Violence Report (QPVR) is produced by the Zimbabwe Human Rights NGO Forum (the Forum), as a monitoring tool to track and document trends in human rights violations in Zimbabwe. This report covers the period between January to March 2013 and highlights developments, statistics and trends in human rights violations. The information used is derived from the Forum's Public Interest Unit, member and partner organisations and verified press reports. Although this report derives its information from multiple sources it is not intended to be the main and exhaustive source of human rights violations in Zimbabwe but a complimentary report alongside those produced by other human rights organisations.

Executive Summary

The period under review was marked by the preparations for and the holding of the second Constitutional referendum since independence. In accordance with article 6.1(a) of the Global Political Agreement, the Constitutional Select Committee (COPAC) spearheaded the constitution making process since 2010. A referendum to adopt or reject the Draft Constitution, was then held on 16 March where 3 079 966 people voted for the adoption of the draft while 179 489 voted "No"¹. The referendum period was relatively calm and peaceful although there were isolated incidences of arbitrary arrests and intimidation in some areas.

Even though the environment was relatively calm, human rights defenders (HRDs) faced arbitrary arrests and detention. Most repression and intimidation seemed to target human rights and pro-democracy groups that help in empowering citizens with information and knowledge on how to claim their rights and demand free and fair elections. Once people are empowered, they demand action from government and in view of the impending elections

¹http://www.herald.co.zw/index.php?option=com_content&view=article&id=71267:parties-hail-vote-conduct&catid=37:top-sto

this may change the course and outcome of the elections. It also appeared that the repression and intimidation was primarily intended to starve citizens and the regional and international communities of information on the human rights situation in the country.

In their attempt to disrupt and impair the lawful activities of civil society organisations, police relied on various tactics that involved selective application of the law, reliance on the draconian Public Order and Security Act (POSA), the Private Voluntary Organisations Act, and the Broadcasting Services Act among others.

As a result of the onslaught on civil society organisations, particularly organisations that monitor and document human rights violations and also those involved in voter education and mobilisation, human rights monitoring was inhibited and constrained. Organisations such as ZimRights and the Zimbabwe Peace Project (ZPP) were raided and had their Executive Directors arrested. ZPP monitors have been profiled, a move that seeks to place them under surveillance in a bid to inhibit their work, curtail their effectiveness, intimidate and ultimately stop them from their legitimate work of monitoring and documenting human rights violations. This report was thus marred by a dearth of statistics as organisations that are the main sources of information on political violence were subjected to onslaughts by the state thus inhibiting their operations.

Developments in the fulfillment of human rights

Major events and political processes characterized the first quarter of the year. The President escalated his calls for peace as the country prepared for the constitutional referendum and the harmonized elections. This was buttressed by the formulation of a code of conduct developed by political parties in the inclusive government to curb politically motivated violence. The code seeks among other things to bar known or convicted perpetrators from taking part in the electoral process by attending to or

addressing rallies and punish perpetrators of violence and their respective political party leaders. The effectiveness of the code in curbing violence will however depend on the political will to enforce its implementation by the principals and their respective parties. Codes of conduct to end violence have been agreed on by the principals since 2011. In 2009 President Mugabe proclaimed the 24th to the 26th of July as peace days. But all these efforts have failed to put an end to political violence.

There were slight developments in the way the courts handled cases of politically motivated violence in which perpetrators were brought to book. In February 2013, Modcay Svosvera, a member of *Chipangano* who, in 2012, disrupted the funeral of one of the founding members of the MDC-T, Vimbai Mbisva, was sentenced to six years in jail. In another related case, during the same month, four members of *Chipangano*, John Zuze, Antonio Zuze, Alexander Kadzviti and Cosmos Muguzumbi were given three-year jail terms for assaulting a 15-year-old boy in Mbare in October 2011 on allegations of being an MDC youth. It is hoped that these positive developments will act as deterrents to prevent would-be perpetrators of violence ahead of elections. In the past members of *Chipangano* and other ZANU PF aligned militia groups have committed various acts of political violence with impunity. It seems the fishing nets for perpetrators of political violence are designed to catch the small fish leaving the big fish immune from legal responsibility for their actions. There is lack of political will to bring to account perpetrators of human rights violations involving state security apparatus and their ancillaries and this has contributed to the vicious cycle of violence in Zimbabwe.

