

ZIMBABWE HUMAN RIGHTS NGO FORUM

POLITICAL VIOLENCE REPORT

March 2006

2 May 2006

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

The month of March saw a rise in the incidents of torture. In an unprecedented incident, on 14 March, armed soldiers and Zimbabwe Revenue Authority (ZIMRA) officials reportedly assaulted and tortured 8 employees of a hotel near the Mozambican border in Mutare. They were tortured for allegedly hoarding mealie-meal. The soldiers and the ZIMRA officials did not find the said mealie-meal after conducting a search at the hotel premises. The Human Rights Forum deplores the torture of these employees and urges the soldiers and ZIMRA officials to allow police officers to investigate and arrest if indeed there are activities outside the law that are taking place anywhere. The Forum further urges all government officials to adhere to international norms on torture, stipulated under the Convention Against Torture and other cruel, inhuman and degrading treatment or punishment (CAT).

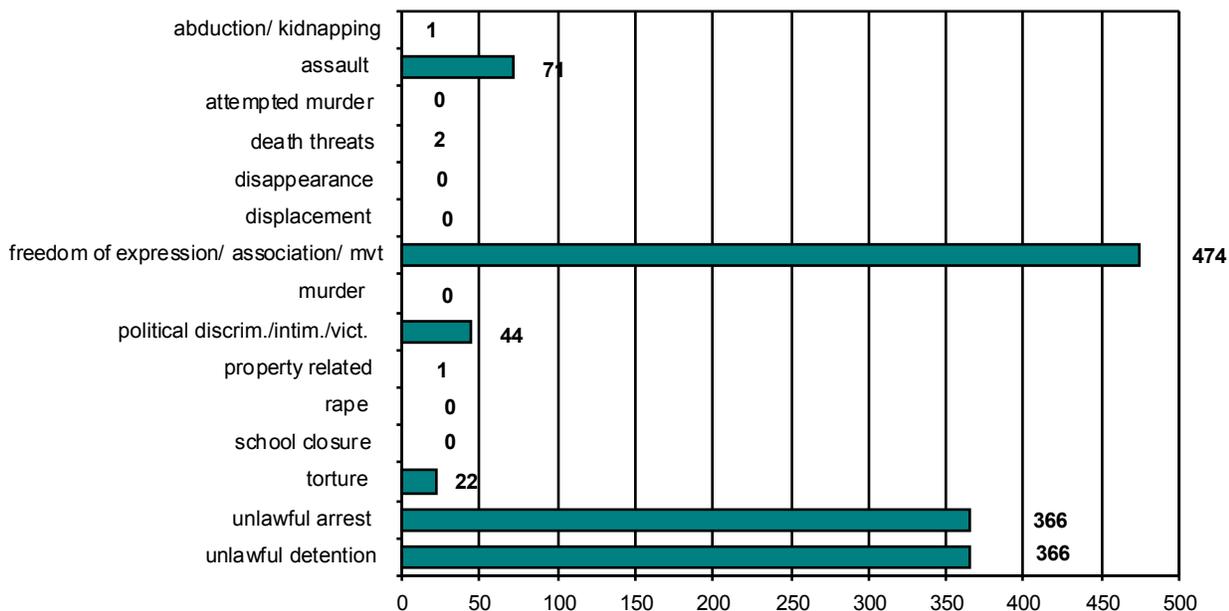
On 6 and 7 March, 7 people, 3 MDC activists, 3 police officers and one arms dealer were arrested on allegations of plotting to assassinate the President among other issues. Five of the arrested report being subjected to assault and torture by police officers, soldiers and the Central Intelligent Organization (CIO) operatives. The Forum urges the law enforcement agents to respect the rights of people to freedom from torture as stipulated under CAT, particularly article 2 (2), which states that “*no exceptional circumstances whatsoever, whether a state of war, internal political instability or any other public emergency may be invoked as a justification of torture*”. CIO operatives who insisted that the victims should be arrested even though there was insufficient evidence to prosecute reportedly intimidated the prosecutor. The prosecutor withdrew charges before plea before he came back to Harare from Mutare for safety. The Forum urges all law enforcement agents to realize that they are not above the law and must conform to standards of the law when they are going about their duties.

