



QUARTERLY POLITICAL VIOLENCE REPORT

APRIL – JUNE 2013

A report by the Zimbabwe Human Rights NGO Forum

July 2013

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ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM
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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 and dissemination tool on trends of human rights violations in Zimbabwe. This report covers the period from April to June 2013 and highlights occurrences and developments in human rights violations. The information used is derived from the Forum's Public Interest Unit, member and partner organisations and verified press reports. The report can be used as a complimentary report alongside those produced by other organisations for the same period under review.

Harassment and intimidation of voters was prevalent during the period under review although recorded violence in the form of assaults, rape, abductions and murder were very insignificant in comparison to the 2008 voting period. Coming after a peaceful Constitutional referendum in March, the period was marked by the signing into law of a new constitution on 22 May, voter registration, political party primary elections to elect poll candidates, nomination of candidates and election campaigns. In addition to the expansion of the Bill of Rights to be justiciable and to include economic, social and cultural rights, the new Constitution also introduced a range of new issues. These include among others, issues relating to citizenship, term limits for service chiefs, a new Constitutional Court, quota system for women as well as electoral issues.

However, despite the clearly articulated separation of powers in the new constitution, the president continued to make unilateral decisions, a trend that has been maintained since the consummation of the GNU. Using Presidential Powers he proclaimed the date for the harmonized elections and made amendments to the Electoral Act¹. This was subsequent to (and purportedly to comply with) the Constitutional Court ruling of 31 May in the Jealousy Mawarire case². The Constitutional Court overruled the application filed by

¹ Statutory Instrument 85 and 86 of 2013.

² Jealous Mbizvo Mawarire vs. Robert Gabriel Mugabe NO and 4 others. Const. Application no. 146/2013. Judgment No. CCZ 1/13

Morgan Tsvangirai challenging the constitutionality of the election date proclamation by the President thereby effectively upholding the president's proclamation and elections were scheduled for 31 July with no major reforms in place. Civil society and other political parties raised concerns that legal and political reforms necessary for free and fair elections had not been completed and as such, challenges faced in the previous elections such as political violence could be revisited. The country was thrown into invidious tension.

The mandatory voter registration, following the election date proclamation commenced on 10 June and ended on 9 July. The process was fraught with complaints relating to inadequate timeframes, exclusion, lack of sensitivity, lack of access to information, slow processing of potential voters, continued disenfranchisement, inadequate voter education and lack of clarity on the role of political parties in the mobile voter registration exercise. This had the potential of prompting the country into political violence caused by the differences in the interpretation of voter registration and election management.

Primary elections for ZANU- PF and MDC-T were characterized by violence. The MDC-T launched door-to-door election campaigns across the country. There are reports that there were unwarranted arrests of some of the MDC campaign officials on allegations of impersonating officers from the Registrar General's Office. The Registrar General's Office is charged with the task of voter registration³.

The Zimbabwe Peace Project (ZPP) recorded **519** violations cases in April and **511** in May, Heal Zimbabwe reported an excess of **33** violations in May alone, mainly related to voter intimidation in Mashonaland East and Central, Manicaland, Masvingo and Harare provinces while the Media Monitoring Project recorded 32 violations in May alone using press reports of violations. Voter intimidation has been a prominent human rights violation noted in

³ The case of Leo Chamawhinya of ZimRights who was alleged to have "registered" voters illegally demonstrates the contentious nature voter registration and or citizen education on voting had become. Leo Chamawhinya was held in police custody for more than two months

several parts of the country with non-ZANU-PF supporters being harassed and threatened⁴. A suspected ZANU-PF supporter, as punishment for mobilising support, raped the MDC-T chairperson for Ward 3 in Masvingo North⁵. War veterans' leader Jabulani Sibanda threatened political violence if voters failed to vote for ZANU- PF in the anticipated elections during an address at Chinhoyi University of Technology on 9 April⁶.

Human rights defenders were also not spared. Prominent human rights lawyer Beatrice Mtetwa was subjected to arrest and prolonged detention together with the editor and chief reporter of the Zimbabwe Independent, Dumisani Muleya and Owen Gagare, for publishing an article about an alleged engagement between the Prime Minister and the heads of the security forces.

The Centre for Research and Development reported of ongoing torture cases at the Marange diamond fields. In the July News Letter, CRD reports of 15 cases of human rights violations and two cases of deaths resulting from torture. There are reports of torture, dog bites and assaults inflicted on victims by police, security guards and soldiers. In addition, the villagers displaced by mining operations and resettled on the ARDA farm were also reported to be experiencing hardships caused by reneging on the promises by a Chinese mining company, Anjin, to subsist them with food and fuel⁷.

