



QUARTERLY POLITICAL VIOLENCE REPORT

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**Research and Documentation Unit
Zimbabwe Human Rights NGO Forum
8th Floor Bluebridge North, Eastgate
S.Nujoma St/R. Mugabe Rd, Harare
Tel +2634250511
Email research@hrforum.co.zw
Web: www.hrforumzim.org**

Table of contents

Introduction.....	3
Executive Summary	3
Developments in the fulfillment of human rights	4
Human rights violations.....	6
Political activists.....	7
Members of the public.....	8
Human rights defenders.....	11
Victims of violence	11
Violence perpetrators.....	12
Effects of the violations	13
Outlook on human rights violations in 2014.....	14
Conclusion	14

Executive Summary

The period under review saw a decline in levels of politically motivated human rights violations as compared to previous periods. In October 2012 312 incidents of human rights violations were recorded, a decline from the 389 cases witnessed during the month of September¹. The Forum interviewed four victims of political violence in the month of October². This reduction of violence incidents and reports could be owed to the finalisation of contentious elections that took place on 31 July. The political violence cases recorded were inferred to incidences of post election retribution, intra-party violence, as well as discrimination and the politicization of the distribution of farming inputs.

The human rights defender Beatrice Mtetwa, was on 26 November 2013 found not guilty on charges of defeating or obstructing the course of justice as alleged by the state. Abel Chikomo, the Zimbabwe Human Rights NGO Executive Director was also freed from related case after a three-year case over charges of allegedly running an unregistered organisation. Karim Lahidji, President of the International Federation for Human Rights (FIDH), remarked of this acquittal

“The acquittal of Mr. Abel Chikomo is to be welcomed. Yet, we must not forget that it comes after more than two years of an unfair judicial process and that it arises in a context of trivialization of judicial harassment against human rights defenders in Zimbabwe. Time has come for the authorities to engage into a genuine political dialogue and cooperation with civil society organisations, which have a key role to play in the strengthening of the rule of law, democracy and justice in Zimbabwe”.

¹ ZPP Monthly Monitor November 2013

² The statistics received by the Forum’s Public Interest Unit are not exhaustive as some victims do not report their cases.

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 from October to December 2013 and highlights incidents, developments and mitigation in human rights violations. The sources of information for this report include the Forum's Public Interest Unit, member and partner organisations and press reports.

This report is organised as follows: the executive summary is followed by the introduction, Alignment and Re-alignment of the Laws and Institutions Protecting Human Rights, developments in the fulfilment of human rights in Zimbabwe, human rights violations (actors and victims), effects of violations and prognostic outlook of the human rights situation in the country in 2014. The report concludes by impressing upon the Government of Zimbabwe to guarantee all human rights enshrined in the new Constitution through the alignment and enactment of statutes that make this realisation of such rights justiciable.

Alignment and Re-alignment of the Laws and Institutions Protecting Human Rights

This section discusses the development that took place in parliament aimed at re-aligning the current human rights legislations to the new constitution. The efforts to re-align the legislations provisions to the new constitutions resulted in the following legislations being considered:

- i). Access to Information and Protection of Privacy Act (AIPPA);
- ii). Broadcasting Services Act;
- iii). Interception of Communications Act;
- iv. Official Secrets Act; iv) and
- v). Criminal Law (Codification and Reform) Act

Specific provisions of these legislation required realignment. Concerns have, however, been raised over the political will to realign the laws with the new Constitution given the delays in making such realignment. Such will has been alleged to be missing after the Ministry of Justice took longer than it had undertaken to bring to the Senate a statement of intent on how the Ministry was going to approach the realignment of laws. The MDC-T Senator for Manicaland, Patrick Chitaka, raised serious concerns over government delays in realigning the country's laws with the new Constitution despite the need³. Mr Chitaka raised this concern after a three-week deadline, given by the Deputy Justice Minister for providing a statement of intent on how the Ministry was going to approach this realignment of laws, had expired. The lapse of the deadline and lack of alternative plan can be inferred to suggest that the state was not serious in its intend to realigning the laws with the Constitution.

The Constitutional Court observed that sections of the Criminal Law Codification and Reform Act that criminalised the undermining of the authority of the President and communicating falsehoods violated the Constitution. The observation came after court challenges by Solomon Madzore, chairperson of the MDC-T Youth Assembly, Bulawayo based visual artist Owen Maseko and Zimbabwe Independent journalists Constantine Chimakure and Vincent Kahiya, who had been arrested under the Act. The law, also known as Insult Law, was however defended by the Minister of Justice, who argued that it protected the reputation of the President and should be retained⁴.