Demonstrations against the huge tuition fees increases in tertiary institutions continued at the National University of Science and Technology (NUST). Students were arrested for demonstrating peacefully against the new fees structures. At the University of Zimbabwe, 3 student leaders were expelled from the University on issues related to the fees increases. The Forum urges the government to intervene in tertiary institutions and meet its obligations regarding the right to access to education for all Zimbabweans. The Forum further urges the University to respect the rights of students to freedom of expression, association and assembly as enshrined in the Constitution and international human rights instruments to which Zimbabwe is party.

Totals: 1 March 2006 – 31 March 2006



Cumulative Totals: 1 January 2006 – 31 March 2006



The graph should be read along with the table depicting the monthly totals of violations from 1 January 2006 to 31 March 2006. The total quantifiable number of victims reported in March 2006 is 75.

Key Abbreviations

| | |
|---|--|
| AIPPA – Access to Information and Protection of Privacy Act | PTUZ – Progressive Teachers Union of Zimbabwe |
| BSA - Broadcasting Services Act | UMP – Uzumba Maramba Pfungwe |
| CIO – Central Intelligence Organisation | ZANU PF – Zimbabwe African National Union Patriotic Front |
| MDC – Movement for Democratic Change | ZCTU – Zimbabwe Congress of Trade Unions |
| MP – Member of Parliament | ZNA – Zimbabwe National Army |
| ZPS – Zimbabwe Prison Service | ZRP – Zimbabwe Republic Police |
| NAGG - National Alliance for Good Governance | ZNLWVA – Zimbabwe National Liberation War Veterans Association |
| NCA – National Constitutional Assembly | ZIMTA – Zimbabwe Teachers Association |
| OVT – Organised Violence and Torture | ZUPCO – Zimbabwe United Passenger Company |
| POSA – Public Order and Security Act | |

Sources: The information contained in this report is derived from statements made to the Public Interest Unit of the Zimbabwe Human Rights Forum, statements taken by a network of human rights activists and newspaper reports,

Notes to the tables:

Torture:

All cases of torture fall under the definition of torture according to the general definition given in the United Nations Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment and Punishment.

The four elements of torture are:

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

Those individuals referred to in point # 4 include the ZRP, ZNA, ZPS and the ZNLWVA (as a reserve force of the ZNA) and by any other grouping when directly sanctioned by the state.

Unlawful arrest and detention:

Arrest by the Zimbabwe Republic Police (ZRP) with no reasonable suspicion that an offence has been committed. Detention thereafter for a period exceeding 48 hours without access to redress through the courts or subsequent release without charge.

Abduction/kidnapping:

A kidnapping by a member(s) of an organised group that is not the ZRP, political party, ZNLWVA, ZNA, MDC, Zanu PF etc

Disappearance:

Kidnapped persons whose whereabouts remained unknown at the time of reporting. Their whereabouts have still to be ascertained through follow up reports or further investigation.

Property related

These are incidents in which property rights have been violated. This includes arson, property damage and destruction and theft.

Cases of Political Violence

Note: The identities of victims whose names have not been published in the press and are not public officials are protected. This is done in order to protect the victim from further violence, intimidation and possible recriminatory attacks.

The purpose of this report is to record the nature of the politically motivated violence and intimidation that continues to prevail in the country. The Monthly Political Violence Reports are primarily based on victims' accounts, accompanied by medical evidence where possible, obtained from member organisations of the Human Rights Forum and other partner organisations. Use is also made of press reports on politically motivated violence. The Monthly Political Violence Report cannot therefore be considered as the exhaustive record of all incidents of politically-motivated violence in Zimbabwe in the period under review. Nevertheless, every incident reported to the Human Rights Forum directly or through its members is meticulously documented and included in the reports. Care is also taken to record the incidents in the language in which they were reported to the Forum.

The situation prevailing in the country is such that it has not been possible to verify all of these accounts. The Human Rights Forum has done what it can to verify the reports, and is satisfied that the vast majority of them are substantially true. It is also not possible to rule out whether a victim's account is exaggerated or contains inaccuracies.

All reports derived from the press are denoted with the symbol Σ .

BULAWAYO

Bulawayo East

7 March 2006

About 7 National University of Science and Technology (NUST) students were arrested in Bulawayo on the date in question when they marched to the Governor's office to try and seek audience with him over hiked fees in tertiary institutions. This comes in the wake of huge increases in tuition fees effected in all state tertiary institutions. The students were released without charges being preferred against them.

26 March 2006

Another 28 NUST students were arrested for demonstrating against the tuition fees hikes in the tertiary education sector. Five of them were released and another 5 are due to appear in the Magistrates court.