The security sector remains one of the threats to enjoyment of the right to personal liberty. It has in the past and present been accused of carrying out harassment and intimidation of civilians and unwarranted arrests⁸. Private

⁴ See the Zimbabwe Human Rights NGO Forum, Quarterly Political Violence Report January – March 2013

⁵<http://bulawayo24.com/index-id-news-sc-national-byo-31230-article-MDC-T+chairperson+raped+five+times%2C+claims.html>

⁶ Zimbabwe Peace Project Monthly Monitor April 2013

⁷ Centre for Research and Development Newsletter, July 2013

⁸ *ibid.*

security has been accused as well⁹. Security sector reform remained one of the outstanding issues throughout the lifespan of the Inclusive Government with no political will to reform the sector.

Human Rights Watch noted the partisan and destructive role of Zimbabwe security chiefs who have declared their allegiance to ZANU PF ahead of this year's elections¹⁰. They called on the inclusive government to discipline them. The International Crisis Group recommended the GPA Principals and SADC to preserve and consolidate political co-existence as well as address the politicisation of the security services and state institutions¹¹. In accordance with the recommendations, this could be achieved through encouraging political tolerance and co-existence across party lines through frequent joint press conferences, calling for non-violence, inter-party dialogue and responding to particular concerns and incidents by the GPA Principals; and utilising security structures and processes to facilitate high-level engagement between senior military, police and intelligence officials from the region and Zimbabwe to persuade the security sector not to interfere in the political process by SADC.

Cases of Human rights violations

During the period under review cases of political violence were centered on primary elections for candidates to represent their political parties in the harmonised elections, as well as during rallies and election campaigns that followed. The violence resulted in malicious damage to property¹²; voter

⁹ Ibid

¹⁰ Zimbabwe revisits its “ugly past” of violence and intimidation Human Rights Watch 07 June 2013

¹¹ Zimbabwe: Elections Scenarios International Crisis Group, Africa Report Number 202, 06 May 2013

¹² Examples include, arson and destruction of properties belonging to ZANU PF and MDC-T supporters, Steven Mamvura and Roger Tazviona respectively

intimidation¹³; assaults; rape; politically motivated arrests¹⁴; violations of freedom of assembly¹⁵ and targeted mainly political activists, journalists and human rights defenders.

Political activists

Numerous political activists faced what appeared to be politically motivated arrests while others were subjected to intimidation, assaults and forced political re-orientation. On 25 April, 19 MDC-T activists were arrested in Hatcliffe on allegations of impersonating Government officials while on a door-to-door voter registration campaign. They faced prolonged detention in remand prison¹⁶.

On 15 May in Harare three youth members of the MDC-T were arrested and detained on allegations of attempting to 'usurp' the powers of the Registrar General's office after they retained their copies of their registration receipts after registering to vote. On 28 May ZANU- PF supporters indiscriminately attacked a group of MDC activists in the area surrounding Crest Breeders, Harare South for being dressed in the MDC-T regalia¹⁷.

Four complaints filed by MDC to JOMIC in May involved the threats by three ZANU PF activists namely Denford Bathakathi, Walter Bathakathi and Majoni Ndlovu to displace and kill the MDC councilor for Ward 21 in Insiza North. The complaints were also about forced ZANU-PF re-orientation meetings in the same community, where villagers were

¹³ Some prospective voters were barred from registering to vote because of their political affiliation. In Chipinge South ZANU PF activists reportedly allowed only Zanu PF activists to register to vote while barring MDC-T members.

¹⁴ MDC-T supporters engaging in door-to-door campaigns were arrested while ZANU PF supporters doing the same were not

¹⁵ Police barred a meeting between MKD leader Simba Makoni and the Norton business community

¹⁶ The Herald Newspaper, Zimbabwe, 25 April 2013

¹⁷ The Public Interest Unit, Zimbabwe Human Rights NGO Forum, June 2013

subjected to ZANU- PF propaganda¹⁸.

Threats to Members of the public

State security officials, traditional leaders and political party activists were implicated in cases of voter intimidation across the country. At Rudhanda Secondary School, ward 28 in Zaka those awaiting voter registration were intimidated from doing so by suspected ZANU-PF political activists.

In Chipinge South on 30 April at Maparadze village, ZANU- PF activists led by one Busangaranye and Shumba reportedly allowed only ZANU- PF activists to register to vote while barring MDC-T members.