The Prosecutor-General, was sworn in on Wednesday 13, November 2013. Human Rights Defenders including the Zimbabwe Lawyers for Human Rights (ZLHR) commented this as a good practice that will allow for increased public scrutiny of, and accountability for, the actions of the National Prosecuting Authority (NPA). Under normal circumstances the public scrutiny and oversight will increase the accountability of the prosecutorial authority

³ See press interview with the MDC-T Senator for Manicaland, Patrick Chitaka, Captured on www.bulawayo24.com 05 December 2013

⁴ www.bulawayo24.com accessed at <http://bulawayo24.com/index-id-news-sc-national-byo-39122-article-Mnangagwa+challenges+Constitutional+Court.html> on 15 Jan 2014

resulting in the promotion and protection of human rights. In the case of NPA the political neutrality of the Prosecutor-General and officers was an urgent concern requiring immediate legislation by an Act of Parliament in harmony with the new Constitution.

At the regional level, the South Africa's Supreme Court of Appeal ordered South African police to investigate some Zimbabwean officials residing in that country on allegations of torture. This is in line with Convention Against Torture, which South Africa has ratified, and domesticated, that obliges South Africa to investigate such crimes against humanity. South Africa was responding to a torture case brought to its courts by the Zimbabwean organisations-the Southern African Litigation Centre and the Zimbabwe Exiles Forum about the torture of opposition members by Zimbabwean officials in 2007. This Supreme Court order was made after the South African National Prosecuting Authority (NPA) and police had refused to investigate the torture claims on the MDC activists in 2007 by alleged ZANU PF perpetrators who travel frequently to South Africa. This South Africa stance was viewed as courageous for it will ensure justice for victims of crimes against humanity and setting "critical steps in the international fight against impunity." However, the new Prosecutor-General, Johannes Tomana described the ruling as an "unfortunate development" and a "non-event". This points to the potential tragedy in the campaign for the protection of human rights and accountability in Zimbabwe.

However, the ruling has the inherent strengths in that it acknowledges the state liability for torture committed in Zimbabwe in 2007 and 2008. It makes it possible for human rights victims to seek justice in South Africa. The ruling may stand as a deterrent for government officials who commit human rights violations.

Human rights violations

This section discusses human rights violations at the inter and intra party levels, the issues that caused these violations and mitigations taken to reduce the severity and future incidents of such. During the period under review cases of political violence were centered around intra-ZANU PF

provincial elections; post election retribution⁵, property demolitions in response to illegal or unplanned settlements⁶ as well as discrimination and the politicization of the distribution of farming inputs⁷. These are highlighted under subsections below:

Political activism

Activists who allegedly faced political violence during the period were from ZANU PF and MDC-T, with ZANU PF's political party's restructuring exercise and provincial elections causing intra-party violence while post-election retribution affected MDC-T members. There were reports of violence within ZANU PF in Mhangura, Gutu and Bikita during the provincial elections held on 30 November⁸.

Fig 1: Victim of intra-party violence in Mhangura



Source: Herald 3 December 2013

The editorials in the state media acknowledged this violence during the

⁵ Zimbabwe Domestic Media Report, located at http://migs.concordia.ca/Media_Monitoring/documents/Zimbabwe_Domestic_Media_Monitoring_August7-202013.pdf on 6 December 2013

⁶ Newsday 7 November 2013

⁷ Zimbabwe Peace Project Monthly Monitor October 2013

⁸ Herald, 3 December 2013

political parties restructuring exercises⁹. Intra-party succession issues were believed to be at the centre of these troubles.