HARARE

Budiriro

26 March 2006

A male victim claims that on the date in question at about 18:00 hrs he was at Budiriro Shops when a group of soldiers and ZANU-PF supporters started assaulting people because the previous day some ZANU-PF supporters had been assaulted at an MDC rally. He was shoved to the ground by the perpetrators and he fell on his face sustaining injuries. He was also reportedly trampled on the head when people were running for safety from the soldiers and ZANU-PF supporters.

Chitungwiza*8 March 2006*

A male victim reports that he was coming from work on the date in question when he saw people gathered at his home. One of them reportedly called him over to the group and said he wanted him to show them a certain man they named. He took them to him and when they got there, a CID officer came out of his car, with a pistol and announced that the victim and the man they were seeking were under arrest. They were taken to Chitungwiza Police Station and were held in a cell.

He was accused of associating with thieves and that he knew the whereabouts of these criminals. He was allegedly assaulted and he started crying at which time he was told that no one was allowed to cry in the premises. He was reportedly assaulted while lying on the floor and on top of the desk. The perpetrators only stopped assaulting him when a member of the public came to report something else but as soon as she left, they continued the assault and threw the victim into the cells. The victim was only released after his father came and spoke to the CID officer in charge. He was fired from work since he could not go as he was in pain. He was released without being charged.

Harare Central*19 March 2006*

A male victim claims that he was assaulted by police officers at an anti-senate MDC congress. He was assaulted using a baton and he was also kicked

20 March 2006

Three male victims report that on the date in question, they were walking along the road, near the show grounds when they were approached by 5 Police officers, 3 of them were in civilian clothing and 2 were in police uniform. Two of the victims were reportedly arrested and taken to Mbare Police Station, then Makoni Police Station and finally Beatrice Police Station where they were allegedly assaulted for wearing MDC t-shirts. They were assaulted with whips and batons for more than 2 hours before being released on 23 March at around 19:30 hrs without being charged. They were reportedly kept in cells in total darkness. One of the arrested victims reportedly suffered from a deep cut on his back from whip lashing. The one victim was not arrested but he was allegedly assaulted using booted feet.

Harare North*10 March 2006*

Three male student leaders were reportedly expelled from the University of Zimbabwe for addressing students at the Great Hall and advising them not to pay tuition fees, leading a group of students to the administration building for unknown intentions and leading a small group of students to the campus taxi rank and disrupting business there on 27 February 2006 around 13:00 hrs, thereby breaching ordinance 30. Because of this the students were expelled from the university and the expulsion letter did not state whether it was for the usual 2 years or for life. This was supposedly supposed to help the expelled students and other students to appreciate the need to make the university a reputable institution. Before their expulsion, Riot police had maintained a heavy presence at the university since 6 of March in order to discourage any further demonstrations. The student leaders denied the charges levelled against them.

28 March 2006

A female victim reports that she pulled onto the island of Borrowdale Road from Gunhill Suburb in her car with her 3-month-old son, 3-year-old daughter and her child minder. Whilst she was waiting for traffic to clear on the road, the Presidential Guard motorcade approached. They stopped by her stationary car and she was instructed to remain where she was until the motorcade had passed. She waited as instructed. When the last car in the motorcade approached her, the car reportedly stopped and a uniformed presidential guard officer stepped out of the car and approached the victim's car, shouting abuse. He allegedly reached into the victim's car and pulled her out. He is said to have punched her in the face a few times, drawing blood from her mouth. When she turned away to protect herself from blows she was allegedly assaulted repeatedly with a baton, by the officer who was still screaming abuse. She sank to the ground and the officer left. Her 3-year old was screaming in fear. Neither his colleagues nor passers-by intervened to stop the attack by the guard. She drove to her parents who immediately took her to a trauma center.

Mbare

11 March 2006

The male victim reports that on the date of the incident he was putting up posters for the MDC rally taking place at Stoddart Hall the following day. He realized that about 12 ZANU-PF youths some of whom he knew were coming towards him. He tried to run away but they caught up with him. They allegedly assaulted him with fists while some of them were holding him. He bled from the nose and they all left. As they were leaving one of them reportedly picked up a stone and hit him on the right lower arm, injuring his arm. His colleagues came to rescue him but the assailants had already gone.