The constitutional referendum

The COPAC Draft Constitution was finally released on the 1st of February paving way for the holding of a referendum on 16 March. The last referendum was held in 2000 where the electorate rejected the state sponsored draft constitution. The constitution making process took longer than expected and falling well beyond GPA timelines². According to the

² See article 6 (6.1) (c) of the Global Political Agreement, September 2008

GPA the constitution making process was supposed to be concluded within a period of 18 months but took almost three years to complete. It is important to note that while it took the principals such a long time to come up with a draft constitution, Zimbabweans were only given four weeks to familiarize themselves with the Draft Constitution. In addition to the short period allocated, very few copies were printed. According to COPAC 90 000 copies were printed for a population of 13 million people meaning that the majority of eligible voters did not have the chance to read and acquaint themselves with the Draft before voting. The SADC Election Observation Mission Statement noted the following concerns among others in its preliminary statement:

- *Insufficient copies of the Draft Constitution distributed to the electorate;*
- *Inadequate time allocated for the electorate to acquaint themselves with the Draft Constitution;*
- *Inadequate time for some stakeholders to conduct campaigns or civic education;*
- *Non accreditation of some local observers;*
- *Polarised media;*
- *Isolated reports of intimidation and harassment³.*

In spite of the challenges to do with the process of conducting the referendum, the constitutional referendum was conducted in a fairly calm and peaceful environment. This can be attributed to the fact that there was no contestation amongst the main political parties as they all campaigned for a “Yes” vote. However, cases of harassment and intimidation were recorded in some parts of the country such as Mbare in Harare, Headlands in Manicaland province, and some parts of Mashonaland Central province before and during the referendum.

Events of political violence

The operating environment for HRDs and civil society organisations remained heavily restrictive as they continued to be viewed as enemies of the state working towards effecting illegal regime change. This resulted in

³ SADC Election Observation Mission Statement to the Republic of Zimbabwe

their continued attacks and persecution. Since the beginning of the year, there has been a sustained onslaught on NGO's characterised by systematic harassment and intimidation of HRD's, through politically motivated police raids and searches, arbitrary arrests and detentions all meant to closing the democratic space within which HRDs operate from.⁴ Organisations that have community human rights monitors, and those in civic education and public outreach were the main target of this harassment. According to the Centre for Community Development in Zimbabwe (CCDZ), convening civic education meetings is now a cumbersome process as NGOs are required to seek clearance from the police, the district Administrator the Provincial Administrators and the governors office. Provincial governors are reportedly demanding Memoranda of Understanding and all the materials to be issued out at the meetings and the presentations before the meetings are cleared.⁵ Annexure 1 shows organisations and human rights defenders that were raided by the police or respectively arrested during the period under review.

The onslaught on NGOs appears to have been triggered by the resolution made by ZANU-PF at its 13th National People's Conference in December 2012 *"to instruct the party to ensure that the Government enforces deregistration of errant NGOs deviating from their mandate"*.⁶ The onslaught was condemned both locally and internationally.