In an alleged politically motivated arrest, Mr. James Chidhakwa, an Information Technology officer and the Secretary for Security and Defence in the MDC-T party's Youth Assembly, was arrested and detained in connection with a fire at ZANU PF's Highfield offices. Chidhakwa was denied access to legal help and food while at Harare Central Police Station.¹⁰

Harassment of Members of the Public

There were reported cases of harassment, including assault on the members of the public by alleged ZANU PF activists. This was carried out with impunity. On 1 October at a farm in Chegutu three MDC supporters were assaulted, threatened and had their property destroyed. Alleged ZANU PF supporters evicted these from their homes. In a report received by the Forum from the victims' father; another pupil beat two female pupils in Mudzi because their father supported the MDC-T. This incident happened in October. This shows how structured and deep hatred for differences in political beliefs and support in some rural areas. This may stand as a stumbling block to reconciliation at the community levels. Another case involving assault was reported in early November in Rusape, where an MDC-T supporter was severely assaulted by an alleged ZANU PF youth for benefiting from maize seed distributed under the government loan scheme. The politicization of food and agricultural inputs has over time been at the core incidences of violence in Zimbabwe. This shows that unless the socio-and economic rights issues are addressed, violence will continue to manifest clothed under political causes.

In violation of Section 59 of the new Constitution of Zimbabwe that reads: *"Every person has the right to demonstrate and to present petitions, but these*

⁹ Opinion and analysis by George Chisoko, Senior Assistant Editor, the Herald, in Herald 5 December 2013

¹⁰ Remarks made by his lawyer Denford Halimani from ZHLR in an interview with SW Radio Africa

rights must be exercised peacefully”, police on 7 October violently repressed a peaceful demonstration by Hwange Colliery Mine Workers’ wives demanding their husbands’ salaries from the company. Some four of the protestors were badly injured and attended to at the Hwange Colliery Hospital¹¹. Although police have a duty to maintain law and order, the violent suppression of the demonstration lacked justification and became, according to Gideon Shoko, Deputy Secretary General of the Zimbabwe Congress of Trade Unions (ZCTU), interference with labour issues.¹²

There were several alleged cases of discrimination over distribution of farm inputs under the Grain Loan Scheme by the Grain Marketing Board. On 10 October 2013 two MDC-T agents for Chegutu West were not allowed to register for inputs by ZANU PF chairperson at Waze Township¹³. On 15 October in Ward 29 Nkayi South constituency two MDC supporters were denied rice and wheat, which was being distributed by GMB¹⁴. On 18 October in Mupambwi Village, Buhera West, Manicaland, village head Keresencia Danda denied three MDC-T supporters access to fertilizer and maize seed being distributed in the community. It is alleged she said the MDC supporters should get inputs from their own party¹⁵.

On 21 and 28 October, five (5) villagers in Mudzi were barred from benefiting from farm inputs because they supported the MDC-T¹⁶. In Makoni West, headman Bvekerwa also denied suspected MDC-T supporters access to maize seed and fertilizer from what was being distributed through the Grain

¹¹ Newsday 8 October 2013

¹² <http://www.theworkerzimbabwe.com/worker/october.pdf>

¹³ The ZPP Monthly Monitor October 2013; CCJP, 5 November 2013

¹⁴ ZPP Monthly Monitor October 2013

¹⁵ Zimbabwe Human Rights NGO Forum, Human Rights, Rule of Law & Democracy 2013 <http://www.hrforumzim.org/wp-content/uploads/2014/01/Human-Rights-Rule-of-Law-and-Democracy-2013-Annual-Report.pdf>

¹⁶ Intimidation after 2013 Zimbabwe’s Harmonised Elections: Some cases by CCJP located at tholiccomforjusticeandpeaceinzimbabwe.wordpress.com/ on 8 January 2014

Marketing Board (GMB). The trend was allegedly noticed in all districts like Mutasa, Mutare Chimanimani and Chipinge¹⁷.

There were also shelter and property rights violations. In October many families in Banket, Mashonaland West were left homeless after police set their houses on fire claiming they were illegal settlers on a farm owned by a senior police officer.

Fig 2: Burned home at a farm in Bindura



Source: The Daily News, 9 October 2013

On 6 November 2013 the government started demolishing alleged illegal housing structures in Ruwa's Damofalls¹⁸ suburb. Some 10 MDC-T affiliated families were evicted from a Mukoko Farm in Mazowe South, Mashonaland Central, by ZANU PF chairman Albert Nzitsa under the guise of paving way for the expansion of a school, in October¹⁹. The right to property is enshrined in the Constitution, but continued violation of this rights pre-supposes continued vulnerability of the Zimbabwean society and lack of constitutionalism.