Heal Zimbabwe documented more than 20 cases of voter intimidation by state security officials, traditional leaders and political party activists. These involved coercion of MDC-T supporters to defect to ZANU-PF, forced attendance at ZANU-PF rallies, forced financial contributions to the party, harassment and assaults¹⁹.

MDC-T supporters in Mount Darwin, ward 25 in Mashonaland Central were forced to defect to ZANU PF by the party's activists while MDC ward 6 Chairman for Zaka North, Mr. Pepukai Mudzembiri faced a similar fate. Mrs Murashiki, from Mwenezi ward 3 was forced into separating from her husband, an MDC-T election candidate, after death threats from suspected ZANU-PF supporters. Villagers in Mazowe Central were forced to attend ZANU- PF rallies²⁰.

Violence was also prominent in intra-party politics. In Mutare's Chikanga-Dangamvura constituency on 6 June violence broke out among MDC-T members ahead of a confirmation exercise, leaving one of the party's councilors seriously injured²¹.

¹⁸ <http://www.sokwanele.com/node/6373>

¹⁹ Heal Zimbabwe, Political environment in Zimbabwe update - Week ending 09 June 2013

²⁰ *ibid*

²¹ The Standard Newspaper 09 June 2013

Threats to Human rights defenders

Besides the background of the arrests of prominent human rights lawyer Beatrice Mtetwa and staff from ZimRights and Election Resource Centre in the first quarter, as well as the raids on human rights organisations including Zimbabwe Peace Project, the period under review was relatively calm. However, human rights organisations were demonized to whip political emotions and create a rift between the organisations and their beneficiaries. The state security sector conducted surveillance, illegal searches, interception and frequent visits on premises of human rights organisations.

Three Election Resource Centre personnel in Borrowdale were arrested on 11 May 2013 on allegations of conducting voter education without the Zimbabwe Electoral Commission's authorization as they worked with the X1G Mobile Caravan Campaign. The X1G campaign is recognised by and has collaborated with the Zimbabwe Electoral Commission (ZEC) in their programs²².

On 6 June, five unknown assailants wielding hammers forced entry into offices of the Gays and Lesbians of Zimbabwe (GALZ). The assailants forced all staff present into the guard - room and ransacked the offices, gathering laptops, mobile phones and bags that contained sensitive information about the work of the organisation and individual members²³.

The demonization of NGOs resulted in the expulsion of 4 staff members from Medecins Sans Frontiers (Doctors without Borders) in Beitbridge, after minutes of a strategic meeting they held on 13 June were "discovered" and used by the District Administrator to allege NGO meddling in politics. In Harare minutes of a confidential meeting held at Zimbabwe Lawyers for Human Rights on 3 June were leaked to the state media and published in the Zimbabwe Herald on the 14 June. These were

²²http://www.kubatana.net/html/archive/elec/130611erc.asp?orgcode=ele001&year=0&range_start=1 Court refuses to further remand the ERC case, Election Resource Centre June 11, 2013

²³ <http://www.frontlinedefenders.org/node/22976>

used to vilify and frame trumped up charges against the organisation. This has created fear and uncertainty, which impedes the productivity of human rights organisations.

Threats to Journalists

The arrests of journalists, which restricts press freedom through laws such as the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA) and the Criminal law (Codification and Reform) act were used to intimidate and scare journalists in the run up to the 2013 harmonised elections. Owen Gagare and Dumisani Muleya from the *Zimbabwe Independent* were arrested after they reported on the Prime Minister's efforts to engage Zimbabwe Generals on security sector reform. The arrest coincided with World Press Freedom Day on the 3rd of May²⁴.

Political parties also restricted press freedom. On 8 June in Masvingo MDC-T security staff manhandled Masvingo Mirror reporter Bernard Mapwanyire while he was covering the party's primary elections while on 7 June in Harare at Harvest House, the party's headquarters, MDC-T security staff reportedly assaulted *Zimbabwe Independent* journalist Herbert Moyo, as he tried to cover a protest by party activists²⁵.

On 6 June *Chronicle* in Bulawayo reporter Mashudu Netsianga was detained and questioned by MDC-T security personnel for allegedly gate - crashing a meeting between Prime Minister Morgan Tsvangirai and the business community. ZANU-PF supporters held the Daily news reporters Wendy Muperi and Wonai Masvingise of Newsday hostage for over an hour whilst they covered a demonstration by disgruntled ZANU-PF supporters at the party's head quarters²⁶.