12 March 2006

Four victims, 3 females and one male, coming from an MDC rally addressed by Morgan Tsvangirai wearing their MDC t-shirts were reportedly assaulted at Mbare Bus terminus. They were all reportedly told by a group of ZANU-PF youths that there was no transport to Mabvuku for MDC supporters. The first female victim was allegedly assaulted using a belt and clenched fists on the head and thighs until she lost consciousness. When the victim regained consciousness it was about 18:00 hrs and she was lying on the ground naked with a man lying besides her. Up to now she doesn't know whether he was just unconscious or dead. Some good Samaritans reportedly gave her clothes and she went back home to Mabvuku.

The second female victim claims that the youths assaulted her colleagues in MDC t-shirts using all sorts of assorted weapons, which included shovels, planks, wooden logs and steel rods. When the youths came back from chasing those who were in MDC t-shirts, they allegedly assaulted everyone at the Mabvuku bus stop indiscriminately with the varied weapons. She tried to run away but she was tripped and she fell. She was reportedly assaulted on the head with a metal rod and the youths stepped on her. One of the assailants pulled some hair extensions from her head and then she was assaulted with an unknown object on the left eyelid before she managed to escape.

The third female victim alleges that a group of ZANU-PF youths threw stones at them. She tried to flee but she was tripped and fell and broke her spectacles and was forced to remove her T-shirt. She fell unconscious and when she got up she ran into a female Police Officer who refused to help. She then went with an MDC youth member to Matapi Police station. She saw her husband there.

The male victim, husband of the third female victim had remained behind at Stoddart Hall after the MDC rally. When he got to the Mbare Bus Terminus, he saw a group of ZANU-PF supporters who immediately surrounded them. He was reportedly told that MDC supporters were not allowed to get buses at the terminus. He was allegedly assaulted using metal rods on the head and arm and lost consciousness. Some MDC youths took him to Matapi Police Station. He saw his wife there who had also been assaulted. The Police reportedly refused to assist them saying that MDC supporters were stubborn and they were advised to report to Remembrance Police Station. One Police officer wrote a reference letter for them to get hospital treatment. They stayed in the camp for safety before they were picked up by an MDC official and taken to the Avenues Clinic.

MANICALAND

Chipinge North

26 March 2006

A male victim claims that he was assaulted by a ZANU-PF member for being a member of the opposition MDC.

Makoni East

8 March 2006

The male victim claims that he was stabbed on the right hand with a sharp metal for being a member of the opposition MDC.

Mutare Central

7 March 2006

Σ. It is reported that on 6 March 2006 Peter Hitschmann, Giles Mutsekwa, MDC MP for Mutare North, Knowledge Nyamhuka and Thando Sibanda (MDC) were arrested in Mutare on allegations of working with the “*Zimbabwe Freedom Movement*” in order to overthrow the government. Three policemen were also arrested on 7 March in Harare in connection with the same case. These are Wellington Turo, Edwin Garikai Chikutye and Jerry Maguta. It is reported that all of the arrested except Peter Hitschmann and Giles Mutsekwa were assaulted and tortured in order for them to admit to plotting the assassination of President Mugabe, businessman and ZANU-PF activist Esau Mupfumi and Chipinge South MP Enock Porusingazi during the 21st February movement celebrations in Mutare. The 7 were charged with conspiracy to possess weapons for purposes of insurgency, banditry, sabotage and terrorism under section 10 of POSA. They were taken to Mutare Adams Barracks where they were allegedly assaulted and tortured. They were taken to court on 11 March after having been detained for more than the 48 hours stipulated by the Criminal Procedure and Evidence Act. On 15 March, the state prosecutor Levison Chikafu withdrew charges before plea on all the victims except Hitschmann who had preferred to represent himself in court and had no complaints against the police. The prosecutor withdrew charges reportedly due to intimidation from the CIO. Edwin Garikai Chikutye is reportedly being victimized and he now fears for his safety.

7 March 2006

The female victim claims she was exposed to tear gas at OK Herbert Chitepo.

28 March 2006

A male victim was running away from riot police officers after an NCA demonstration when he hit a pole with his left hand leading to injury.

Mutare North

26 March 2006

A male victim claims that he was assaulted with fists by ZANU-PF supporters for being an MDC sympathizer.