¹⁷ ZPP, op cit

¹⁸ Newsday 7 November 2013

¹⁹ ZPP Monthly Monitor, October 2013

Human rights defenders

Human rights defenders fared no better during this period. Police targeted Women of Zimbabwe Arise (WOZA) during their peaceful marches during the period. On 29 November its Director, Jenni Williams and 44 other WOZA members were arrested at the Drill Hall and Bulawayo central for participating in a peaceful march while commemorating Women Human Rights Defenders Day. Police set dogs on the women, assaulted them with baton sticks to force them to disperse. The right to demonstrate and petition is protected under Section 59 of the new Constitution of Zimbabwe.

Victims of violence

This sections profiles victims in terms of their numbers and locations. Victims of political violence were mainly from the two political parties, ZANU- PF and MDC-T. Victims of violations by social or political belonging are as shown in Table 1. The green colour code shows where violence took place but statistics were unavailable.

Table 1: Victims profiling

Violation	Victims			
	Members of the public	Human rights defenders	Political activists	
			ZANU PF	MDC-T
Assault	6	4		4
Displacement				13
Malicious damage to property				3
Unlawful arrest/detention		44		1
Violation of freedom of association, expression and		44		

assembly				
Discrimination in distribution of farming inputs				12

MDC-T victims faced assaults, discrimination during distribution of farm inputs under the grain loan scheme and forced displacement while ZANU PF victims allegedly faced repression during internal party restructuring processes.

Violence perpetrators

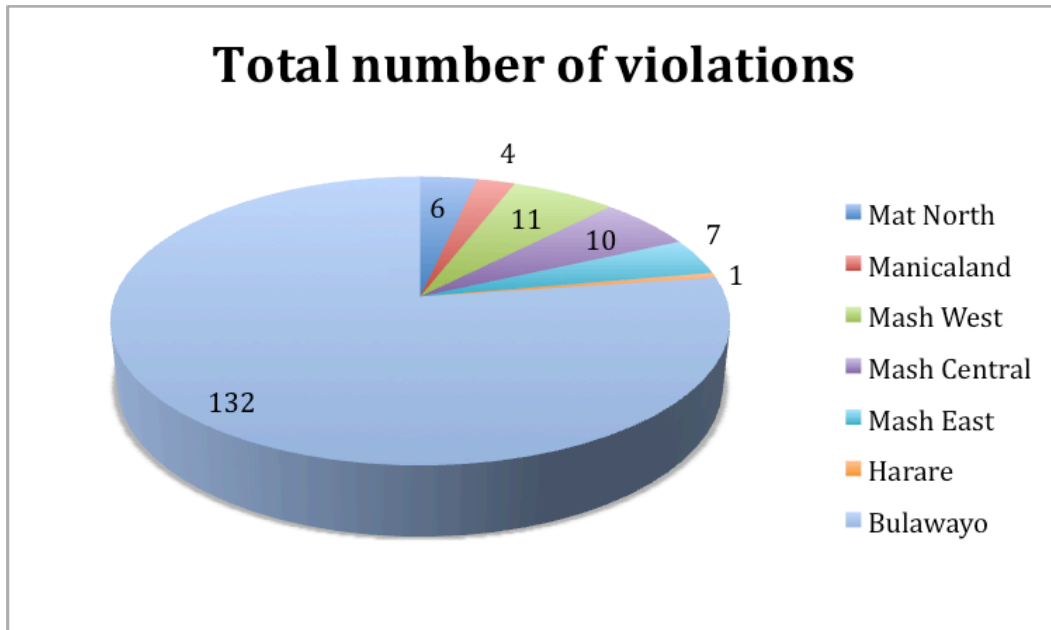
Violence perpetrators identified on the basis of reports were the police, and political party activists from ZANU PF. Other perpetrators were ZANU PF political activists, including a school pupil who beat up her fellow pupils because their father supported the MDC-T as shown in Table 2.