Heads of CSO's in Zimbabwe have argued that the onslaught on HRDs is *"simply meant to criminalize the work of civil society, discredit it and showcase civil society as unpatriotic and devoid of national interest"*.⁷ The

⁴ <http://www.sokwanele.com/thisiszimbabwe/police-must-stop-harassment-human-rights-defenders—icj/15022013>

⁵ Operating Space for Civil Society in Zimbabwe Shrinking ahead of Planned Elections, CCDZ, <http://kubatana.net/html/archive/demgg/130212ccdz.asp?sector=DEMGG>

⁶ <http://eu.zbc.co.zw/news-categories/top-stories/26513-resolutions-of-the-zanu-pf-13th-national-peoples-conference.html>

⁷ See CSOs joint statement on the criminalisation of human rights defenders <http://www.zimbabweurope.org/sites/default/files/CSO's%20JOINT%20STATEMENT%20>

UN Special Rapporteur on the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders also condemned the attacks on HRDs.

There are also sustained efforts in the state controlled media to criminalise the work of CSOs. In March the commissioner of police launched a manhunt for the ZPP Director through the Zimbabwe Television creating the impression that Jestinah Mukoko was on the run. This was in spite of the fact the police had not issued summons to her. She presented herself to the police and was charged with contravening the Private Voluntary Act for managing an unregistered organisation, the Broadcasting Services Act for refusing or failure to register as a dealer and the Customs and Excise Act for smuggling radios and cell phones. All this effort by the state was meant to portray members of CSOs as criminals thus discrediting their work and misinforming the public about the activities of CSOs. The *Patriot* newspaper also consistently carried stories that portrayed CSOs as agents of regime change and a real threat to national security. Such harassment and intimidation is meant to distract the attention of the public and the international community from the important issues in the country that is the holding of free and fair elections, implementation of the outstanding issues in the GPA chief among them being the reform of the security sector. The state has often justified the harassment of CSOs by accusing them of espionage, treason and foreign interference. However, the ultimate goal is to protect those in power from scrutiny and accountability especially towards elections.

The period also witnessed various cases of politically motivated violence in different parts of the country. The following are some notable cases of violence that occurred during the period under review. On 15 March the Public Interest Unit (PIU) of the Forum that provides litigation on behalf of victims of organized violence and torture attended to 6 clients from Mbare. ZANU-PF supporters allegedly assaulted the six on the eve of the

constitutional referendum while putting up posters for the “YES” vote in the referendum.

On 23 February a 12-year-old son of MDC-T parliamentary aspirant Shepherd Maisiri was burnt to ashes in a suspected case of politically motivated arson. Although police investigations revealed that the fire was not started by a petrol bomb, Mr Maisiri has been a victim of politically motivated since 2000.

On 12 March, the home of ZANU-PF aspirant candidate for Ward 11 in Makoni West, Manicaland province William Chapepa was petrol bombed by unknown assailants. Chapepa sustained serious burns. Cases of intra party violence were also noted; a case to note being the assault of ZANU-PF MP for Hurungwe East Sarah Mahoka by a mob of about 13 ZANU-PF youths, who disrupted her meeting, deflated tyres on her vehicle and abducted her driver. Themba Mliswa and seven others were arrested in connection with the case.

During the quarter lawyers from the PIU attended to a total of 28 clients who reported on various cases of human rights violations ranging from assault, intimidation and violation of the freedom of expression, assembly and association. Table 1 below is the statistical table of the nature of violations and victims who reported their cases to the Forum.

Table1: Reported Human Rights Violations

Area	Number of victims	Nature of violations
Chipinge, Manicaland	1	assault
Murehwa, Mashonaland East	3	assault, harassment and intimidation
Budiriro, Harare	1	assault and theft

Glen View, Harare	1	assault and violation of freedom of expression and association
Harare	13	assault, violation of freedom of assembly and expression and unlawful arrest and detention
Chitungwiza, Harare	2	assault, harassment and intimidation
Mbare, Harare	6	assault, violation of freedom of expression and association
Muzarabani, Mashonaland Central	1	assault, harassment and intimidation and violation of freedom of association

SOURCE: *Public Interest Unit: The Forum*

NB: The statistical data is extracted from reports received by the Forum's Public Interest Unit between January and March, just to give an indication of the extent, nature and type of the violations. The statistical data is therefore not exhaustive.