Mutare South

14 March 2006

Σ. It is reported that armed soldiers accompanied by Zimbabwe Revenue Authority (ZIMRA) officials raided a hotel near the Mozambican Border on the day in question around 11:00 hrs. The 4 army officials reportedly assaulted 8 employees of the hotel and forced them to chant ZANU-PF slogans while standing on their heads. The employees are Willard Mafemba, Benjamin Muranda, John Saungweme, Harry Marifiye, David Katiyo, Fungayi Marifiye, Peter Tsomondo and Mr Nelson. The army and ZIMRA officials were said to be demanding sugar and mealie meal that they claimed was being hoarded by the hotel. ZIMRA officials searched the hotel premises and found nothing. The 8 victims were reportedly tortured for about 3 hours. The 8 were reportedly made to stand on their heads and to do press-ups on their knuckles, while their hands were stomped upon by the assailants. The victims were also forced to run at high speed while water was being poured on their backs. They were further reportedly made to dance and sing Alick Macheso's¹ songs. One of the victims John Saungweme who is elderly, fainted during the ordeal. The employer's lawyer is suing on behalf of the employees.

MASHONALAND EAST

Marondera East

16 March 2006

The male victim who is a Pastor with the Anglican Church reports that he has been the subject of political victimization since he completed his degree in theology and started pastoring in Chinhoyi in 2002. He reports that he did not receive the benefits accorded to all other pastors because of allegations against him that he had called Bishop Kunonga a political appointee. He denies these allegations however but this has not stopped his victimization. In 2006 he received a letter from the Bishop, relieving him of his pastoral duties. He reportedly sought audience with the Bishop, which he only got on 16 March 2006. On this day, his termination of employment was announced. The church offered him a lorry to ferry his family and belongings back to Silobela. Instead of giving him the stipulated 6 months notice he got three days notice and he did not get his 6 months salary and terminal benefits. The victim now fears for his family and he is unable to take care of them because he has lost his source of income.

MASHONALAND WEST

Hurungwe East

15 March 2006

¹ Alick Macheso is a renowned Zimbabwean musician.

The two victims report that on the date of the incident word had gone round the farm that as the farm owner's workers, they were no longer wanted on the farm, that the farm was being taken by the settlers there and that the victims were to evacuate the farm. They met the farm owner who lives in Harare outside the farm and accompanied him to the farm around 17:00 hrs. At around 18:00 hrs the 2 victims were at the gate of the farm where they were questioned why they had come in the company of the farm owner. The first victim was allegedly assaulted while his head was pinned to the ground, with baton, horse pipe and wooden sticks after the baton broke. He was assaulted mainly on the buttocks, back and slapped on the face. He started bleeding from the bruising on the face and nose and after 10 minutes they stopped and ordered him to carry his belongings away from the farm.

The second victim claims that he was assaulted for about 10 minutes before he lost consciousness for 5 minutes. When he regained consciousness, he walked to Mwami clinic through the bushes so that he would not be seen by the assailants since they were said to be shouting that they wanted to kill him.

Mhondoro*12 March 2006*

The male victim reports that on the date of the incident he was asleep when two men who claimed they were members of the ZRP came to his house. They told the victim that he had become a threat in the area since he had persisted to be an MDC activist despite the fact that his relatives and colleagues had become ZANU-PF supporters. They allegedly assaulted him with a baton, clenched fists and open palm. They reportedly took him in a truck to an old farmhouse where they continued to assault him until he lost consciousness around 02:00 hrs. He regained consciousness around 03:00 hrs. The assailants locked him inside the building and went off. They are said to have come back around 15:00 hrs and threatened that they would kill him if he continued to be an MDC activist. They released him then he went to his auntie's place to rest. He then heard that the Police went to his home looking for him and that they wanted him at Marirangwe ZRP base. He decided to flee to Harare for safety.

MATABELELAND NORTH**Lupane***10 March 2006*

The victim claims that on the date of the incident he arrived in Lupane from Bulawayo. About 10 Pro-senate MDC youths called him aside from a group of people he was talking to. The youths asked him what he wanted in Lupane and he told them he was free to move anywhere he wanted in Zimbabwe. One of the youths accused him of socializing with the Shonas of Morgan Tsvangirai faction and another one told him never to live in Lupane but remain with the Shonas. Some time later the group caught up with him and allegedly assaulted him. They reportedly tried to pull him into a bushy area but he held onto a nearby pole bruising his finger. One of the youths allegedly tried to stab him using a knife but the victim got hold of the knife and it cut his right thumb.

