

Human Rights Monitor N^o. 27

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Organised Violence and Torture (OVT)

1. OVT in Zimbabwe

Although the act of torture is prohibited by the laws of Zimbabwe, torture continues to be widely reported. Torture is contrary to s.15 of the Constitution as well as a crime within the ordinary laws of Zimbabwe. Furthermore, Zimbabwe is signatory to a number of treaties and conventions that specifically prohibit torture such as the International Covenant on Civil and Political Rights and the African Convention on Human and People's Rights. Although Zimbabwe has not ratified the UN Convention Against Torture, the Parliament of Zimbabwe last year recommended that the Government to do so, but this is yet to be done by the President.

It is up to the state to ensure that acts of torture are prevented, and, if committed, that the perpetrators are prosecuted. As has been said by Amnesty International, "torturers are not born, they are nurtured, trained and supported." It is the active involvement, acquiescence or inaction of the state that allows torture to thrive in any setting. Thus, the first step to putting an end to torture in Zimbabwe requires the government to recognize the existence and practice of organised violence and torture in Zimbabwe, and, secondly, to put an end to the impunity enjoyed by its perpetrators.

Distinguishing between organised violence and torture

Torture is any act by which severe mental or physical pain or suffering is intentionally inflicted on a person for a purpose, whether it be:

a) to obtain a confession or information, b) for punishment of real or perceived offences, c) any reason based on discrimination eg. race, sexual orientation, political affiliation etc, d) for intimidation or coercion

Organised violence is similar to torture and at times the two terms are used conjointly and interchangeably, however, the determinant factor is whether such violence is perpetrated by the state or with the acquiescence of the state as opposed to by any organised grouping. The following are the elements of organised violence and torture:

Organised Violence

1. Severe **pain and suffering**, whether physical or mental
2. **Intentionally** inflicted
3. With a **purpose**

Torture

1. Severe **pain and suffering**, whether physical or mental
2. **Intentionally** inflicted
3. With a **purpose**
4. By a state official or another acting with the **acquiescence** of the State.

Below we examine the most commonly recognized and used forms of organised violence and torture (OVT), and cite cases from Zimbabwe within the past two years for the most commonly recognized forms of torture:

a) Blunt Violence

Beatings are the most common method of torture. The beatings are carried out with a variety of blunt objects ie. poles, sticks, knobkerries, sjamboks, batons, chains, whips, bottles, iron bars, bricks, logs, pick axe handles, hose pipes, and steel tubes. Injuries will include bruises, fractures, scars upon healing of wounds and tramline stripes.

Case Study of Blunt Violence: Guruve North, November 2001

MK: " ...they assaulted me for about six hours using wooden logs, fists and huriri (buffalo bean) and rolling me in the hot sand of the riverbed. This is the worst treatment I have ever encountered in my life. My clothes were dipped in water with huriri and I was forced to wear them and instructed not to wash them for some time or remove them. To survive that torture I am no longer moving from my home. The assault has created difficulties for me when moving as I have a swollen elbow and wrist and suspect they are broken"

b) Falanga (beating on the soles of the feet)

The soles of the feet are beaten with iron rods, logs or cables. The beatings cause extreme pain to the victim at the time of the assault and erratic pain in the legs and feet for some time following the incident. Falanga causes long-term, irreparable damage, affecting the feet, the ankles and knee joints, and in some cases even damage to the pelvis and lower back.

Case Study of Falanga: Hwedza, 11 February 2002

HM "who is a village head was allegedly assaulted by Zanu PF members for supporting MDC. He was coming from the DA's office in Hwedza when he was forced marched to the Zanu PF base at Madzimbabwe. They assaulted the victim under the feet with a stick from around 7 pm up to 4 am. They took turns to beat up HM. He was kept hostage for three days and sustained injuries on the shin and under his feet."

c) Sexual Torture

The use of sexual torture recorded by the Human Rights Forum included forced rape by male abductees on their fellow female abductees witnessed by both the perpetrators and others, rape of female abductees by perpetrators, insertion of foreign objects and manipulation of the genitals. In other cases the victim was humiliated by being forced to undress and then being subjected to assault. The result of this in each documented case by the Human Rights Forum has been severe genital infection and marked psychological trauma. Sexual torture has further ramifications such as contracting HIV that are life threatening.

Case Study of Sexual Torture: Marondera East, 23 February 2002

ET "alleges that she was arrested by a member of the CID in Marondera. At the police station they made her sit on the table, undressed her and beat with fists under the feet, back and face. They connected an electric cable and threatened to burn her. ET was handcuffed and sustained serious injuries on the back, under the feet. Her feet were swollen and she was unable to walk for three weeks. Furthermore she is producing a discharge from her private parts and she is now experiencing strange cramps which are like period pains and is having nightmares. Due to the assault she can no longer carry out domestic chores."

d) Other forms of torture leaving marks ie. cuts, burns - with cigarette butts, irons rods, extraction or breakage of teeth etc.