Police continued to abuse provisions of POSA to disrupt peaceful meetings and marches organised by pro-democracy organisations and political parties. On 31 January, Al-Shabab, a ZANU-PF terror group based in Kwekwe disrupted a meeting convened by CCDZ on the Draft Constitution.

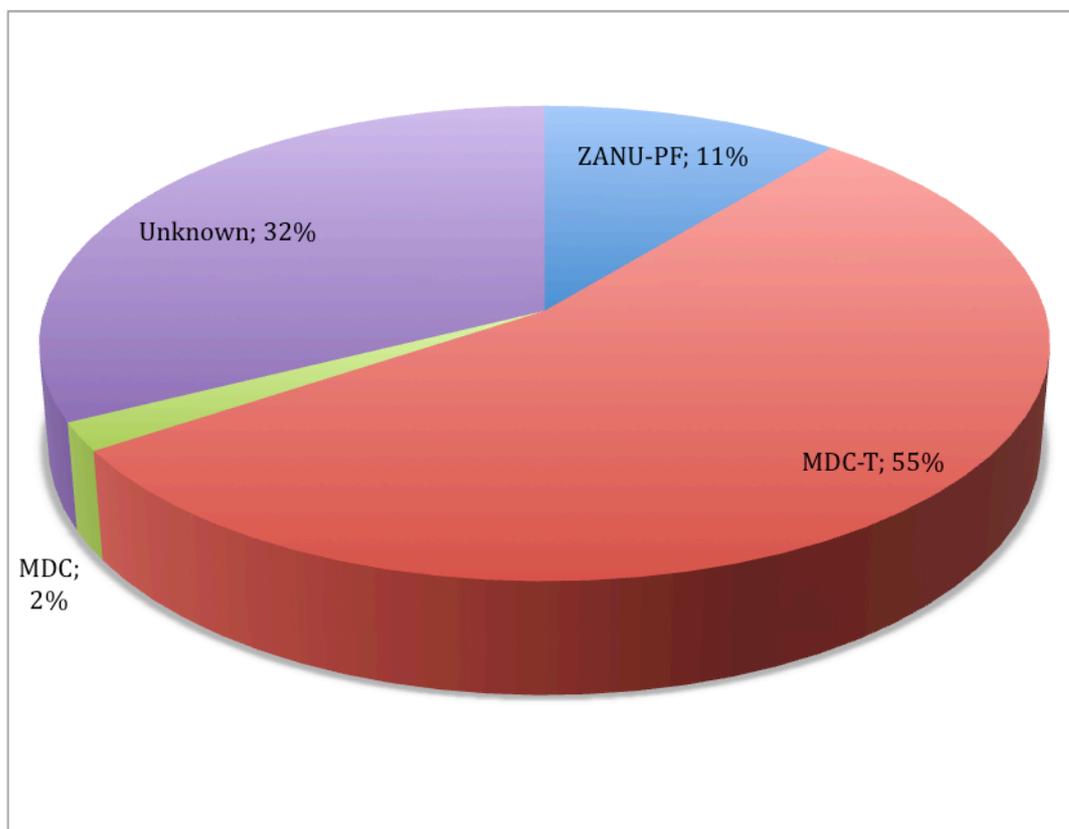
The right to freedom of expression including access to information was also under attack during the period regardless of citizens' right to receive and impart information without interference being enshrined in section 20 of the old Constitution and also protected in Article 9 of the African Charter on Human and Peoples' Rights.

On 18 February ZRP Assistant Commissioner Charity Charamba announced a ban on the possession and distribution of shortwave radios on the premise that the radios would be used to communicate hate speech

ahead of the constitutional referendum and elections set for the year.

The Media Institute of Zimbabwe (MISA), an organisation that is the primary advocate for media freedom and freedom of expression in Southern Africa recorded seven cases of media violations during the period under review. Violation of the right to information has a general impact on the right of all Zimbabweans to participate freely in the governance of the country.