He managed to outrun the assailants but was reportedly hit with a brick. The assailants reportedly stole more than \$7 million from him. The victim fell unconscious for more than half an hour. He eventually managed to escape and report to the police who were not of much help to him. He went to St Lukes Hospital for treatment and had to go back to Bulawayo

Full alphabetical list of reported deaths related to political violence 1 January 2006 to 31 March 2006 recorded indicating name, political affiliation, date of death, constituency and province.

TOTAL: 0

| | MAIN EVENTS 2006 |
|-----------------|---|
| January | <ul style="list-style-type: none"> - Voice Of the People (VOP) Board of Trustees continue to be victimized by the police under the accusations of breaching the Broadcasting Services Act and in the process 2 employees of one Board member are arrested and detained without charges being preferred against them |
| February | <ul style="list-style-type: none"> - WOZA women hold demonstrations on 13 and 14 February in Bulawayo and Harare on the deteriorating state of the economy. - Students mostly from state tertiary institutions hold demonstrations over the increases in tuition fees. - NCA demonstrate for a new constitution on the birthday of the President viz 21st February. - President's birthday celebrations are held in Mutare on 25 February. - The MDC pro-senate faction holds its National Congress in Bulawayo. |
| March | <ul style="list-style-type: none"> - - 7 people are arrested in Harare and Mutare on 6 and 7 March 2006 on the accusations of plotting to assassinate President Mugabe during the 21st February Movement celebrations. - MDC supporters are assaulted at Mbare Bus Terminus while coming from an anti-senate MDC rally on 12 March. - MDC anti-senate faction holds its congress from 17-19 March 2006 at City Sports Center in Harare. - Demonstrations against the huge tuition fees increases in tertiary education continue in Bulawayo |

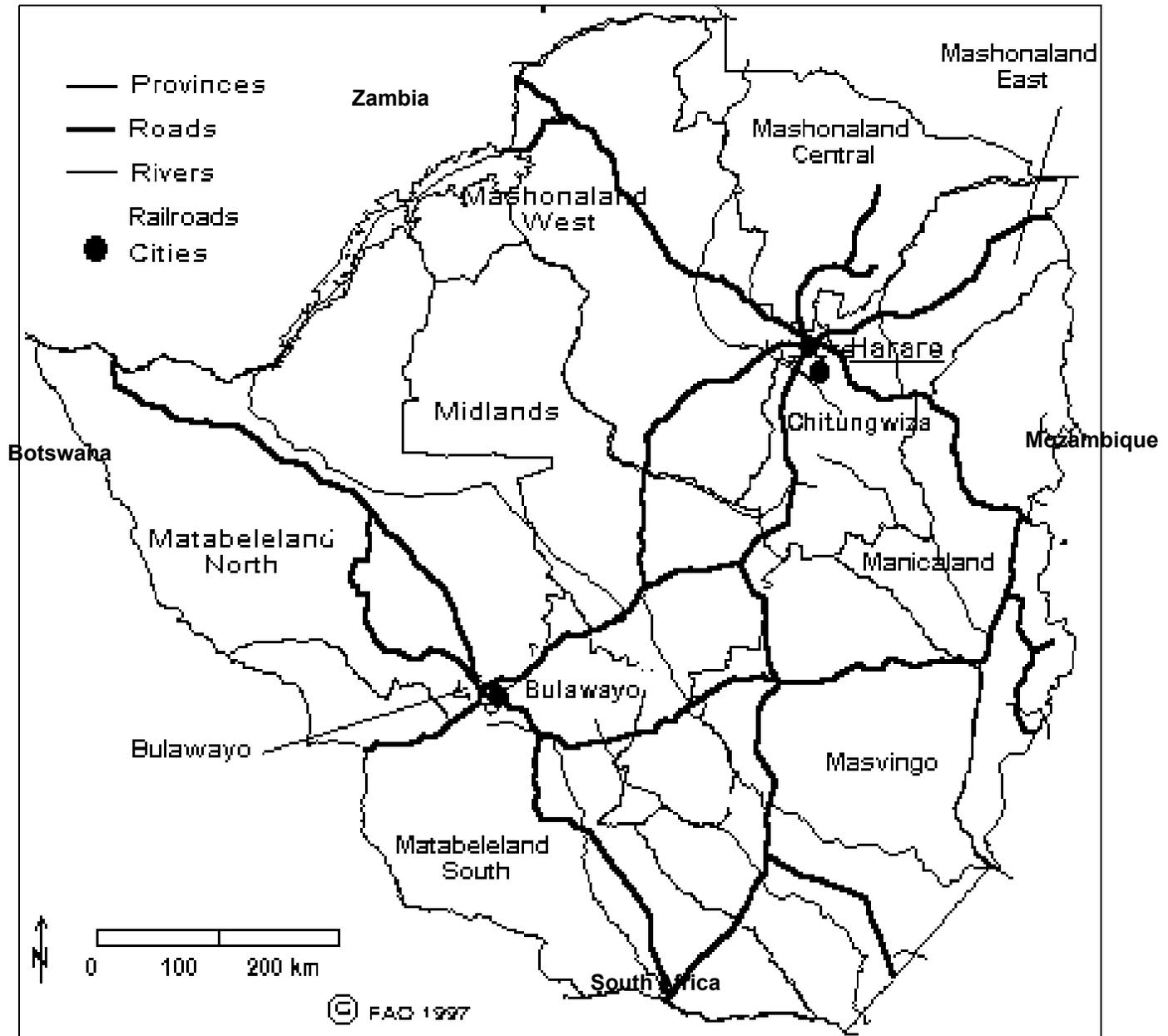
The table below and the graphs on page 3 above depict the number of violations committed on the persons whose circumstances are described in the report. One individual may have been subjected to many violations and thus appear under several categories of violations.