²⁴ <http://www.frontlinedefenders.org/node/22605>

²⁵ See MISA-Zimbabwe Statement on assault and harassment of journalists, http://www.misazim.com/index.php?option=com_content&view=article&id=186:misa-zimbabwe-statement-on-assaults-and-harassment-of-journalists&catid=1:latest-news

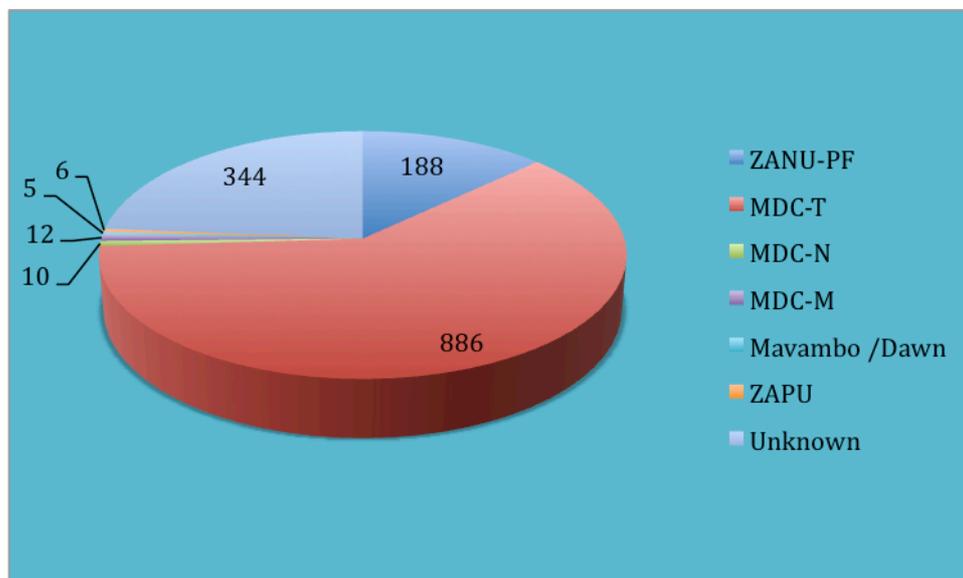
²⁶ Ibid

Victims of violence

The victims recorded were from three political parties, ZANU- PF; MDC-T and Mavambo/Kusile/Dawn (MKD); human rights defenders, journalists; political activists and prospective voters.

The distribution of victims by political affiliation for the quarter is as shown in the pie chart below.

Fig 1: Victims by political party affiliation



SOURCE: *Consolidated statistics from The Forum, ZPP, Heal Zimbabwe and verified media reports.*

As shown on the chart, MDC-T bore the brunt of the violence with 886 victims as compared to 188 experienced by its main rival ZANU-PF. The other parties had a combined victim population of 33.

Analysis of the Effects of the violations

The intimidation of human rights defenders, journalists, political activists and potential voters during the 2008 election violence compromised human rights monitoring, media freedoms, legitimate political activities and voter registration respectively. Although the scale of violence in the period under review is much lower than that in 2008, the effects are similar. The

arrest of prominent human rights lawyer Beatrice Mtetwa and covert surveillance at Zimbabwe Lawyers for Human Rights offices was significant intimidation that could affect other human rights lawyers and CSOs.

The harassment of journalists at MDC-T offices by a party that has been calling for reforms that promote media rights were as alarming as they were not anticipated.

Fear was induced into the electorate by threats of a repeat of the 2008 electoral violence. ZANU- PF supporters and war veterans at various instances threatened community members with a repeat of the 2008 violence during the election re-run and death if ZANU- PF lost the coming harmonised elections. The report by the Nehanda Radio about the MDC supporters and their leader in Zaka, who in May, said that they were scared of constant reminders that they could be subjected to the 2008 electoral violence demonstrates the pervasiveness of the 2008 re-visitation threat by ZANU PF. Memories of the 2008 political violence are still fresh in areas such as Zaka, Mudzi and Mashonaland central among others that were hard hit by violence to an extent that the affected individuals lost the zeal to participate in political processes. This has been worsened by the government's lack of political will to bring perpetrators to book. There is a likelihood of political apathy especially when victims feel they have no protection.