Burning was the most common other method of inflicting extreme pain. Whether it was a means of coercing the victim into giving a confession, or simple punishment, burning was particularly effective because it left a visible reminder to the victim. Variations in burning victims included, the stubbing out of cigarettes on victims' bodies, the use of hot iron rods or newspapers set alight to singe victims' flesh, pouring hot sand on victims' private parts.

Case Study of Burns: Chegutu, 27 February 2002

SG was at a local hall in Chegutu when Zanu-PF supporters confronted him and accused him of being an MDC supporter. They assaulted him with a knobkerrie on his chest and then struck him with a burning piece of firewood on his chest, face and both arms

Psychosocial Effects of Organised Violence and Torture

The effects of torture last long after the act itself, and while wounds may heal, the event is firmly lodged in the victim's mind and thus has a bearing on them in a variety of ways. Survivors of torture are often unwilling to divulge the details of their experiences through fear of reprisal should their violators discover that they have divulged the details of the incident and, at times, victims simply try to put the past behind them and carry on with their lives. "Long term studies of survivors of torture have illustrated that survivors of OVT have a lower level of self-sufficiency as a result of their experience of violence". Psychological symptoms of torture include anxiety, depression, irritability, paranoia, guilt, suspiciousness, nightmares, and memory loss. The victim may find it difficult to sleep or concentrate on everyday activities. Essentially, in the long term, torture affects the individual's ability to function as a normal human being. It is not only the victims of torture that suffer its after effects. Organised violence and torture on a wide scale establishes a sustained climate of fear amongst the affected population. In view of this it is highly probable that members of the poor and rural communities that experienced OVT since the first farm invasions in February 2000, will have their lives impacted on by these events for years to come.

2. Political Rights Violations

In the month of June high levels of systematic psychological torture in the form of death threats and intimidation in addition to abductions and torture were recorded in Buhera North and South. The majority human rights violations were committed by police officers. The Human Rights Forum attributed continuing human rights violations by state sponsored militia, and in particular the police force, to the climate of impunity the Zimbabwean government has established for perpetrators of gross human rights violations through amnesties and deliberate inefficient and partial prosecution.

3. Zimbabwe Human Rights NGO Forum Member Focus:

The *Human Rights Monthly*, carries a brief narrative on the activities of a member of the Zimbabwe Human Rights NGO Forum in each issue. This is intended to assist our readers to understand the activities of the coalition and furthermore about the services offered by each NGO. This month we feature the Amani Trust.

Amani Trust

Background Information

The Amani Trust is a Zimbabwean NGO, whose vision is the provision of medical, psychological and social assistance to victims of Organised Violence and Torture (OVT). Apart from the important rehabilitation work of the Trust, it also works for the elimination of torture both locally and internationally. The Trust was formed and formally registered in 1993 but had previously existed as an ad hoc committee to implement the recommendations of the ground-breaking Conference on the "Consequences of Organised Violence in Southern Africa", held in Harare in 1990. The name of the Trust, AMANI, meaning peace in Swahili, was given to this first initiative under the Psychiatric Association of Zimbabwe.

The first major programme initiated by the Trust, however, was a partnership with hospitals in Mount Darwin district. This began in 1995 and continued up to 2000. The work in Mount Darwin led to the development of a community-based rehabilitation model, that was shown to be effective and appreciated by the Ministry of Health and Child Welfare. The reputation of this programme then allowed AMANI to begin a programme in Matabeleland in 1997, and a separate programme was fully established in 1998. Both Mashonaland and Matabeleland Programmes revolved around community –based approaches to rehabilitation, although there were regional differences in the approaches due to the difference in the two contexts.

How does Amani Trust assist members of the community/ society?

The Amani Trust began new work in 1998 in the aftermath of the Food Riots in January of that year. The new work, in the partnership with the then-formed Zimbabwe Human Rights NGO Forum, focused upon current as opposed to historical victims of torture. This required new skills and new approaches and the Trust then developed a new model revolving around a medico-legal model. The Zimbabwe Human

Rights NGO Forum has subsequently become an established feature of the human rights landscape, and has, together with the Amani Trust, led the field in documenting and reporting upon the gross human rights violations. The Trust operates on a non-profit basis, providing services free of charge.

The Trust has an international reputation for its work, having published papers in scientific journals, produced a large number of reports and manuals, and made a large number of presentations at international conferences. In Zimbabwe, the Trust can be reliably be regarded as an expert on the matter of organised violence and torture, and has testified as such to the Commission to Investigate the War Victims Compensation Fund, the Chidyausiku Commission. The Amani Trust was commended by the Commission for the utility of its submission and the supporting documents.

The *Human Rights Monitor* is produced by the Zimbabwe Human Rights NGO Forum (known as the "Human Rights Forum") and is distributed **free of charge** through its member NGOs. If **you** would like to distribute copies, please contact us.

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