Fig 1: Victims by political party affiliation



As shown in the pie chart above, victims of political violence were mainly members of the MDC-T. During the period, 55% of the victims recorded by the Forum were from MDC-T, 32% were from people who did not disclose their political party affiliations while 11% were from ZANU-PF and 2% were of reports of violence from the MDC. Members of the MDC-T have always been victims of political violence since the formation of the party. The MDC-T party is the only opposition party that has posed the greatest challenge to ZANU-PF hegemony since independence (post the 1987

Unity Accord that swallowed ZAPU into ZANU PF). Although Zimbabwe claims to be a multi-party democracy, any formidable party challenging ZANU-PF is always met with brutal suppression as in the case of the MDC-T experiences.

Table 2: Political violence by Province January to March 2013

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										

As noted in the report cases of assault both as a result of inter and intra party clashes and harassment and intimidation were high during the period. The national ban on shortwave radios violated the right of access to information for all Zimbabweans and especially those in the rural areas who relied mostly on the banned radios.

Jabulani Sibanda the leader of the war veterans continued with his tour of the country's provinces allegedly harassing and intimidating people into supporting ZANU-PF. According to the Chiadzwa Community

Development Trust, in March Sibanda was in Marange, Manicaland Province where he warned the community of a worse blood shed compared to 2008 if they vote for any party other than ZANU-PF.

Table 3: Violations by perpetrator types January to March 2013

Violation	Perpetrators						
	Police	ZPS	CIO	Army	Political parties		
					ZANU PF	MDC-T	MDC
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							

Table 3 above shows that members of the ZRP were the main perpetrators of violence during the period accounting for seven types of violations that involved arbitrary arrests of HRDs and activists; violations of freedom of association, expression and assembly through barring and disrupting constitutional meetings convened by political parties and CSOs; intimidation; theft and media rights violations. Such actions by the police only helped to expose their partisanship and selective application of the law. There was also an increase in cases of assault, harassment and intimidation by ZANU-PF supporters.

Outlook

The violence scenario that existed from January to March points to the potential for violence in the general elections anticipated later during the year. The political environment is still polarized as demonstrated by the arrests, harassment and intimidation of pro democracy groups, individuals and political activists. This will be exacerbated by the prevailing impunity for perpetrators of violence, which continue to be a threat to the country's prospects of holding free, fair and credible elections as violence has been used since 2000 to influence voting patterns.

However, it can be observed that perpetrators have been strategic enough to desist from overt violence to create the impression that the violence culture has waned although this may resurface during the 2013 elections. Political repression may also take subtle forms of violence and targeted attacks at persons and institutions that are more central to the promotion and protection of human rights, democracy and good governance.

The relatively calm environment that obtained during the constitutional referendum should not deceive anyone to think that elections will be held in a peaceful environment, as there was no contestation among the main political parties in the referendum. Secondly the principals to the GPA were all duty bound to fulfill Article 6 of the GPA which outlines stages to be followed in crafting the new constitution. The ball game will be different during the general elections and already there are signs of violence characterized by the continued shrinkage of the democratic space for the operation of HRDs.

There are also still outstanding GPA issues that should facilitate the holding of free and fair elections. Key among them being the reform of the security sector, which has been fingered in many cases of human rights abuses and political violence but continues to enjoy impunity. ZANU-PF has adamantly refused to reform the security sector, which it has relied upon to retain power since the formation of the MDC. The security sector has discreetly and in some instances openly campaigned for ZANU-PF and has vowed never to recognize any democratically elected leader with

no war credentials. Further, most state institutions and bodies that deal with elections have also been militarised through recruitment of former military personnel into those institutions. There is therefore need to reform the security sector and other state institutions that are essential for the holding of free and fair elections. As long as institutions that manage elections remain compromised and politicized, it would be difficult for Zimbabwe to conduct free and fair elections.