The extents of these threats are threatening matrimonial arrangements in other cases. In Mwenezi it is alleged that a wife of a political activist who was threatened by activists from another political party considered separating from her husband if he continued with his political activities. This fear and anxiety on the part of the women was not surprising considering that in the 2008 electoral period there were alleged cases of wives of MDC-T officials who were punished, sometimes through rape, for the political activities of their husbands. Some villagers faced threats of eviction by their traditional leaders and political party activists for holding a different political view.

Violence perpetrators

Violence perpetrators identified on the basis of reports received included the police, the Central Intelligence Organisation, army, war veterans, traditional leaders and political party activists as shown in Table 1.

Table 1: Violations by perpetrator types April to June 2013

Violation	Perpetrators						
	ZRP	War veterans	CIO	ZNA	Traditional leaders	Political parties	
						ZANUFP	MDC-T
Abduction							
Assault							
Displacement							
Rape							
Intimidation/harassment							
Malicious damage to property							
Media rights violations							
Unlawful arrest/detention							
Violation of freedom of association, expression and assembly							
Forced attendance at rallies							
Forced membership of political party							
Forced purchase of political party cards							
Generalised							

voter intimidation									
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SOURCE: Consolidated statistics from The Forum, ZPP, Heal Zimbabwe and verified media reports.

As shown in Table 1, the main violation was intimidation/harassment and the main perpetrators were party supporters under ZANU -PF. What is remarkable is that in comparison to other voting periods, there was a lull in violence perpetrated by state agents. Disturbingly however, traditional leaders have been willing collaborators and sometimes actors in voter intimidation and harassment meant to drum up support for specific political parties.

Table 2 shows the distribution of violence by provinces.

Table1: Distribution of violence by provinces April to June 2013

Violation	Mat North	Mat South	Midlands	Byo	Masvingo	Harare	Mash East	Mash West	Mash Central	Manica
Unlawful arrest/detention										
Abduction										
Assault										
Displacement										
Intimidation/harassment										
Malicious damage to property										
Media rights violations										
Sexual assault/Rape										

SOURCE: *Consolidated statistics from The Forum, ZPP, Heal Zimbabwe and verified media reports.*

As Table 2 shows, intimidation or harassment were the main violations across 7 provinces. There was a single reported case of abduction in Manicaland, a single displacement case in Masvingo as well as a single rape case in Masvingo.

Although the referendum was relatively violence free, documented cases of voter intimidation and the few cases of assaults and malicious damage to property, both intra and across parties suggest that violent tendencies have not become a thing of the past in Zimbabwe politics. Zimbabwe may have established a Human Rights Commission and a Constitutional Court, and the police have indicated readiness to tackle political violence without fear or favour, the efficacy and timely responsiveness of the Zimbabwe Human Rights Commission and the police are still to be put to the test.

The police have over the years maintained that they are non-partisan while simultaneously declaring support for one political party. The true partisan position of the police can be explained by the utterances of the Police Assistant Commissioner Gideon Baloyi, who, at a meeting at Marondera District Police Headquarters in July instructed police officers to support ZANU PF or else resign from the force, as they would be sell-outs. Police Commissioner-General, Augustine Chihuri, had in January and May similarly urged wives of police officers attending a leadership workshop in to be patriotic and vote ZANU PF in the coming elections. This is in contravention of Section 208 of the sixth schedule of the new constitution that stipulates that service chiefs are forbidden from engaging in partisan conduct.

An analysis²⁷ of election scenarios by the International Crisis Group noted that there was pervasive fear of violence and actual intimidation, which contradicted rhetorical commitments to peace by political leaders. The

²⁷ In its *Africa Report No 202* of 6 May 2013

report associated a ZANU PF electoral loss with the erosion of economic opportunities and possible prosecution for human rights violations while an MDC-T loss would be associated with loss of influence. It can be presumed therefore that partisan service chiefs who played a central role in the 2008 violence for which they were not held accountable may seek to influence the electoral process or outcome. Overt violence, intimidation or manipulation of state institutions can be expected from the state security sector in a bid to deny or sabotage electoral outcomes that reflect the will of the people.

Conclusion

Political violence is detrimental to the holding of free and fair elections. The period under review as well as the referendum period was marked by relative peace save for acts of voter intimidation between April and June. Voter intimidation in the absence of other gross forms of violence such as assaults, murders and destruction of property may portray a semblance of peace. The effect on the freedom exercised by voters is however similar. Zimbabwe's harmonised elections will be held without the implementation of the necessary reforms for free and fair elections including implementation of the SADC election roadmap. There is risk of violence that will impact on voter choices if voter intimidation continues. Value consensus among all political players and conscious effort in dealing with political violence is essential for any political process the country.

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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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