Table 2: Violations and perpetrators

Violation	Perpetrators (number of cases)			
	Police	Traditi onal leader s	Political parties	
			ZANU PF	MDC-T
Assault	2		3	
Displacement	2		2	
Malicious damage to property	1			
Unlawful arrest/detention	2			
Violation of freedom of association, expression and assembly	2			
Discrimination in distribution of farming inputs		2	4	

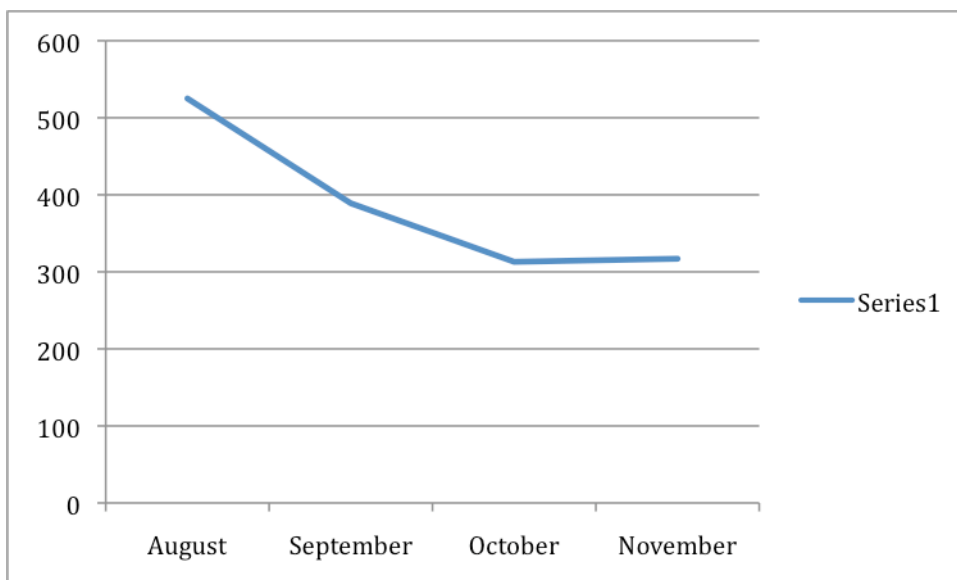
The spatial distribution of violations is as shown in Fig2.

Fig 2: Spatial Distribution by province



Comprehensive violence figures from ZPP were 525 in August; 389 in September; 313 in October and 317 in November. As shown in Fig 3, there has been a downward trend in violations in October and November as compared to previous months.

Fig 3: Trend in human rights violations



Statistics generated from ZPP monthly monitors

Effects of the violations

Property demolitions in Ruwa destroyed over 200 tuck shops in Runyararo, Zimre and Damofalls²⁰. This affected people who depended for their livelihoods and employment on the tuck-shops. Residential accommodation was also destroyed²¹ violating provisions of Section 74 of the new Constitution, which states that: “No person may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.” Hundreds of families at a farm located in Mapinga near Banket lost homes, property, livelihoods after police set their homes on fire and ordered them to vacate their homes. Some of the residents, who had migrated to the farm from as far as Mvurwi and Guruve in Mashonaland Central Province could not afford to return to their original homes and faced destitution²².

Outlook on human rights violations in 2014

Violence in the last quarter has been decreasing. There will be no elections (save for by-elections to fill any vacant posts) planned for 2014. It is therefore anticipated that violence will continue to decrease. Government plans to demolish illegal settlements if not planned to mitigate against adverse effects on affected people may however result in violence.

Conclusion

The 2013 human rights experiences impress upon the Government of Zimbabwe to guarantee all human rights enshrined in the new Constitution through the alignment and enactment of statutes that support the justiciability of these rights. The government has not been in a hurry to meet this requirement. Without a strong national commitment to human rights protection through supporting of the human rights infrastructure, there is no guarantee that institutions like the Zimbabwe Human Rights Commission and the National Peace and Reconciliation, to mention an

²⁰ <http://nehandaradio.com/2013/11/19/tsvangirai-assesses-ruwa-demolitions/>

²¹ The Standard, 10 November 2013

²² The Daily News 9 October 2013

few, are no where near the usual political caricature. The protection of all human rights in Zimbabwe is an urgent need, which should not wait at the bottom of the national priority list.

ABOUT THE ZIMBABWE HUMAN RIGHTS NGO FORUM

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 20 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
- Counseling Services Unit
- 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

The Zimbabwe Human Rights NGO Forum can be contacted through: The Executive Director, 8th Floor Blue Bridge, P.O Box 9077, Eastgate, Harare, Zimbabwe. Telephone +263 4 250511; Fax +263 4 250494; E-mail: admin@hrforum.co.zw

International Liaison Office

Archway Resource Centre, 1B Waterlow Road, London N19 5NJ

Tel: +44 (0) 20 7619 3641; Email: IntLO@hrforumzim.com Telephone+44-20-7065-0945 Website: www.hrforumzim.com