Conclusion

The period under review has seen a focus on the intimidation of HRDs and human rights organisations as well as intensive efforts to discredit their operations. Without the operations of HRDs and human rights organisations there is a risk of state sponsored violence becoming concealed from the public eye and human rights institutions and more widespread abuses before the harmonised elections planned for the later part of 2013.

Annexure 1

Harassment of Human Rights Defenders: January-March 2013

Date	Victim	Violation
10 January	Zimbabwe Human Rights NGO Forum	Staff members on a staff retreat were subjected to profiling by more than 15-armed police officers with dogs who swooped on them while at Leopard Rock in Vumba. The officers were looking for Zimrights Director Mr. Okay Machisa Zimrights and employee Faith Mamutse.
14 January	Okay Machisa, ZimRights Director	Machisa was arrested on charges of conspiracy to commit fraud, forgery and publishing falsehoods. The charges appeared fabricated with malicious intent. Mr. Machisa faced prolonged detention and was only granted bail on 29 January. The High Court removed him from remand on 15 March. The arrest of Machisa followed the raid and subsequent arrest of Leo Chamahwinya, the ZimRights Programmes Manager in December 2012.
4 February	National Youth Development Trust (NYDT)	Two NYDT officers were arrested in Lupane, Matabeleland North for allegedly possessing voter registration receipts in Contravention of the Criminal Law (Codification and Reform) Act. The two were later released as the police refused to prosecute creating the impression of arbitrary arrests with malicious intent.
6 February	NYDT	Four police officers with a search warrant raided the NYDT offices in Bulawayo searching for voter registration information that could be prejudicial to the state.
16 February	Centre for Community Development	George Makoni, Reverend Deve and Gift Konjani were arrested in Chegutu while conducting voter education in the area. The three had police clearance to conduct voter education.
11 February	Zimbabwe Peace Project	Police from Harare Law and Order Section raided ZPP offices armed with a search warrant and searching for subversive materials, documents, gadgets or recordings and any illegal immigrants. They confiscated mobile phones, radios, political violence

		reports and files with donor information. The aim of the raid appeared to be that of intimidating and inhibiting the human rights monitoring mandate of the organisation.
11 February	Community Tolerance, Reconciliation and Development Trust (COTRAD)	Police raided COTRAD offices demanding the organisation's registration papers. NANGO employee Benias Tirivavi in a nearby office and Zivanai Muzorodzi of COTRAD were taken for interrogation at Masvingo police station and were released the same day.
14 February	WOZA	Police arrested a total 195 WOZA members who were participating in their annual Valentine's Day "love" protests in Harare and Bulawayo. The WOZA members, who included Jenni Williams, the organisation's leader, were assaulted by police officers. Those arrested were released without any charges preferred against them
19 February	Zimbabwe Election Support Network	Unknown individuals broke into ZESN's Masvingo Offices and took 8 boardroom chairs; several T-shirts, a printer and another computer were also taken. The same offices were also broken into on 21 February.
19 February	ZESN	ZESN head offices were raided by police officers from Law and Order section. The officers were armed with a search warrant similar to the one they used at ZPP.
01 March	Radio Dialogue	Radio dialogue was raided by 6 officers who took 180 radios
01 March	NGOs in Masvingo	Masvingo Governor Titus Maluleke summoned over 45 NGO's to an ad hoc meeting where NGO leaders were coerced to reveal their work plans and partners. They were also told to work with line ministries and district police officers in implementing their projects
08 March	Jestina Mukoko	Jestina Mukoko, the Director of ZPP was charged with contravening the Private Voluntary Act for managing an unregistered organisation, the Broadcasting Services Act for refusing or failure to register as a dealer and the Customs and Excise Act for smuggling radios and cell phones.

17 March	Beatrice Mutetwa	Beatrice Mutetwa a prominent human rights lawyer was arrested for obstructing the course of justice while attending to a client whose home was being raided by police. She was released on bail on 25 March

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
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project 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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