Monthly totals of human rights violations from 1 January 2006 to 31 March 2006

| | January | February | March | Total |
|----------------|----------------|-----------------|--------------|--------------|
| Assault | 7 | 32 | 32 | 71 |

| | | | | |
|--------------------------------------|---|-----|----|-----|
| | | | | |
| Abduction/ kidnapping | 0 | 0 | 1 | 1 |
| Attempted murder | 0 | 0 | 0 | 0 |
| Death threats | 0 | 0 | 2 | 2 |
| Disappearance | 0 | 0 | 0 | 0 |
| Displacement | 0 | 0 | 0 | 0 |
| Freedom of expression/ass/mvt | 7 | 410 | 57 | 474 |
| Murder | 0 | 0 | 0 | 0 |
| Political Discrim/vict/intim | 7 | 8 | 29 | 44 |
| Property related | 0 | 0 | 1 | 1 |
| Rape | 0 | 0 | 0 | 0 |
| School closure | 0 | 0 | 0 | 0 |
| Torture | 3 | 0 | 19 | 22 |
| Unlawful arrest | 8 | 312 | 46 | 366 |
| Unlawful detention | 8 | 312 | 46 | 366 |

ADMINISTRATIVE MAP OF ZIMBABWE



The **Zimbabwe Human Rights NGO Forum** (also known as the “Human Rights Forum”) is a coalition comprising 17 member organisations. It 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 Human Rights Forum has now expanded its objectives to assist victims of organised violence, using the following definition:

“Organised violence” means the inter-human infliction of significant avoidable pain and suffering by an organised group according to a declared or implied strategy and/or system of ideas and attitudes. It comprises any violent action, which is unacceptable by general human standards, and relates to the victims’ mental and physical well-being.”

The Human Rights Forum operates a Research and Documentation Unit and offers legal services through the Public Interest Unit of the (formerly the Legal Unit of the ZHRF.)

Core member organisations of the Human Rights Forum are:

- Amani Trust (AT)
- Amnesty International (Zimbabwe) (AI (Z))
- Catholic Commission for Justice and Peace (CCJP)
- Gays and Lesbians of Zimbabwe (GALZ)
- Human Rights Trust of Southern Africa (SAHRIT)
- Legal Resources Foundation (LRF)
- Media Monitoring Project of Zimbabwe (MMPZ)
- Nonviolent Action and Strategies for Social Change (NOVASC)
- Transparency International (Zimbabwe) (TI (Z))
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

The Human Rights Forum can be contacted through:

The Administrator, P O Box 9077, Harare – email: admin@hrforum.co.zw

The Public Interest Unit, P O Box 9077, Harare – email: legal@hrforum.co.zw

The Research Unit, P O Box 9077, Harare – email: research@hrforum.co.zw

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The International Liaison Office, 56- 64 Leonard Street London EC 2A 4JX– email: intLO@hrforumzim.com
Telephone+44-20-7065-0945

Website: www.hrforumzim.com

Previous reports of the Human Rights Forum can be found on our website.

To report political violence incidents occurring to yourself or someone you know, please contact us on the above addresses.